

Minutes of the Meeting of the  
Arizona Game and Fish Commission  
Friday, February 6, 2009  
Saturday, February 7, 2009  
Arizona Game and Fish Department  
5000 West Carefree Highway  
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

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

Director Larry D. Voyles  
Deputy Director Gary R. Hovatter  
Deputy Director Bob Broscheid  
Assistant Attorney General Jim Odenkirk  
Assistant Attorney General Shelley Cutts

Chairman Hernbrode called the meeting to order at 8:00 a.m. This meeting followed an agenda revision #1 dated January 30, 2009. The Commission went directly 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:** Martin moved and McLean seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

**Vote:** Unanimous

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The Public Meeting reconvened at 9:05 a.m.

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

Commissioner McLean announced that Commissioner Freeman is now a Senate confirmed member of the Commission.

Director Voyles announced that Regions I-V were linked via video teleconferencing and that regional staff and regional members of the public were attending this meeting through the teleconferencing system.

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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. State and Federal Legislation

**Presenter:** Anthony Guiles, Legislative Liaison

Mr. Guiles briefed the Commission using a PowerPoint presentation on the current status of selected state and federal legislation and current legislative and budget issues. The Commission was provided with informational materials (also available to the public). The presentation included the following information:

#### Budget Overview

FY2009 Total AGFD Adjustments:

- June 2008 Legislative Fund Sweeps
  - Watercraft Fund Licensing fund - \$2 million
  - La Osa Settlement- \$2.8 million
  - OHV Recreation Fund- \$400,000
  - Publications- \$100,000
- January 2009 Additional Legislative Fund Sweeps
  - Watercraft Fund Licensing fund - \$923,000
  - Wildlife restoration and enhancement fund (SB 1441 interest money) - \$145,000
  - OHV Recreation Fund \$37,100

Non-General Fund Personnel Expense Reduction

- \$10 million \*(distributed across all agencies)
- AGFD fund sources affected:
  - Heritage Fund- \$197,900
  - Indirect Cost Recovery- \$14,500
  - OHV Recreation Fund- \$6,800
  - Watercraft Fund- \$48,400
- Based on % of FTEs in each fund
- There were no resulting AGFD personnel reductions

These transfers will have to take place by June 30. All agencies that don't make their transfers by March 1 will be reported by JLBC to the Legislature. Agencies that have not already made their transfers must provide an expenditure plan by March 1 on how they are going to make those transfers work.

Director Voyles informed the Commission that the Department will have their plan in place before March 1 and will provide that to the Commission prior to submitting.

Chairman Hernbrode requested a copy of Mr. Guiles' PowerPoint presentation.

### FY2010 AGFD Budget Request

- Commission-approved 2010 request was \$7.087 million.
- JLBC recommended \$3.328 million (or 46%)
- 2010 Budget Hearings will likely be in early March

The Department will present the following points regarding the 2010 budget request:

- AGFD does not receive general fund dollars
- The Game and Fish Fund consists of revenues from licenses and fees paid by sportsmen
- Budget request reflects AGFD commitment to sportsmen of last fee increase
- By federal statute, license and tag dollars cannot be used for any purpose other than wildlife conservation. Any other uses are diversion resulting in the loss of over \$17 million in federal funding
- Not funding the Commission budget request does not help current budget deficit
- Implementing on-the-ground projects is an economic stimulus for Arizona's economy
- Criticality of issues needs funding immediately. Delaying funding will result in increased costs in the future.

### State Legislation

#### Commission Opposed Bills:

- HB 2235 - Game and Fish Commissioners; appointment: Held in Natural Resources during the second week of session; not posted on the NRRA agenda for February 9; The Department's legislative staff continue to lobby members on the Commission's position.

Commissioner McLean thanked the Arizona Wildlife Federation for supporting the Commission and commended them for their written statement of opposition to the proposed legislation. Their statement listed nine bullet points representing their reasons for opposition. Commissioner McLean recommended that the Commission create the same type of written document in the future when opposing or supporting proposed legislation.

#### Commission Supported Bills:

- HB2157 - Wildlife; aquatic invasive species: Held in NRRA (per Governor's Office request); Stakeholders (SRP & CAP) came forward with some language concerns, which the Department is working on; the bill's sponsor, Representative McLain, plans to move the bill forward after the FY2010 budget
- HB2064 - Wildlife; guides; wasted meat: Held in NRRA (per Governor's Office request).

#### Policy Bills of Concern:

- SCR 1009 - Voter-protection; temporary budgetary suspension (Department staff currently performing a complete analysis); Provisions include: Amends Constitution, Article 4 relating to voter protected funding; Intended to compensate for future budget deficits; Gives authority to legislature to divert funds created by initiative or referenda; Authorizes legislative diversion if 2 calendar quarters had deficit

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#### 4. 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 January 2009 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 re-capped several items in the update and provided some additional information using a PowerPoint presentation that included the following:

- Expo Youth Day
  - 2008 - 600 students / 200 adults
  - 2009 – Already signed up 1100 students / 275 adults; will cap at 1500 students
  - Evaluating options for 2010; may hold separate Youth Day from Expo
- Nature's Classroom Home School Program
  - 2008 – 12 events with 200 students and 140 parents
  - 2009 – 177 families registered for email updates
  - Spots fill quickly; Department plans Webcasting Pilot
- Adobe Mountain Rehabilitation Center Appreciation BBQ
  - Briefing: Facility improvements; new Wildlife Center update; future outreach events
  - Volunteer Awards
- Webcasting Commission Meetings
  - Looking into available technology; potential options and price quotes
  - Possibly a 3-Camera System with live and archived webcasts
- Wildlife Viewing Guide
  - Current Inventory – 5500 books (started with 8000)
  - Marketing Approaches: new press release; magazine and guide pkg. for \$15; \$5 Expo coupon; \$5 direct mail coupon; give book to first 500 Super Conservation License purchasers; sell books at the Adobe Mountain open house events; expand retail outlets.

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#### 5. 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 January 2009 Commission meeting. This update is in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding decisions and actions on all State and Federal lands in Arizona.

Mr. Avey provided an additional update on the Central Yavapai Metropolitan Planning Organization (CYMPO) proposed corridors through Chino Valley and provided the Commission with maps of the considered routes (attached to these minutes). The decision CYMPO supported moving forward with was the corridor CV-8 terminus route, which is the preferred alternative according to Department staff. This route connects with Hwy 89 between mile markers 5 and 7 (stops at halfway mark on map; does not go further north as shown). CYMPO will present this route to ADOT.

The Commission further discussed how the proposed corridor might connect with I-17 and confirmed with Mr. Avey that potential widening of Hwy 169 would not adversely affect the proposed Prescott Shooting Range location. Mr. Avey will provide continuous updates in the monthly Lands Updates report.

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6. Request for Commission Approval for the Department to Relinquish the Lease at Deer Valley South in Exchange for the City of Phoenix Payment of the Department's Hanger Lease Annual Rental at Deer Valley Airport through 2022.

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

The Commission was asked to relinquish the lease at Deer Valley South (DVS) back to the City of Phoenix (City) in exchange for payment of the Department's hanger lease annual rental at Deer Valley Airport through 2022. The Commission leases the 10-acre parcel on Greenway Road (DVS) from the City and the City has offered payment of the annual rental fee for the hanger. The rental fee over the next 13 years will exceed \$700,000.

The Commission discussed the value of the leased property and weighed that against the offer by the City.

Commissioner McLean requested that the Commission go into Executive Session for the purpose of obtaining legal counsel.

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1. (continued) Executive Session

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

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

**Vote:** Unanimous

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The Public Meeting reconvened at 10:45 a.m.

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6. (continued) Request for Commission Approval for the Department to Relinquish the Lease at Deer Valley South in Exchange for the City of Phoenix Payment of the Department's Hanger Lease Annual Rental at Deer Valley Airport through 2022.

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

**Motion:** McLean moved and Freeman seconded THAT THE COMMISSION VOTE TO TABLE THIS ITEM WITH DIRECTION TO THE DIRECTOR THAT HE AND DEPARTMENT STAFF MOVE FORWARD WITH NEGOTIATIONS FOR THE RELINQUISHMENT OF THE DEER VALLEY SOUTH PROPERTY UNDER SUCH TERMS AND CONDITIONS THAT MAY RESULT IN SUFFICIENT PAYMENTS BY THE CITY OF PHOENIX TO PAY THE AMOUNT OF THE DEER VALLEY HANGER LEASE FOR ITS CURRENT TERM OF TEN YEARS AND FOR THREE ADDITIONAL YEARS, IF AVAILABLE AND IF NOT THEN FOR CASH PAYMENT; AND THAT THE COMMISSION DIRECT THE DIRECTOR TO NOT SIGN THAT LEASE UNTIL SUCH TIME AS IT IS NOTICED ON A COMMISSION MEETING AGENDA FOR FINAL APPROVAL BY THE COMMISSION AFTER THEY RECEIVE A COPY OF THE ACTUAL DRAFT AGREEMENT.

**Vote:** Unanimous

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7. Request for the Commission to Approve Acquisition of the Gary Gable Property located to the North of and Contiguous to the Arlington Wildlife Area, Maricopa County, Arizona.

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

In June of 2008, the Commission acquired the Alma Richardson property along the Gila River in Arlington Valley, Arizona. The property was adjacent to and has been assimilated into the Arlington Wildlife Area (AWA). Gary Gable has offered to sell to the Commission the riparian portion of his property located immediately to the north of the Richardson parcel. Mr. Gable is also willing to donate any remaining amount of property necessary to bring the current boundary between his property and the AWA into alignment with the existing tailwater canal (which is currently located entirely on Mr. Gable's property. This acquisition will give the Department use of the tailwater canal without additional use agreement(s) and will expand the Commission's protection of riparian habitat (including recently documented Yuma clapper-rails) along the Gila River. The Commission was provided with a map of the area and the properties mentioned.

**Motion:** Freeman moved and Woodhouse seconded THAT THE COMMISSION VOTE TO APPROVE ACQUISITION OF THE GARY GABLE PROPERTY LOCATED TO THE NORTH OF AND CONTIGUOUS TO THE ARLINGTON WILDLIFE AREA, MARICOPA COUNTY, ARIZONA AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO APPROVE THE AGREEMENT AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

**Vote:** Unanimous

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## 8. 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 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 these items to the Commission and item 8.a was removed for discussion.

### b. Request for the Commission to Approve an Intergovernmental Agreement with the Town of Quartzsite Designating Hunting Areas to Include Discharge of Firearms within the Town Limits

**Presenter:** Pat Barber, Yuma Regional Supervisor

The passage of “Shannon’s Law” in 2000 makes it unlawful to discharge a firearm within the limits of any municipality. The use of firearms within a hunting area is exempted under this law, but the hunting areas must be recommended by the Game and Fish Department (Department) and approved by the municipal Chief of Police. The Department currently has an Inter-governmental Agreement (IGA) with the Town of Quartzsite designating open hunting areas within the town limits, but a revised IGA is needed now after additional annexations by the Town of Quartzsite incorporating new areas into the town limits. These areas have historically been open to hunting, but will not remain open without a revised IGA. Areas designated within this IGA include virtually all undeveloped areas within the town limits.

**Motion:** Martin moved and Woodhouse seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEM 8.B; THE INTERGOVERNMENTAL AGREEMENT WITH THE TOWN OF QUARTZSITE TO DESIGNATE OPEN HUNTING AREAS WITHIN THE LIMITS OF THE TOWN OF QUARTZSITE, AND EXECUTE THE AGREEMENT AS ATTACHED OR AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL

**Vote:** Unanimous

### a. Request for the Commission to Approve a Cooperative Agreement to Allow Flower Pot Cattle Company to Farm a Portion of the Arlington Wildlife Area for a Period of Five Years in Return for Placement of an Irrigation and Water Delivery System on the Property.

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

In June of 2008, the Commission acquired the Alma Richardson property, located along the Gila River in the Arlington Valley, and incorporated it into the Arlington Wildlife Area (AWA). The approved Management Plan for the property calls for using water rights acquired with the property to place a stream and moist soil units on the property to grow forage for birds and small mammals. At this time, there is no funding to cover the cost of placing the irrigation structures required to accomplish these goals. Gary Gable, President of the Flower Pot Cattle Company, and owner of the property immediately to the north of the AWA desires to farm the property for a period of five years. In return, he will place an irrigation and water delivery system on the property and also develop a wetland area at no cost to the Department. At the end of the five year period, the Department will have the much needed water delivery system and be substantially closer to realizing the management objectives for the property than if this agreement is not entered into.

Commissioner Freeman questioned the irrigation water delivery system and whether the Department had any policies or procedures on what those irrigation methods should be so that the improvement would be a value to the Department 10-15 years from now.

Mr. Avey stated that the Department has a Wildlife Area Plan for development. In the Arlington area, the Department has a Wildlife Area Manager that has been working with Mr. Gable to help develop the plan of development for the irrigation. Mr. Gable has also agreed to allow kiosks and parking areas to allow for hunting activities. Part of the objective is to create some additional small game hunting opportunities.

**Motion:** McLean moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEM 8.A; A COOPERATIVE AGREEMENT TO ALLOW FLOWER POT CATTLE COMPANY TO FARM A PORTION OF THE ARLINGTON WILDLIFE AREA FOR A PERIOD OF FIVE YEARS IN RETURN FOR PLACEMENT OF AN IRRIGATION AND WATER DELIVERY SYSTEM ON THE PROPERTY AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO APPROVE THE AGREEMENT AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL

**Vote:** Unanimous

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#### 9. Call to the Public

There were no requests to speak at this time.

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Meeting recessed for lunch at 11:09 a.m.

Meeting reconvened at 12:30 p.m.

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13. Background Information and Briefing on the Department and Commission's involvement in the Cibola Valley Irrigation and Drainage District (CVIDD) as part of the Multi Species

Conservation Program (MSCP), and a Discussion on Commissioner Woodhouse's Role and Function as a Director of the CVIDD.

**Presenter:** Josh Avey, Habitat Branch Chief for Pat Barber, Yuma Regional Supervisor

The Commission was provided with a briefing that included background information on the Department and Commission's role and function in the Cibola Valley Irrigation and Drainage District (CVIDD). The Commission recently elected Commissioner Woodhouse to serve as a Director of the CVIDD from January 2009 through December 2010. As a Director, Commissioner Woodhouse represents the Commission and Department as fee title holders to 1309 acres of land and 2,838 acre-feet of 4<sup>th</sup> Priority Colorado River water entitlements in the Cibola Valley, Arizona. The U.S. Bureau of Reclamation is leasing the land and water from the Department until April 5, 2055, for Lower Colorado River Multi-Species Conservation Program (LCR MSCP) purposes, while the Department is cooperatively managing the property as the Cibola Valley Conservation and Wildlife Area.

Using a PowerPoint presentation, Mr. Avey briefed the Commission on the LCR MSCP, the Cibola Valley Conservation and Wildlife Area, and the CVIDD and its history. The CVIDD functions are to facilitate the delivery of Colorado River water; oversee maintenance of drains, bridge, canals, and fences; and balance district water and financial accounts. The CVIDD administration consists of a 5 member Board, each being a two-year term from January 1, 2009 through December 31, 2010.

Commissioner Woodhouse requested this presentation and discussion so that he could fully understand his responsibilities and authorities, and the Commission's expectations of him as they relate to his position on the CVIDD Board.

The Commission expressed complete confidence in Commissioner Woodhouse's experience, knowledge, and ability related to Irrigation Districts, and if needed, Commissioner Woodhouse could discuss matters with Commissioner Freeman, who also has experience with Irrigation Districts, or the matter could be placed on a Commission meeting agenda for discussion and Commission direction.

Chairman Hernbrode clarified that the types of matters that would need to come back to the Commission for discussion and direction would be matters of significant financial impacts and/or negative impacts to the Commission's property or impacts to wildlife.

The Commission was in consensus that Commissioner Woodhouse's role and authority on the CVIDD Board would be similar to the roles of the Commission's Legislative Liaisons, and that Commissioner Woodhouse will contact Chairman Hernbrode when a matter needs to be placed on the agenda for discussion and direction.

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Meeting recessed for a break at 12:57 p.m.

Meeting reconvened at 1:09 p.m.

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10. Department of Defense Activities at the U.S. Army Yuma Proving Ground at Time Certain 1:00 p.m.

**Presenter:** Pat Barber, Yuma Regional Supervisor

Colonel John R. Bullington provided an informational briefing to the Commission on current and future activities at the Yuma Proving Ground. A video presentation was also provided. The U.S. Army Yuma Proving Ground (YPG) is located just north of Yuma and includes nearly 840,000 acres of land in both Yuma and La Paz Counties. YPG has a long history of effective partnership with the Arizona Game and Fish Department for wildlife conservation. YPG also plays an important role in national defense and system testing and training for all the branches of the military. The presentation included the current role of YPG, current activities, and projected future activities for this important and significant piece of Sonoran desert habitat in southwest Arizona. The presentation included the following information on YPG contributions to wildlife and natural resources:

YPG consists of 3 extreme natural environment Test Centers that contribute to:

- Environmental stewardship
- Positive collaboration with partners
- Support public hunting recreation
- Conservation of natural and cultural resources

Yuma Proving Ground Environment:

- Well over 200 species of animals and 300 species of plants
- Species of special concern: Sonoran Desert Tortoise, Mojave Fringe-toed Lizard, Desert Bighorn Sheep
- To date YPG has recorded over 1800 cultural and historic sites

Resource in Planning - Before major tests, YPG coordinates with agencies including:

- AZ Game and Fish Department
- U.S. Fish and Wildlife Service
- BLM
- Other groups to identify and protect regional resources

Resource Sustainability – Example: Wildlife Waters:

- Coordination with AZ Game and Fish Department to bring water to bighorn sheep during a drought
- Arizona Desert Bighorn Sheep Society constructed a sheep water as part of mitigation for potential impacts to sheep resulting from a new YPG testing facility
- A youth group from Phoenix assisted in the cleaning of debris from White Tanks, to provide more water storage capacity to benefit area wildlife

Important Public Resource:

- 150,000 acres open to public hunting (25,000 acres added as recently as 2006)
- 70,000 additional acres limited-access for bighorn sheep hunters
- Over 200 YPG hunting access permits issued annually
- Revenue from permit fees by law can only be used on YPG for wildlife conservation

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Meeting recessed for a break at 1:54 p.m.

Meeting reconvened at 2:07 p.m.

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

**Presenter:** Gene Elms, Law Enforcement Branch Chief

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

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Meeting recessed for a break at 3:41 p.m.

Meeting reconvened at 3:56 p.m.

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12. Presentation on 2009 Director's Goals and Objectives

**Presenter:** Gary R. Hovatter, Deputy Director F.O.D./I.E.D.

Deputy Director Hovatter presented the draft Director's Goals and Objectives recommendations for calendar year 2009 to the Commission for their consideration, input and approval. Department staff produced this draft after receiving input from the Commission at the Commission Workshop in November 2008. The Commission was provided with an outline of the 2008 Goals and Objectives, a matrix of the transition of the 2008 Goal 1 reports, the draft 2009 Goals and Objectives, and proposed protocols for the Director's Goals and Objectives as of February 2009.

The Commission discussed each of the 2009 Goals and Objectives with Mr. Hovatter and Director Voyles, and made several minor changes plus added one additional Goal and Objective (The final version as approved by the Commission is attached to these minutes with changes/additions highlighted). Discussion included that the Process Owner for each goal was assigned by the Director as the lead person for that goal, but the Director was the overall Process Owner.

Regarding item #7 of the Goals and Objectives, the Commission requested an evaluation of the current Nongame Check-off for any sunset or other potential restrictions regarding its use under the Watchable Wildlife program.

In regards to item #9, the Commission requested that the Department provide a presentation on the Mountain Lion/Bear Conservation Plan and Hunter Harvest Questionnaire Team Reports at the March Commission meeting.

The Commission discussed tabling this agenda item until Saturday's meeting, so the Department could write and incorporate the additional goal (#15) into the Goals and Objectives document.

Commissioner McLean was prepared to vote today on the draft Goals and Objectives as discussed, and suggested tabling only the additional item until Saturday’s meeting.

**Motion:** Martin moved and Woodhouse seconded THAT THE COMMISSION VOTE TO TABLE THIS AGENDA ITEM UNTIL TOMORROW’S MEETING.

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

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14. Call to the Public

There were no requests from the public to speak.

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Meeting recessed for the day at 5:30 p.m.

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Meeting reconvened Saturday at 9:00 a.m.

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

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1. 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 January 2009 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 discussed several items with the Commission including the following:

Cowboy Mounted Shooting Development:

- Master Plan approved

- Total estimated cost \$2.5 million phased out over 10 years
- Estimated AGFD cost for project is \$300,000 in available funds generated through revenue from the range and in-house labor over the 10 year period
- Arizona Cowboy Mounted Shooting Association (ACMSA) contribution to date \$180,000 in donated labor and design costs with an additional \$15,000 in donated funds
- AGFD has contributed \$2,000 in contracted labor
- Department met with Ruger on February 11 to discuss sponsorship opportunities

#### Practical Pistol Ranges & Multi-Use Storage Compound:

- Master Plan approved
- Estimated Cost for both projects is \$119,000
- Arizona Cowboy Shooting Association (ACSA) has donated \$44,000 in labor costs to date
- AGFD will contribute \$31,000 (materials)
- Multi-Use facilities

#### Air Gun Range:

- \$20,000 grant from Friends of the NRA to finish renovation
- A Civilian Marksmanship Program Jr. ROTC Invitational 3-P Shoot to be held during the Department's Outdoor Expo

#### Pioneer Village

- Department attended Phoenix City Council meeting in November
- The decision to remove Pioneer Village from acquisition was tabled until August
- Department met with Councilwoman Williams to discuss the issue
- The Pioneer Village Development Group has formed to support the development, funding and maintenance of Pioneer Village
- Pioneer Village borders BASF to the North, its acquisition by the City of Phoenix would serve as a valuable buffer against encroachment

**Motion:** Freeman moved and Woodhouse seconded THAT THE COMMISSION VOTE TO SUPPORT THE CITY OF PHOENIX'S DECISION TO ACQUIRE AND PRESERVE PIONEER VILLAGE AND DIRECT THE DEPARTMENT TO DRAFT A LETTER OF SUPPORT TO COUNCILWOMAN WILLIAMS FROM THE CHAIRMAN ON BEHALF OF THE COMMISSION.

**Vote:** Unanimous

#### Ben Avery Clay Target Center Bunker Trap:

- Department received \$15,000 in donated funds to support the project
- Feasibility and demand analysis
  - Several individuals and groups have expressed interest in the facility, including USA Shooting, SCTP, Arizona Shooting Sports Education Foundation
  - Much of the construction can be done internally significantly reducing costs
  - Donated, loaned, or discounted equipment is potentially available

#### Northern Arizona Shooting Range (NASR) Forest Service Coordination:

- Department is waiting for the Regional Forester's final decision on the Feasibility Analysis of the proposed land exchange
- Department has been in contact with the Coconino National Forest (CNF) and has received tentative approval to move forward with the Agreement to Initiate (ATI)
- Department has scheduled a meeting on February 17 with the CNF to outline the NEPA process including scope of work, timelines and estimated costs
- Beginning in March 2009 this item will be reported in the Lands Update throughout the NEPA process
- Will also remain in the Statewide Shooting Range Update to facilitate and allow for public comment on the NASR

Commissioner McLean confirmed with Mr. Cook that the Department and the CNF are still meeting the gantt chart timelines, and that the Department is working to provide the Commission with a timeline and cost estimate at the March Commission meeting.

#### Tri-State Shooting Range - BLM Coordination and Budget

- Department received notification that the BLM intends to issue a Decision Record favorable for the range project within the next 30 days
- There will be a 30 day appeal period after the Decision Record is documented
- Department will prepare any updates or additional documents (feasibility, plan of development, access, stipulations included in the letter from the BLM and EA Checklist) necessary for the RPP application process
- An appeal or litigation may delay progress - If there is no appeal or litigation the process to acquire the property will proceed
- There are two previous year allocations for this project in the amount of \$300,000 each in FY04 and 05
- Department will provide Phase I construction estimates and timeline following the appeal period

#### White Mountain Shooters Association (WMSA)

- WMSA requested a letter of support from the Commission for developing a range in the White Mountain area to be used to aid in fund raising and community support for a range

**Motion:** Martin moved and Freeman seconded THAT THE COMMISSION ISSUE A LETTER OF SUPPORT TO THE WHITE MOUNTAIN SHOOTERS ASSOCIATION FOR THE DEVELOPMENT OF A SHOOTING RANGE IN THE WHITE MOUNTAIN AREA.

**Vote:** Unanimous

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2. Petition from Mr. Jack J. Douglass of Queen Creek, Arizona, requesting return of seized bull elk skull and antlers.

**Presenter:** Rod Lucas, Mesa Regional Supervisor

In December 2008, Jack J. Douglass called Officer Tyler VanVleet, Region VI Law Enforcement Program Manager in Mesa, and stated that he found a dead 6x6 bull elk carcass south of Vernon in Game Management Unit 1 on November 26, 2007, and that it showed no signs of trauma or cause of death. Mr. Douglass tried taking the head and antlers to a local taxidermist where it could be cleaned up and mounted; however, the taxidermist was unable to accept the work without legal documentation for the animal. Mr. Douglass asked Officer VanVleet if he could provide him with this documentation. Officer VanVleet asked Mr. Douglass to bring the elk head and antlers to the Regional Office in Mesa where it could be inspected.

On December 9, 2008, Jack Douglass' wife, Lauri Douglass, brought the elk head and antlers into the Region VI office and presented it to Officer VanVleet for inspection. Officer VanVleet observed that the antlers had not been weathered or oxidized, and that there were still pieces of hair and flesh attached to the head and antlers. It was determined that the elk was likely picked up shortly after it had died. Because the Department had not been called when the elk had been found, now over a year ago, and a Department officer was unable to conduct an investigation to determine the cause of death, Officer VanVleet seized the elk pursuant to Department Law Enforcement Directive LEM 1011; Pick Up and Possession of Wildlife Parts and A.R.S. § 17-309 A.(20).

Since the Department cannot authorize legal possession nor has the ability to provide a legal remedy, Mr. Douglass has petitioned the Commission, pursuant to Commission Rule R12-4-611, requesting that he be allowed to keep the elk head and antlers that he found.

Mr. Douglass was present and answered questions for the Commission. He stated that he didn't know he was supposed to call the Department to come out and do an investigation to determine the cause of death. Mr. Douglass stated that the current state of the skull and antlers were the same as when he found it; no legs and no hide, and the antlers had been chewed on by a rat. He assumed it was like a shed and he took it home and put it in his garage for a year until he had the money to take it to a taxidermist.

The Commission confirmed with Mr. Lucas that his best guess, based on the condition of the skull, was that the elk was probably laying in the field for a couple of months.

The Commission discussed and weighed the fact that they believed there was no wrong doing in this case, but that the regulations were put in place to prevent a person from illegally shooting an animal and then going back to get it as a pick up.

**Motion:** McLean moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE MR. DOUGLASS' REQUEST TO HAVE THE ELK HEAD AND ANTLERS RETURNED TO HIS POSSESSION.

**Vote:** Unanimous

Commissioner Martin requested that the Department evaluate potential mechanisms to expand public outreach and information to improve the public's understanding of legal methods for recovering animal parts.

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Meeting recessed for a break at 10:07 a.m.

Meeting reconvened at 10:19 a.m.

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### 3. Big Game Draw Process and Timelines

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

At the December 2008 Commission meeting the Commission was asked to give the Department direction to move the permitted archery deer hunts into the same draw cycle as elk and antelope permits. Mr. Seck provided the Commission with the process and timelines for the existing three big game draws – Antelope and Elk, Spring and Fall, and options for the request.

Mr. Seck advised the Commission that currently, as the rules are written, if the Department moved the permitted archery deer hunts into the antelope/elk draw, this would in essence allow an individual to apply for and obtain an archery deer permit in the antelope/elk draw and then that individual could apply for a general deer permit in the fall draw, which could result in that individual possibly being in possession of two tags before the season starts. If the Commission/Department does not want this to occur, the rule would have to be changed.

The Commission discussed possible options and potential future Department online capabilities and upgraded technologies for the draw.

#### Public Comment

David Myrick, Desert Christian Archers, thanked the Commission for looking into possibly moving the archery deer draw to an earlier timeframe and for starting the process for solving some of the problems with the archery deer draw. One of the main problems with the current archery deer draw cycle is the fact that you do not have enough time from when you find out you have drawn one of these tags until a few weeks before the start of the hunt. Mr. Myrick discussed several other issues with the Commission and discussed some potential resolutions.

Dick King, Arizona Bowhunters Association, read the following statement into the record: As a representative of the Arizona Bowhunters Association I would like to express our opinion on the agenda item regarding moving the archery draw cycle to coincide with the elk/antelope draw currently being conducted in January and February. Initially when looking at the reasons that the Department recommended moving the elk and antelope draw to the spring, our thoughts were that is a great idea, and if it's a great idea for elk and antelope then the same reasoning should apply for the archery deer permitted hunts. Maybe that was a knee-jerk reaction on our part. After much consideration and discussion, we feel that we may be asking for something a bit premature. With the changes that have been made to the structure of archery deer hunts, some permitted Units, some shortened seasons, etc., and understanding that those changes may have an impact on future guideline recommendations, then we feel that it is probably wise to see what direction is taken after a year or two of working under the new guidelines. There is a possibility that some of Units that have been put to a draw may go back to over-the-counter tags. The recommendation of the Department was to try to manage archery deer so that not more than 20% of the harvest in any Unit would be by archery. The changes made that were implemented in this last year adjusting season structure and putting some units to a draw will create harvest data that

is going to have to be analyzed to understand what impact it has had on the archery days and harvest. It will take a year or two of information to compile that data. With that being said, we recommend that the drawing for archery deer permitted hunts remain as is until we have time to further analyze the impact that the recent changes will have on the future guidelines for archery deer. Director Voyles addressed the fact that he was very pleased to see us work together, critter groups and the Department, to resolve issues as we did the archery antelope permits for Unit 7 this past year. We would like the same opportunity to work toward a resolution to the archery deer draw that would appease all parties and resolve the majority if not all the concerns that we have. However, there is one exception, that being Unit 13B. There are only 35 archery deer permits for that Unit. It is undoubtedly one of, if not the best trophy mule deer Unit in the country. Many people have waited years and years to be fortunate enough to draw that tag. Last year was the first time that there has ever been an archery-only season in 13B and I know the excitement that this created. Knowing that this is maybe a true hunt of a lifetime, we would like to ask that Unit 13B be moved to the early draw cycle with elk and antelope so that those 35 lucky permit holders can have the same opportunity to plan as those who were successful in the elk and antelope draw.

Randy Phillips, Arizona Bowhunters Association, addressed the Commission and suggested tabling this item and taking time for some roundtable discussions.

**Motion:** McLean moved and Martin seconded THAT THE COMMISSION VOTE TO TABLE THIS ITEM, INCLUDING THE REQUEST FOR UNIT 13B, AND DIRECT THE DEPARTMENT TO CONTINUE TO WORK ON THIS ISSUE, AND THAT THE CHAIRMAN AND DEPARTMENT STAFF FIND SOME DATES IN THE FUTURE FOR SOME REALLY GOOD ROUNDTABLE DISCUSSIONS, NOT AT A COMMISSION MEETING, AND TALK ABOUT THESE THINGS, BECAUSE THERE ARE SOME IDEAS OUT THERE THAT CAN BE BROUGHT IN AND REALLY IMPROVE THE DRAW PROCESS, AND DO THAT IN CONJUNCTION WITH AN ONLINE POINT-OF-SALE PROCESS.

Commissioner Woodhouse stated that he understands the request on Unit 13B; however he will vote for the motion because Unit 13B needs to be further addressed and looked at in order to avoid any unintended consequences.

Commissioner Freeman stated that he will vote no, but only because he would like to have pulled Unit 13B out and used it as a very contained model for testing and exploring what some of the issues might have been, and then apply that experience forward with the online draw.

Chairman Hernbrode stated that he agreed with Commissioner Freeman and will vote no, and further commented that the whole system of the draw needs to be looked at.

Commissioner McLean stated that if Unit 13B was pulled out and we only have an early 13B archery permitted hunt, it will not be a representative trial Unit because so many will apply for those 35 tags that the chances of being drawn will be minuscule. Also, the Commission cannot change how Unit 13B works as it relates to bonus points because that would require a Rule change.

**Vote:** Aye - Martin, Woodhouse, McLean

Nay - Hernbrode, Freeman  
Passed 3 to 2

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3A. Petition from Mr. James H. Seale, III of Greensboro AL and Gunter L. Ballard, Jr. of Eutaw, AL, requesting 2009 Unit 27 Bull Elk Tags or Re-instatement of Bonus Points lost in successful draw of Unit 27 Bull Tags in 2008.

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

James H. Seale, III and Gunter Lee Ballard, Jr. submitted a petition to the Commission requesting Unit 27 bull elk tags or re-instatement of their bonus points. The reason for the request is that they were unable to use their 2008 Unit 27 bull tags due to family illnesses that occurred just before their scheduled 2008 bull elk hunt in Unit 27. Mr. Seale contacted the Department in December and was advised that the Department could not honor this request. Mr. Seale was provided with the rule petition language in the case that he chose to petition the Commission for relief.

Commissioner McLean informed the Commission that he spoke to Mr. Seale on the phone in December. Mr. Seale was very sincere in the reason for his request and he asked if he should fly out to be here personally to present his petition. Commissioner McLean told him he had the option to do that, but that his petition would be fairly and completely presented by the Department. Further, Commissioner McLean advised Mr. Seale to petition the Commission for either the tag or reinstatement of his bonus points, but cautioned him that neither was likely; however, he would get fair consideration by the Commission.

**Motion:** McLean moved and Woodhouse seconded THAT THE COMMISSION VOTE TO DENY JAMES H. SEALE III'S REQUEST FOR RE-ISSUANCE OF UNIT 27 BULL ELK TAGS FOR 2009 OR FOR RE-INSTatement OF BONUS POINTS FOR ELK FOR JAMES H. SEALE, III AND GUNTER L. BALLARD, JR.

**Vote:** Unanimous

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4. Request for Commission approval of the Article 4 Five-year Review Report, regarding Live Wildlife, for submission to the Governor's Regulatory Review Council.

**Presenter:** Chasa O'Brien, Research Branch Chief

A.R.S. § 41-1056 requires each state agency to review all of its rules at least once every five years. The Governor's Regulatory Review Council (GRRC) assigns and schedules the rules to be reviewed within this cycle. The Article 4 Five-year Review Report and the Department's recommendations were completed in accordance with that assignment and were submitted to the Commission for consideration prior to this meeting.

The Department considered the following factors in its recommendations:

- 1) Comments received from Department personnel and the public during the past 5 years
- 2) State and federal legislative changes
- 3) The impact of other rule changes made within the past 5 years
- 4) The conformity of Article 4 rule language with current Administrative Procedure Act, Secretary of State, and GRRC grammar, format, and style requirements.

The Article 4 rule review team also considered the following questions for each rule:

- 1) Does the rule meet its objective?
- 2) Is the rule currently being enforced and are there any enforcement problems?
- 3) Is the rule necessary and in alignment with the Department's overall mission?
- 4) Is the rule clear, concise, and understandable?
- 5) Does the rule need revision, and if so, what is the nature of the revision?

The Department completed its review in accordance with these provisions and statutory requirements. Under this review, the Department recommended pursuing several substantive amendments (see attached Article 4. Live Wildlife – Five-year Rule Report, Summary of Proposed Rulemaking).

Rulemaking on any of the preliminary proposals contained within the report will not begin until after the report is approved by GRRC in April 2009. Further, the Department's recommendations on these proposals may change as a result of research for the economic, small business and consumer impact statements that must be developed for each rule. Finally, the Commission may choose not to adopt a rule once it has been opened, after evaluating any issues identified during the rulemaking process. The targeted date for submitting the rulemaking to GRRC is June 1, 2011.

Approval of the review report does not change the current rules. The Commission may modify any of the material prior to approval and will have the opportunity to approve or deny the proposed rule amendments as part of the Proposed and Final Rulemaking process for Article 4. If approved by the Commission, the 2009 Article 4 Five-Year Rule Review Report will be filed with GRRC for final approval by the April 2009 deadline.

Commissioner Martin asked about where Threatened and Endangered (T&E) Species has been inserted (R12-4-406, Restricted Live Wildlife), if it should also include Candidate T&E Species as well because they have been determined as species that warrant listing.

Commissioner McLean asked for Department input before adding Candidate T&E Species to Listed T&E Species.

Director Voyles suggested not changing that today on the floor. There will be a lot of opportunity to change that through the rulemaking process and that will allow the Department to do a thorough analysis.

Commissioner McLean suggested a change on the Summary of Proposed Rulemaking, R12-4-425 (A). He would like to see "...identified by a permanent marking (tattoo or microchip)" changed to "...identified by a permanent unique identifier as designated by the Department." This would allow the Department to use the most state-of-the-art identifier.

Mr. Odenkirk stated that he did not have any issues with this particular change in language on the floor.

Commissioner McLean also requested in regards to any mention of quarantine in the Rule, that the Rule clearly states that wherever quarantine or isolation takes place, it is without cost to the Department and that the expense is passed on to the owner of that animal.

Commissioners McLean and Freeman discussed changing the reference to “Adobe Mountain Rehabilitation Center” to “Rehabilitation Center”, but decided it was best to wait until the next Rule Review cycle when the Adobe Mountain Rehabilitation Center location is actually moved to the Department Headquarters.

Deputy Director Hovatter stated that the Department will do an analysis on all of the Commission’s comments and provide that to the Commission during the rulemaking period, including an analysis of the timeline for when the Adobe Mountain Rehabilitation Center may be moved to the Department Headquarters and whether changing the reference now would be best.

**Motion:** McLean moved and Martin and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE FIVE-YEAR REVIEW REPORT FOR ARTICLE 4 FOR SUBMISSION TO THE GOVERNOR’S REGULATORY REVIEW COUNCIL.

**Vote:** Unanimous

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#### 5. Call to the Public

There were no requests from the public to speak.

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Meeting recessed for a break at 11:43 a.m.

Meeting reconvened at 11:56 a.m.

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#### 7. Commission Awards Selection Process Restructure

**Presenter:** Marty Fabritz, Executive Staff Assistant

During the annual Commission awards selection process in Pinetop on September 5, 2008, the Commission directed the Department to come back to them at a future date to address the Commission Awards selection process. Mr. Fabritz presented the Commission with a general overview of the process, including a review of all award categories.

The Commission discussed and made the following changes to the Commission awards:

- Award of Excellence: No change
- Youth Environmentalist of the Year: No change

- Outdoor Writer of the Year: No change
- Media of the Year: No change
- Conservation Organization of the Year: No change
- Conservationist of the Year: Change criteria description to a person who's nonprofessional affiliations excel in natural resources
- Natural Resources Professional of the Year: Added as new award
- Outdoor Woman of the Year: Delete
- Environmentalist of the year: Delete
- Volunteer of the Year: No change
- Educator of the Year: No change
- Mentor of the Year: Added as a new award (separated from Educator of the Year)
- License Dealer of the Year: No change (may consider changing to two awards next year, one for big corporations and one for small businesses)
- Advocate of the Year: Added as new award (for political advocacy)
- Chairman's Recognition Award: Added as new award (the Chairman would select this person, organization or group that he or she deems appropriate to receive such an award)

In regards to the awards banquet, the Department will develop a more ceremonial process for the passing of the Chairman's gavel to the incoming Chairman.

**Motion:** McLean moved and Martin seconded THAT THE COMMISSION VOTE TO CHANGE THE AWARDS AS DISCUSSED.

**Vote:** Unanimous

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#### 8. September 2009 Commission Meeting Dates Reconsideration

**Presenter:** Marty Fabritz, Executive Staff Assistant

The Commission discussed moving the September 4-5, 2009 Commission meeting date to September 11-12, 2009, in an effort to avoid any conflict with the Labor Day Holiday weekend.

**Motion:** McLean moved and Woodhouse seconded THAT THE COMMISSION VOTE TO CHANGE THE SEPTEMBER 4-5, 2009 COMMISSION MEETING DATE TO SEPTEMBER 11-12, 2009.

**Vote:** Unanimous

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#### 9. Call to the Public

There were no requests from the public to speak.

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12. (continued from Friday's agenda) Presentation on 2009 Director's Goals and Objectives

**Presenter:** Gary R. Hovatter, Deputy Director F.O.D./I.E.D.

Deputy Director Hovatter provided the Commission with an updated draft of the Director's Goals and Objectives (attached to these minutes) that reflected the changes as discussed during this agenda item on Friday.

Related to Goal 11 and consistent with the Commission's July 3, 2008 direction to the Department, the Commission requested a presentation on the status of the Department's analysis for development of online license sales, point-of-sale and big game tag permitting systems. The Commission was in consensus to remove "... (either Department-resourced, vendor-provided or a combination strategy)..." from Goal 11, and agreed to replace it with "...per Commission guidance..." The Commission intended that the online license sales system would be a Department in-house system.

**Motion:** Martin moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE 2009 DIRECTOR'S GOALS AND OBJECTIVES AS DISCUSSED AND AMENDED.

**Vote:** Unanimous

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10. Director and Chairman's Report

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

- Spent considerable time meeting with the State legislative leadership
- Participated in a conference call with the National Association of Conservation LE Chiefs (NACLEC) /AFWA regarding the NACLEC Strategic Direction Alignment
- Attended a Wildlife Conservation Council meeting
- Attended the Estrella Mountain Regional Park Nature Center Grand Opening and discussed with Maricopa County Parks some partnership opportunities related to Watchable Wildlife
- Met with John Flicker, National President of the Audubon Society, and attended the National Audubon Society Board Meeting Dinner held at the Desert Botanical Gardens
- Went on a field trip and property tour with Kerry Baldwin to review the Pima County Conservation Lands Acquisitions Program and Open Space Program
- Attended and was a guest speaker at the World Wetlands Day Ceremony in Ensenada Mexico
- Met with R.J. Cardin, Director of Maricopa County Parks and Recreation
- Met with State Land Commissioner Jamie Hogue and Mark Winkleman regarding hunting and angling access issues, and compensation for fugitive dust violations.

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

- Spent a great deal of time with correspondence, both mail and email
- Met with state representatives on three occasions in Phoenix
- Attended the Arizona Public Lands Advisory Committee regarding access issues in southeastern Arizona
- Met with Commissioner Freeman and Ty Gray to discuss the Arizona Viewing Guide
- Attended and represented the Department and Commission at the first Tucson Audubon Banquet.

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## 11. Commissioner's Reports

Each Commissioner reported on their activities since the last Commission meeting.

### Commissioner Woodhouse:

- Participated in the January 23 telephonic Commission meeting
- Met with Pat Barber in Region IV a couple of times
- Attended the Cibola Valley Irrigation District meeting on February 3

### Commissioner Martin:

- Participated in the telephonic Commission meeting on January 23
- Attended meetings and hearings at the Capitol
- Received and worked on a lot of communications about the baiting issue
- Prepared for this meeting.

### Commissioner Freeman:

- Attended his first HPAC meeting
- Attended the meeting with Chairman Hernbrode on the Watchable Wildlife book sales and has taken this book to some of his local vendors
- Had a telephonic meeting with Department staff on webcasting
- Had a telephonic meeting with Department staff on structuring Adobe Mountain Wildlife Center awards
- Attended the Adobe Mountain Wildlife Center Volunteer Awards Luncheon
- Attended the Farm Bureau Agriculture Day at the Capitol
- Attended the January 23 telephonic Commission meeting
- Attended his confirmation hearings
- Met with the vendor and Department staff on the Quail room equipment related to webcasting
- Responded to email correspondence.

### Commissioner McLean:

- Spent time cleaning guns and hunting equipment while snowed in at Mormon Lake
- Spent almost every afternoon on the phone with Department staff or constituents
- Spent a lot of time responding to emails regarding baiting and forwarded those to the Department's Game Branch
- Participated in the January 23 telephonic meeting

- Spent time on the phone with Department staff regarding this meeting

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## 12. Approval of Minutes and Signing of Minutes

**Motion:** McLean moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE COMMISSION MEETING MINUTES DATED DECEMBER 5-6, 2008.

**Vote:** Unanimous

Following approval, the Commission signed the minutes from December 5-6, 2008.

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## 13. Future Agenda Items and Action Items

Deputy Director Broscheid reported capturing the following action and future agenda items from this meeting:

- Inform the Commission of the Director's plan to address the non-general fund personnel reductions strategies and discuss the need for a telephonic Commission meeting
- Move forward with negotiations with the City of Phoenix on the relinquishment of Deer Valley South in exchange for the hanger lease; also a future agenda item
- Include as a separate agenda item when necessary, the Cibola Valley Irrigation Drainage District
- Investigate the potential options under law for revoking cases in Arizona in cases where a license has already been revoked by another state (impose consecutive revocations periods)
- Determine if the current Nongame Check-off for any sunset or other potential limitations restrictions regarding its use identified under the Watchable Wildlife Team Report
- Provide a presentation on the Mountain Lion/Bear Conservation Plan and Hunter Harvest Questionnaire Team Reports as two separate agenda items in March
- Investigate previous Commission direction to present the Commission with the status of the Department's analysis for development of on-line license sales, point-of-sale and big game tag permitting systems and provide that at the March Commission meeting
- The Department will send a letter to Councilwoman Williams expressing its support for the City of Phoenix' purchase of Pioneer Village north of BASF
- In the March Shooting Range update, present the costs and timeline associated with the NEPA and Land Exchange process for the Northern Arizona Shooting Range
- Draft a letter of support for the Chairman's signature to the White Mountain Shooting Association expressing the Commission's support for the development of a shooting range in the White Mountains; include that the Department's financial support will be subject to funds available
- Expand the public's awareness of rules and regulations and the process under ARS 17-309 to improve the public's understanding of legal methods for recovering animal parts
- Continue the dialogue with the archery groups to evaluate potential alternatives for improving the tag notification period prior to the archery hunting season

- The Department will provide the Commission with an analysis of their suggested revisions to Article 4
- Reorganize the Commission Award program per the Commission's guidance and submit the re-drafted proposal for Commission approval

The Commission requested an update on the Kofa mountain lions in the Lands Update for March now that the one year moratorium is about to come to an end.

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

**Vote:** Unanimous

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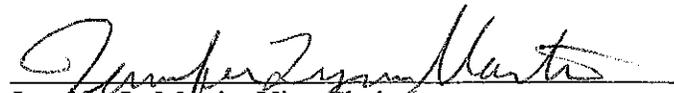
Meeting adjourned at 12:57 p.m.

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Robert D. Hernbrode, Chairman



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Jennifer L. Martin, Vice Chair



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Robert R. Woodhouse, Member



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Norman W. Freeman, Member

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William H. McLean, Member

ATTEST:



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Larry D. Voyles  
Secretary and Director

**Game and Fish Litigation Report**  
**Presented at the Commission Meeting**  
**February 6, 2009**

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 15<sup>th</sup>.

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 issued an order on September 5, 2008, denying the plaintiffs' cross motion for summary judgment and granting the defendants' and interveners' cross motions for summary judgment. Judgment in favor of the defendants was entered on September 11, 2008.

The plaintiffs filed a notice of appeal on October 29, 2008. The court entered a time schedule order on November 4, 2008. The plaintiffs (now appellants) are to file an opening brief by February 13, 2009. The defendants (now appellees) are to file a responsive brief by March 16, 2009, and any reply brief must be filed within fourteen days of the responsive brief.

**2. Anderson v. Arizona Game and Fish Department, et al., C20089051.** On January 7, 2009, the Department was served with a Summons and Complaint for Judicial Review of Administrative Decision in this action. Plaintiff seeks judicial review of the Commission's June 27, 2008 action revoking his licenses to take wildlife for ten years and the Commission's December 5, 2008 decision to deny Plaintiff a rehearing in the matter. The case was filed in Arizona Superior Court in Pima County and has been assigned to the **Hon. Kenneth Lee**.

**On January 27, 2009, the State filed a Motion to Dismiss Plaintiff's Complaint for failure to name the state agency as a defendant as required by A.R.S. § 12-908. On that date,**

**the State also filed a Conditional Answer to Plaintiff's Complaint in the event that the court denied the State's Motion to Dismiss. On January 28, 2009, Plaintiff filed a Motion to Amend his Complaint to add the Commission as a party to the action. On February 3, 2009, the State filed its Opposition to Plaintiff's Motion to Amend his Complaint.**

*(2/3/09) (JFO/SDC)*

**Lands Update**  
For the Arizona Game and Fish Commission  
February 6, 2009  
Phoenix, Arizona

**FEDERAL LAND MANAGEMENT PLANNING**

**Apache-Sitgreaves National Forest**

On December 16, 2008 the Notice of Initiation to revise the Forests' Land and Resource Management Plan was published in the Federal Register. Revision formally begins with the publication of this notice. Currently, the Comprehensive Evaluation Report, the Ecological Sustainability Report, and the Economic and Social Assessment are available for review. These are the forest plan revision analyses documents that provide evaluations of social, economic, and ecological conditions and trends in and around the Forest, as well as the need to change or revise the 1987 Forest Plan. The Forest is seeking comments on the need for change identified in the Comprehensive Evaluation Report by February 16, 2009. A series of public meetings to build the proposed plan are tentively planned for late spring 2009. A draft proposed forest plan is currently scheduled to be issued for pre-decisional review in September 2009, and final plan approval in September 2010.

**Coronado National Forest**

The Department is reviewing Land Use Zones proposed by the Coronado National Forest for the revision of the Forest Plan. The Department will provide comments to the Forest on any issues we perceive with these proposed Land Use Zones. The Department also reviewed the draft Ecological Sustainability Report for the Forest Plan Revision, and we provided informal comments to the Forest.

**U.S. FOREST SERVICE**

**Apache-Sitgreaves National Forest**

The Department provided comment to the Springerville Ranger District (District) on the Scoping Summary for the Greens Peak, Hall and Cerro Trigo Allotment Analysis (Apache County). The Proposed Action included variable stocking rates, variable on-dates based on range readiness, and adaptive management options that could be implemented to meet desired conditions as determined through monitoring. The Department, while expressing support for the concept of adaptive management and acknowledging the benefits to the District that can be realized through a more flexible management approach, stressed the need for increased emphasis on monitoring in order to assure that desired conditions are being met and that habitat degradation, as a result of the proposed land management action, is not occurring. The Department requested that in order to provide more meaningful comments regarding the Proposed Action, the District provide more detailed information regarding the proposed monitoring activities associated with the Proposed Action and the criteria that would be used to trigger the implementation of the management options. The Department also stressed the need to incorporate early and mid-season monitoring,

in addition to end of grazing season use monitoring in order to assure that wildlife cover and other habitat requirements were being met throughout the grazing season.

### **Coronado National Forest**

The Department met with the Forest on a draft of a Memorandum of Understanding (MOU) between the Coronado and AGFD regarding cooperation on the evaluation of the proposed Rosemont Copper Project. The Forest is drafting similar MOUs with other federal, state, and municipal agencies. This agreement will give cooperator agency status to AGFD, and will outline the manner and extent of AGFD involvement in the Environmental Impact Statement. The Forest interdisciplinary team is currently working with the primary contractor, SWCA Environmental Consultants, to analyze comments received in the public scoping process and to consolidate the comments into preliminary issue statements for consideration by the Forest. This work is currently scheduled for completion by the end of the month.

### **Kaibab National Forest**

The Department has been invited to participate in the Kaibab Forest Health Focus. The goal of this effort is to identify high-priority areas for mechanical and prescribed fire treatments on three Ranger Districts, produce data and outcomes that inform the work of forest managers and build strong public engagement and outcomes with a high degree of support. The process by which this group meets these goals will inform the Land Management Planning effort for the Forest. The group will be meeting monthly for the next 5 months.

### **Navajo Nation**

The Department has been working with the Navajo Nation on the western border fence. The western border fence is either in disrepair or non-existent in several places. The Department is closely working with biologists from the Navajo Nation to ensure that the fence type insures deer, elk, and pronghorn movement. The challenge has been to determine where Navajo domestic sheep are present and plan for the type of fencing that allow wildlife movement and prevent trespass sheep onto the National Forest.

## **BUREAU OF LAND MANAGEMENT (BLM)**

### **Arizona Strip Field Office**

The Annual BLM/AGFD coordination meeting is scheduled for February 19-20.

### **Havasu Field Office**

The Lake Havasu Field Office Record of Decision and Approved Resource Management Plan were released on July 9, 2007. The Department continues to coordinate closely with the Field Office in the development of subsequent implementation-level plans, including Travel Management Plans and associated route designations. The Annual BLM/AGFD coordination meeting is scheduled for February 26.

### **Lower Sonoran Field Office**

The BLM is preparing a preliminary preferred alternative draft Resource Management Plan to be released for public review. The Annual BLM/AGFD coordination meetings are scheduled for February 12 (Region 6) and February 18 (Region 4).

### **Kingman Field Office**

The Kingman Field Office NEPA training scheduled for January of 2009 has been cancelled due to an unexpected challenge for the DOI instructor that was scheduled to host the training. The Annual BLM/AGFD coordination meeting is scheduled for March 11.

### **Safford Field Office**

The Department participated in a conference call with personnel from the BLM State office, Safford Field Office, the Nature Conservancy and Logan-Simpson Design Inc. to discuss the status of the Aravaipa Ecosystem Management Plan (AEMP). Nearly all internal comments and additions have been incorporated into the draft AEMP and draft Environmental Assessment (EA). Both documents are currently being printed and should be distributed to the public for comment next month. Public meetings to review and record comments on the draft AEMP and EA are also going to be scheduled for January and possibly February. The Annual BLM/AGFD/FS coordination meeting is scheduled for April 21-22.

### **Yuma Field Office**

The Proposed Resource Management Plan and Final Environmental Impact Statement have 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. The Annual BLM/AGFD coordination meeting is scheduled for February 24.

### **Tucson Field Office**

The Middle Gila Travel Management Plan (TMP) was supposed to be released in mid December but has been postponed to mid January. BLM did not specify a reason for the delay. The Annual BLM/AGFD/FS coordination meeting is scheduled for April 21-22.

## **BLM NATIONAL MONUMENTS & CONSERVATION AREAS**

### **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. The Annual BLM/AGFD/FS coordination meeting is scheduled for April 21-22.

### **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. Various organizations have filed law suits against the BLM for these plans referencing off-road vehicle route designations and livestock grazing decisions as being incompatible with the presidential proclamations that created the monuments. The Annual Arizona Strip BLM/AGFD coordination meeting is scheduled for February 19-20.

### **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. 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. The Annual BLM/AGFD coordination meeting is scheduled for February 12.

### **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. The Annual BLM/AGFD coordination meetings are scheduled for February 12 (Region 6) and February 18 (Region 4).

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

### **Kofa National Wildlife Refuge (Kofa NWR)**

The Department continues to work with the U.S. Fish and Wildlife Service (FWS) to plan, fund, and implement actions to aid restoration of the bighorn sheep population on Kofa NWR. The Department is serving as a cooperating agency in the preparation of the Environmental Assessment (EA) for Limiting Mountain Lion Management Predation on Desert Bighorn Sheep on the Kofa NWR. The Department is working with Kofa to draft management alternatives for the EA. Efforts to capture and collar additional lions on Kofa NWR have resumed following the summer hiatus, but have been unsuccessful. FWS monitoring of waterhole cameras have shown evidence of at least three lions still routinely using the Kofa Mountains Complex. Fifteen additional bighorn sheep have been collared for the ongoing monitoring studies. This brings the total number of collared animals to approximately 40. Efforts continue on a study to document and monitor body condition of bighorn sheep on Kofa NWR. The annual bighorn sheep survey on Kofa NWR was completed in October and the resulting population estimate was 436. This estimate is similar to the previous two years. Additional information on the management of bighorn sheep, lions, and water on the Kofa NWR can be found on the Department's web site.

The Sonoran Pronghorn Recovery Team continues to evaluate potential sites for establishing a second population in the U.S. National Wildlife Refuge. Kofa NWR is one of the primary sites being evaluated for this effort.

## **GENERAL UPDATES**

### **Maricopa County Ordinances P-28 and P-27**

The Department continues to work with Maricopa County Air Quality Department (MCAQD), Sheriff's Office (MCSO), County Parks, Arizona State Parks, Arizona State Land Department (ASLD), the Forest Service, and the Bureau of Land Management (BLM) 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 MCAQD and the MCSO to draft a policy allowing hunters and anglers access and parking privileges on some of the non-exempted properties in unincorporated Maricopa County. This policy is still under review by the County's legal staff.

The Department received another draft of the policy on November 11, 2008, and found that it exclusively dealt with farm and agricultural roads and does not adequately address the issues of travel on ASLD properties. This is due to the fact that P-28 sets the standard for a road as either publicly maintained, a designated or open trail system, service road, or property that is reserved for public or private street uses, as evidenced by a recorded document or easement for such use. The majority of ASLD roads lawfully utilized through rule does not meet this definition, and therefore, are closed to motorized travel. The Department will continue to work with the MCAQD and MSCO on the finalization of the policy.

On September 30, 2008, the MCAQD conducted a workshop to revise ordinances P-28 & P-27. The Department attended this meeting and made comments. On October 17, 2008, the Commission sent a letter to MCAQD addressing concerns with ordinances P-28 and P-27. Since that time Lawrence Odle was named the new Director of the MCAQD. The Department was recently informed that Director Odle was evaluating the Department and Commission's comments along with the P-28 policy-making negotiations prior to continuing with revisions on Ordinance P-28. Due to this delay, Ordinance P-28 would go before the Maricopa County Board of Supervisors in March of 2009. Ordinance P-27 was also under going revisions but is currently on hold. It could go before the Board of Supervisors in April of 2009. The Department is scheduled to meet with Director Odle on February 25, 2009, to discuss Ordinances P-27 & P-28.

The Department will attend a cities and town workshop hosted by the MCAQD on February 4, 2009. MCAQD has asked the Department to make a presentation about our OHV Management strategies. This workshop is designed as information exchange about PM-10 abatement strategies and associated concerns such as access.

The Department has convened a group of representatives including the Forest Service, BLM, Arizona Department of Environmental Quality and Arizona State Parks. This group is working on the dust issue from a policy making level and is focused on issues affecting OHV use and access in Maricopa County. The recommendations and resulting implementation from this forum will help shape the future of OHV use in Maricopa County and will provide a template for future dust related issues in other counties.

In July, the Department was directed by the Commission to meet with sportsman's groups and provide them with information concerning dust issues in Maricopa County and the potential impact on access. During August and September, the Department made several presentations to these groups including the Arizona Deer Association, the Desert Bighorn Sheep Society, the Arizona Elk Society (September 8<sup>th</sup>), and the Arizona Predator callers. Most of the groups agreed that this was a pressing issue. However, it is unknown how many followed up and contacted decision makers or Board of Supervisors.

The Department has also been working with ASLD on access issues in Maricopa County related to dust. ASLD has received notices of violation from the MCAQD and has considered several closures to protect themselves from future notices. The Department's Region 4 and 6 identified key routes on State trust properties that if lost would be most detrimental to continued access. ASLD was unable to provide a detailed analysis of the routes due to staffing. We continue to work with ASLD to identify a way to secure long term solutions to this issue.

The Department has established a task team to look at ways to address the PM-10 issue on ASLD properties. The team is working on formulating strategies that benefit both agencies including an MOU that would allow for enforcement efforts and other projects to be used as in lieu of cash payments for leasing rights-of-way.

## **ADOT**

### **I-17 (SR 179 North to I-40)**

The I-17 (SR 179 north to I-40) project continues in its planning efforts. The Department continues to attend monthly planning meetings with ADOT and Federal Highways. Currently, ADOT is working on analysis associated with a potential slight realignment from MP 298-313. The Department is in the process of submitting their comments associated with wildlife for this area. This information as well as biological information throughout the extent of the footprint will feed into the Design Concept Report due out within the next few months. This project continues to be a priority for the Department with respect to elk-vehicle collisions and general wildlife connectivity issues.

### **I-10 Phoenix-Tucson Bypass Study**

In December, the State Transportation Board unanimously approved the October 16, 2008, report and directed ADOT to study the feasibility of Route 4 more intensively. Chairman Schorr stated that AGFD would be included in future planning for the route. The Department has not yet been contacted regarding future planning for the bypass.

### **Hoover Dam/Bighorn Sheep (Milepost 2-17 Project)**

In January, the Department attended the first two meetings for the SR 93, milepost 2-17 (*Bighorn Sheep crossings*) project. During these meetings, the Department participated in discussions with the multi-disciplinary team regarding the crossing structures, associated game fencing and jump-outs to provide egress for sheep that inadvertently enter the right-of-way. FNF Construction has not yet submitted alternative plans for the crossing structures; but indicated that they will present them in the near future for review by the Department. In response to our comments pertaining to game fencing specifications, the Department and National Park Service

conducted a field visit to the future site of the crossings. The National Park Service has agreed to meet in the future to discuss minor revisions to the fencing plans.

### **Building a Quality Arizona – BQAZ**

On November 12<sup>th</sup>, the Department attended a northern AZ workshop in which bqAZ partners introduced three scenarios associated with changes in transportation structure and how to meet future needs. Despite several requests to be more involved, the Department still has major concerns that the bqAZ effort has not adequately addressed wildlife connectivity issues at this point in the planning.

### **Chino Valley Bypass**

The Department attended the January 8, 2009, Central Yavapai Metropolitan Planning Organization (CYMPO) Corridor Study Meeting for the Chino Bypass Project. In attendance were representatives from FWS, Prescott National Forest, and management from TNC, the Sierra Club, the Center for Biological Diversity, and a large number of interested public from the Rimrock Property Owners Group and the Paulden Area Community Organization (PACO).

At this meeting, all groups vocally expressed support for Alternative CV-8, as long as it complied with guidance previously provided by the Department, which called for a project terminus between Roads 5 and 6 North. If this alternative is supported by CYMPO, it will minimize impacts to the Pronghorn and grasslands habitat, the Upper Verde River Wildlife Area, as well as Rimrock Property Owner's Subdivision.

In January, the Department met with a local property owner to investigate possible actions that might assist in protecting private lands that are contiguous with the Department's current holdings near the upper Verde River. The property owners and the Department will be present at the January 28<sup>th</sup> meeting of CYMPO's Executive Board. At that meeting, CYMPO will endorse a preferred alignment. CYMPO's decision will guide future actions to protect Departmental interests in the area.

### **Proposed Prescott Shooting Range**

The Department has evaluated the proposed Prescott Shooting Range in relation to federal, state, and county transportation improvement projects and future planning efforts. The proposed shooting range is located approximately 1.4 miles west of I-17 and approximately 0.4 miles north of SR 169 on lands managed by the U.S. Forest Service, Prescott Ranger District. The proposed shooting range is also located approximately 7 miles east of the proposed SR 169/Fain Road corridor identified in ADOT's Statewide Transportation Investment Strategy, and approximately 5.5 miles east of the Eastern Corridor identified as a long-range transportation corridor.

At the request of the Commission, we have reviewed potential transportation plans that may impact the proposed range and found that currently there are no projects identified for SR 169 in ADOT's 5-year construction plan. Correspondence from the CYMPO states that the SR 169 corridor has been identified as an access controlled facility. However, at this time there have been no planning studies to determine a level of project or when that may occur. ADOT's Statewide Transportation Investment Strategy outlined potential projects which could be

completed by 2030 and included the widening of SR 169 from I-17 to SR 69, and the widening of I-17 to 6 lanes from Phoenix to Flagstaff.

### **City of Cottonwood Annexation**

The City of Cottonwood is scoping a potential annexation of 10 square miles of State Trust lands along SR 89A between Cottonwood and Cornville. A Conceptual Master Plan already exists for the potential annexation which calls for a mixed-use development of residential and commercial land uses. The annexation area contains critical fawning grounds for an important herd of American pronghorn, and has the potential to impact Gila topminnow, Gila chub, several aquatic species of concern and bald eagles. Outside of conservation of the entire property northwest of SR 89A, there is little that could be done with project design to avoid significant impacts to the local pronghorn herd.

The Department met in the field with the project consultant to discuss these concerns in more detail. We identified wildlife buffers for the Conceptual Master Plan for pronghorn habitat and aquatic habitats, but it is unclear whether those buffers will remain in the final design.

The City of Cottonwood will continue to develop their annexation plan with ASLD in consultation with Yavapai County. An annexation agreement will be required; and public meetings will be held at some point in the process. The Department will continue to track the process through the coming year.

### **City of Flagstaff and Coconino County**

Planning has begun on the Flagstaff Regional Land Use and Transportation Plan. This is a joint document used by both the City of Flagstaff and Coconino County to guide land use in the region that stretches west from Belmont east to Doney Park, and from north of the San Francisco Peaks south to Kachina/Mountaineer. This area encompasses some significant wildlife habitats and movement corridors in the wildland-urban interface. The Department will be staffing the wildlife/natural resource elements of the Plan. Planning will continue through 2009-2010 with voter approval in 2011 and City/County adoption in 2012.

### **Coconino County**

The Department is partnering with Coconino County to launch a 'Coconino Wildlife Linkages' project to identify critical wildlife habitat blocks and corridors across the entire county. The Department is leading this effort, which will engage our own Department experts, as well as community stakeholders throughout the county. This large planning effort will build on existing wildlife corridor information that was captured during the 2003 Coconino County Comprehensive Plan and expand geographically to cover all areas of the County. Planning is expected to run through late 2010, at which time published maps and reports will be made available to the public and used primarily by Coconino County Community Development and Parks and Recreation Departments.

### **Pima Regional Transportation Authority (RTA)**

The Department holds a voting seat and has been participating on the RTA Wildlife Linkages Subcommittee which reviews proposals for research and construction using RTA monies. Currently, funding is limited to projects tied directly to road construction projects. ADOT

submitted a proposal for funding a Wildlife Linkages workshop for Pima County. This project would be jointly administered by ADOT and the Department to bring stakeholders together to identify important linkages at the county scale. The proposal was sent back for clarification and additional components to make it more acceptable to the RTA board. This proposal will again be on the agenda in February and may provide funding for the bulk of a Region V workshop.

### **Pinal County**

The Department sent comments to Pinal County on the second draft of the Comprehensive Plan and spoke directly to County Staff who followed up for clarification on recommendations regarding wildlife connectivity issues. The Department will meet again with the County in February to discuss the comprehensive plan and wildlife linkages.

### **Pima County Habitat Conservation Plan**

Pima County just released the latest draft of their Multi-species Conservation Plan for comment. The Department is reviewing the document. The Draft can be viewed at the following link: <http://www.pima.gov/cmo/sdcp/MSCP/MSCP.html>.

### **Gould's Turkey**

Preparation for the 2009 Gould's turkey trapping campaign has begun with various feeders placed on private lands within the Huachuca Mountains, as well as on the Rail X Ranch located off of Highway 82. The goal is to capture 70 turkeys, then to release 50 from a helicopter into the Galiuro Mountains in the Powers Garden area, and to release 20 at Cluff Dairy in the Piñaleno Mountains.

### **White Tank Mountain Linkages**

The Department is currently working with planners from the City of Surprise to incorporate wildlife habitat linkage designs into their General Plan update, "*Surprise General Plan 2030: One City, Many Choices*" and the upcoming planning for Villages I & III within the planning area. The proposed linkages, designed by the Department, would preserve habitat connectivity between the White Tank Mountains and surrounding wildlands within the Belmont, Vulture and Heiroglyphic Mountains, and the Hassayampa River Corridor. The City is working with the Department to incorporate our linkage designs into their planning maps for public meetings. The City would also like for the Department to provide input on City Zoning and Building Guidelines currently undergoing a plan update. The City has recently proposed the development of an aerial tramway that would transport visitors from the base of the White Tanks to the top, inside the Regional Park. The proposal is designed to attract resort and conference center type development at the base of the mountain. The City is proposing a bond initiative to fund the project. The Department is extremely concerned with the potential impacts this will have on wildlife and will be developing feedback for the City on the proposal.

The Department is also involved in several other ongoing planning efforts related to habitat fragmentation and urbanization issues facing the White Tank Mountains. They include: the Wittman Area Drainage Master Plan (Maricopa County Flood Control District), Buckeye FRS1 (Maricopa County Flood Control District), and the Turner Parkway Corridor Analysis (Maricopa County Dept. of Transportation). The Department is working with all these planning efforts to incorporate the proposed linkage designs for the White Tank Mountains. The Department's

success will be dependent on maintaining several wildlife habitat linkages which we can protect and preserve blocks of habitat and movement corridors for wildlife. The strategy is to work on solutions across planning jurisdictions and develop a stakeholders group that will focus on solutions for the broader landscape as opposed to individual projects.

### **Buckeye Hills**

The Department met with Maricopa County Parks and BLM to discuss a compromise cooperative management agreement for the Buckeye Hills. Comments were given on the draft conceptual outline, which will be revised before the next meeting. We also developed a timeline and process for moving forward. The plan will focus on general outdoor recreation and wildlife, rather than “OHVs” and wildlife.

### **US 60 Superior to Globe**

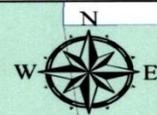
Progress meetings planning US 60 Superior to Globe had been placed on hold due to the economy. However, progress was recently revived and the next meeting is scheduled for February 12. This stretch of highway currently goes through Queen Creek Canyon and Devils Canyon.

### **Whitlow Dam**

The Department has been working with the US Army Corps of Engineers and Arizona Scholastic Shooters to explore options to develop a supervised shooting range at Whitlow Dam on Queen Creek near Queen Valley. A follow-up meeting will be held in the next few weeks.

# Proposed Corridors

as of November 2008



0 0.375 0.75 1.5 2.25 3 Miles

## Corridor CV-8

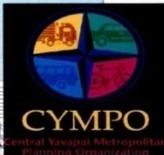
### Road 7 North

### Road 5 North

PROPOSED GREAT WESTERN ROAD AND ROAD 5 SOUTH CORRIDOR PER DAVA REPORT JANUARY 2008.

**CYMPO CORRIDOR STUDY CHINO VALLEY AREA**

- CORRIDOR\_CV1
- CORRIDOR\_CV2
- CORRIDOR\_CV8
- LOCALCONNECTOR2
- TRANSWESTERN\_PIPE
- GREAT\_WESTERN
- Flood
- DrainageBasin
- Jurisdiction
- ARIZONA GAME AND FISH
- ARIZONA STATE PARKS
- BUREAU OF LAND MANAGEMENT
- BUREAU OF RECLAMATION
- INDIAN RESERVATION LAND
- NATIONAL MONUMENT
- PRESICOTT NATIONAL FOREST
- STATE OF ARIZONA LAND



10/21/08

# PREFERRED ALTERNATIVE

**Approximate Corridor CV-8 terminus**

## CYMPO CORRIDOR STUDY CHINO VALLEY AREA

- CORRIDOR\_CV8
- LOCALCONNECTOR2
- LOCALCONNECTOR1
- TRANSWESTERN\_PIPE
- GREAT\_WESTERN
- flood
- DrainageBasins
- parcels
- ARIZONA GAME AND FISH
- ARIZONA STATE PARKS
- BUREAU OF LAND MANAGEMENT
- BUREAU OF RECLAMATION
- INDIAN RESERVATION LAND
- NATIONAL MONUMENT
- PRESCOTT NATIONAL FOREST
- STATE OF ARIZONA LAND

**Road 7 North**

**Road 5 North**

ROAD 5 NORTH

ROAD 4 NORTH

ROAD 3 NORTH

ROAD 2 NORTH

CENTER STREET

ROAD 2 SOUTH

OUTERLOOP ROAD

ROAD 4 SOUTH

APPROXIMATE ACCESS POINT

START STATIONING 400+00

NOTE: USE FLOOD PLAIN AS BUFFER TO CORRIDOR

PHASE THREE

PHASE TWO

PHASE TWO

PHASE ONE

VERDE RIVER

GRANITE CREEK

LOUISOME VALLEY WASH

TRANSWESTERN PIPELINE

CONSERVATION EASEMENT

TRANSWESTERN PIPE

PERKINSVILLE ROAD

OLD HOME MANOR

UNITED WAY

CHINO WASH

89

89

89

## DRAFT

# DRAFT 2009 DIRECTOR'S GOALS & OBJECTIVES As of 7 February 2009

**NOTE:** While specific reporting frequency is noted for each Goal, should a major/significant event associated with one of the Goals occur between scheduled reports, it would be reported as a stand-alone agenda item at the earliest available Commission meeting

### **DIRECTOR'S VISION:**

- The Department's Center of Gravity . . . the source of it's power and authority . . . is its Credibility
- The four pillars of our Credibility are:
  - The quality of our workforce.
  - The quality of our knowledge and the competency of our processes
  - The public's passion for wildlife
  - The Commission system

### **GOALS:**

1) By the end of calendar year 2009, integrate the Department's planning processes to incorporate the present wildlife action plan, strategic plans, operational plans and implementation plans in a coherent system linked to budget and priorities.

- Process Owner: Rick Miller
- Link to Vision: Quality of our knowledge processes
- Progress Reporting: Written report to Commission in August 2009, Presentation to Commission in February 2010

2) Within limits of revenues, work to foster relationships with private landowners with the intent of increasing, maintaining or preserving wildlife recreational access to public, private and state lands across Arizona. By 2010, develop a pilot access plan in southeastern Arizona that will serve as a model for expansion into a statewide plan.

- Process Owner: Mark Weise
- Link to Vision: Public Passion
- Progress Reporting: Written reports to Commission in August 2009 & January 2010

3) Develop a GIS framework plan that guides development of organization, structures, data bases and systems to enable the routine use of geospatial information in decisions, program management, planning, and coordination (including "growing smarter") with city, county, state and federal governments and agencies.

- Process Owner: Bob Broscheid
- Link to Vision: Quality of our knowledge processes

DRAFT

## DRAFT

- Progress Reporting: Semi-annual written reports to the Commission in June 2009 and January 2010
- 4) Develop a shooting sports line of business plan that provides an umbrella for objective driven organizational structures, facilities design, etc., with the intent that the Department's shooting sport programs are functioning as a line of business by 2011.
- Process Owner: Ty Gray
  - Link to Vision: Public Passion
  - Progress Reporting: In Monthly Shooting Sports Commission Briefing
- 5) Develop a wildlife recreation customer recruitment and retention program that guides operations and organization structures that address hunters, anglers and watchable wildlife as components of an integrated effort to enhance the public's connection to wildlife and wildlife-related recreation. *Removed shooters - will be sub-component*
- Process Owner: Ty Gray
  - Link to Vision: Public Passion
  - Progress Reporting: Written Report to Commission in January 2010
- 6) Develop strategies and systems for the recruitment, retention and training of Department staff for the talents needed to support wildlife conservation in the 21<sup>st</sup> century. Conduct analysis to identify those skills necessary to perform key job roles by 2010.
- Process Owner: Gary Hovatter
  - Link to Vision: Quality workforce, Quality of our knowledge processes
  - Progress Reporting: Written reports to Commission in August 2009 & January 2010
- 7) By the 2010 income tax season, implement the Arizona Income Tax Arizona Wildlife Check-off recommendation from the Watchable Wildlife Recreation phase 1 report by developing and executing a marketing plan to increase check-off revenues.
- Process Owner: Eric Gardner
  - Link to Vision: Public Passion
  - Progress Reporting: As appropriate in Monthly IEWW Commission Briefing
- 8) The Department will **expand our** dialogue with the public regarding wildlife mortality due to ingested lead and possible voluntary strategies to minimize that mortality over the next 10-15 years. The Commission understands that any meaningful progress on this issue will only occur with full public participation and cooperation, and successful voluntary or incentive-based programs developed in cooperation the conservation community, the sporting goods industry and state wildlife agencies.
- Process Owner: Mike Senn
  - Link to Vision: Public Passion
  - Progress Reporting: In semi-annual Hunting Issues reports

DRAFT

## DRAFT

9) Evaluate the mountain lion and bear conservation strategies report using existing **processes and** implementation procedures, including: the hunt guidelines process, changes to season structures, bag limits, population management hunts, harvest limits, harvest age and sex composition, zone management, **and human-wildlife conflict factors.**

- Process Owner: Brian Wakeling
- Link to Vision: Quality of our knowledge processes, Public Passion
- Progress Reporting: In semi-annual Hunting Issues reports

10) As a pilot program, provide the hunting public with a web-based hunter questionnaire option for the fall 2009 big game draw hunts.

- Process Owner: Brian Wakeling
- Link to Vision: Quality of our knowledge processes
- Progress Reporting: In semi-annual Hunting Issues reports

11) Implement an on-line license sales system by the end of calendar year 2009 as an interim step toward a complete on-line license and tag sales and on-line big game application system (~~either Department-resourced, vendor-provided or a combination strategy~~) by 2011. *Per Commission guidance*

- Process Owner: Harry Seck
- Link to Vision: All 4 pillars of the vision
- Progress Reporting: Written report to the Commission at the April, August & December 2009 Commission meetings

12) Assess the Department's 21<sup>st</sup> Century financial resource needs, define requirements, and develop a strategic approach for garnering the necessary resources.

- Process Owner: Bob Broscheid
- Link to Vision: All 4 pillars of the vision
- Progress Reporting: At 2009 Commission workshop in either August or November 2009

13) Review and assess all Commission policies. By the end of calendar year 2009, prepare recommendations to eliminate, retain as is, or retain with modifications, each existing Commission policy and, as appropriate, recommend new policies.

- Process Owner: Gary Hovatter
- Link to Vision: Commission System, Quality of our knowledge processes
- Progress Reporting: At 2009 Commission workshop in either August or November 2009

14) By the end of 2009, develop a substantive Commission policy statement directing the Department's involvement with and input to the smart growth process and scorecard to advocate for wildlife-friendly city and county open space planning.

- Process Owner: Josh Avey
- Link to Vision: Commission System, Quality of our knowledge processes, Public Passion

## DRAFT

# DRAFT

- Progress Reporting: Agenda presentation to May 2009 Commission meeting

## 15) Develop strategies to increase the Department's ability to influence impacts to Arizona's landscapes

- Process Owner: Bob Broscheid
- Link to Vision: Quality of our knowledge processes
- Progress Reporting: First agenda presentation to August 2009 Commission meeting

Article 4. Live Wildlife - Five-year Rule Report  
Summary of Proposed Rulemaking

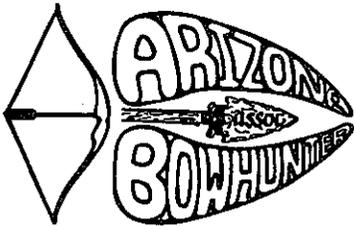
The Department has completed the Five-year Rule Report for Article 4. Live Wildlife and as a result, proposes to initiate rulemaking as follows:

Rule	Title	Proposed Rulemaking
Article 4. R12-4-401	Live Wildlife Live Wildlife Definitions	<ul style="list-style-type: none"> <li>• Replace the term 'permit' with 'license' to provide consistency between all special licenses.</li> <li>• Add, amend, and delete definitions to improve clarity and consistency within Article 4.</li> </ul>
R12-4-402	Live Wildlife: Unlawful Acts	<ul style="list-style-type: none"> <li>• Add "euthanize" as an allowable Department activity to provide an additional option for the Department to utilize in the event that live wildlife poses a threat to public safety.</li> <li>• Reword rule language to indicate that holding wildlife in a manner that is a danger to other wildlife or the public is a citable offense.</li> </ul>
R12-4-403	Escaped or Released Live Wildlife	<ul style="list-style-type: none"> <li>• Provide the Dept. with additional options necessary for the evaluation of any situation where native wildlife protection and the safety, health and welfare of the public are concerned, including the temporary possession of live wildlife.</li> </ul>
R12-4-404	Possession of Live Wildlife Taken Under an Arizona Hunting or Fishing License	<ul style="list-style-type: none"> <li>• (A) Allow both commercial and non commercial photography as this is authorized under R12-4-417.</li> <li>• (B) Clarify where temporarily taken wildlife may be released.</li> <li>• (B) Prohibit the release of propagated wildlife as it is already prohibited under R12-4-403.</li> <li>• (D) Remove references to desert tortoises; R12-4-407 addresses desert tortoises.</li> </ul>
R12-4-405	Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit	<ul style="list-style-type: none"> <li>• (E) Include "photography" as an allowable activity.</li> <li>• (F) Remove this subsection as it does not apply to this rule and is covered under R12-4-404.</li> </ul>
R12-4-406	Restricted Live Wildlife	<ul style="list-style-type: none"> <li>• Revise Group Order, Family, Genus, and Species names throughout the rule to reflect current taxonomy.</li> <li>• (F) Add endangered and threatened species to the restricted wildlife list.</li> <li>• (H) Expand restricted primates list to include all non-human primates to improve the Dept.'s ability to track problem primates and identify primate owners.</li> <li>• (I) Add all birds on the Migratory Bird Treaty Act under restricted live wildlife.</li> <li>• (L) Add Red shiner as restricted live wildlife as they pose a threat to native fish.</li> <li>• (N) Add Chinese mystery snail and false dark mussel as both pose a threat to native species.</li> </ul>
R12-4-407	Exemptions from Special License Requirements for Restricted Live Wildlife	<ul style="list-style-type: none"> <li>• (A) Require an individual to dispose of the carcasses of animals that die in transport in Arizona only as directed by the Department.</li> <li>• Specify actions allowing an individual to transport restricted live wildlife.</li> <li>• Require at least one accountable individual to accompany restricted live wildlife while traveling in the state.</li> </ul>
R12-4-408	Holding Wildlife for the Department	<ul style="list-style-type: none"> <li>• Allow Dept. to determine time-frame for holding or transporting wildlife.</li> </ul>
R12-4-409	General Provisions and Penalties for Special Licenses	<ul style="list-style-type: none"> <li>• (A) Reference the new off-site weigh-in permit.</li> <li>• (C) Allow the Department to deny a special license if an applicant has been convicted of illegally holding or possessing wildlife within five years of applying for a license instead of three years.</li> <li>• (G) Allow more than one employee to conduct inspections, this increases the number of available personnel that may conduct inspections.</li> <li>• (I) Add the Dept. is not responsible for any costs associated with any required testing.</li> </ul>

Rule	Title	Proposed Rulemaking
R12-4-410	Aquatic Wildlife Stocking Permit	<ul style="list-style-type: none"> <li>• (L) Add penalties for a special license holder who fails to adhere to special license rules.</li> <li>• (P) Require report whether or not activities are performed. License renewal will be revoked if a report is received by the Department by January 31 of each year.</li> <li>• Clarify the purpose of the license.</li> <li>• (B) Require applicant to use "Project Evaluation Tool" to assess impacts of the proposed activity on wildlife.</li> <li>• (B) Require additional application information: Universal Transverse Mercator (UTM) or Global Positioning System (GPS) coordinates helpful in identifying remote locations.</li> <li>• The Dept. recommends charging a fee for the Aquatic Wildlife Stocking License as the Dept. incurs additional costs in administering the license. This will require a statutory change.</li> <li>• Remove the Red Shiner as an aquatic wildlife allowed for bait.</li> <li>• (B) Require additional application information: UTM or GPS coordinates are helpful in identifying remote locations.</li> </ul>
R12-4-411	Live Bait Dealer's License	<ul style="list-style-type: none"> <li>• Remove language that could be interpreted to prohibit possession of domestic animals with captive game animals.</li> </ul>
R12-4-413	Private Game Farm License	<ul style="list-style-type: none"> <li>• Remove R12-4-415, R12-4-416, &amp; R12-4-419 references as the intent is to combine them under R12-4-414.</li> <li>• (B) Restrict locations for Northern Bobwhite Private Game Farms to specific Wildlife Units as this quail poses a threat to native Masked Bobwhite populations if they escape or are released.</li> <li>• (H) Require the license holder to maintain copies of specific documents for a period of three years.</li> </ul>
R12-4-414	Game Bird Shooting Preserve License	<ul style="list-style-type: none"> <li>• Currently, R12-4-414 - R12-4-416 &amp; R12-4-419 address activities related to game birds with four separate licenses. The Dept. proposes combining these rules to provide one point of reference regarding the handling of game birds.</li> <li>• State that activities allowed under the license are stipulated with the license.</li> <li>• (E) Remove requirement to post a shooting preserve; it is outside of the authority of the license.</li> <li>• (I) Specify the type of end of year report required.</li> <li>• (K) Require the license holder to possess license and stipulations while conducting activities.</li> <li>• The Dept. recommends charging a fee for the Game Bird License as the Dept. incurs additional costs in administering the license. This will require a statutory change.</li> </ul>
R12-4-415	Game Bird Field Trial License	<ul style="list-style-type: none"> <li>• The Dept. recommends repealing the rule for the reasons listed in R12-4-414.</li> </ul>
R12-4-416	Game Bird Field Training Permit	<ul style="list-style-type: none"> <li>• The Dept. recommends repealing the rule for the reasons listed in R12-4-414.</li> </ul>
R12-4-417	Wildlife Holding License	<ul style="list-style-type: none"> <li>• Prohibit the purchase of live wildlife.</li> <li>• Broaden current rule to allow issuance of a wildlife holding license for the sole purpose of photography.</li> <li>• (H) Include the transportation of live wildlife in addition to shipments.</li> <li>• (J) Require a report regardless of whether or not activities were performed. License renewal will not occur until a report is received by the Dept.</li> </ul>
R12-4-418	Scientific Collecting Permit	<ul style="list-style-type: none"> <li>• Reference the Dept.'s authority to place additional stipulations on the license.</li> <li>• Remove holding facilities description requirement when the license holder provides an IACUC protocol number.</li> </ul>

Rule	Title	Proposed Rulemaking
R12-4-419	Game Bird Hobby License	<ul style="list-style-type: none"> <li>The Dept recommends charging a fee for the Scientific Collecting License. This will require a statute change.</li> <li>The Dept. recommends repealing the rule for the reasons listed in R12-4-414.</li> </ul>
R12-4-420	Zoo License	<ul style="list-style-type: none"> <li>Remove cervid references as they are covered under R12-4-430.</li> <li>Add documentation requirements for zoos to further inhibit the transmission of disease to wildlife.</li> <li>Restrict the disposition of restricted live wildlife from zoos to game farms to prevent unregulated commercial breeding.</li> <li>Require non-accredited zoos to submit photographs of facilities where wildlife will be held captive.</li> <li>(F) Remove duplicative reporting information.</li> <li>(I) Require the license holder to comply with R.12-4-426 primate rule.</li> <li>(E) Require the license holder to possess license and stipulations while performing activities.</li> <li>(G) Clearly prohibit the possession of the parts of dead wildlife previously held or taken under R12-4-421.</li> </ul>
R12-4-421	Wildlife Service License	<ul style="list-style-type: none"> <li>The Dept. will propose amendments once both the state and federal regulations are finalized.</li> </ul>
R12-4-422	Sport Falconry License	<ul style="list-style-type: none"> <li>Remove reference to applicants under 18 as the USFWS does not allow persons under 18 to hold a license for any migratory bird activity other than falconry.</li> <li>Clarify wildlife rehabilitation testing requirements.</li> <li>Remove requirement that applicant submit health treatment provider statement from Adobe Mountain Wildlife Center as health treatment should be provided by a licensed veterinarian.</li> <li>State that the license holder is responsible for any wildlife rehabilitation expenses.</li> <li>License holder may only practice at the locations specified on the license and stipulations.</li> <li>Remove the retesting requirement if license renewal occurs after no activities have taken place over a one year period because this is burdensome to license holders.</li> <li>(D) Require additional application information: UTM or GPS coordinates helpful in identifying remote locations.</li> <li>Remove donation references as the Dept. is not the regulatory body for monetary collections.</li> <li>Require the license holder to submit proof of continuing education relating to wildlife rehabilitation.</li> <li>(O) Require the license holder to contact the Adobe Wildlife Center coordinator if they receive a restricted animal.</li> <li>(Q) &amp; (S) Clarify the allowable methods for the release or disposal of wildlife.</li> <li>(U) Clarify the reporting requirements for the wildlife rehabilitation license holder.</li> </ul>
R12-4-423	Wildlife Rehabilitation License	<ul style="list-style-type: none"> <li>(A) Redefine "triploid" to be consistent with meaning used by modern fisheries biologists.</li> <li>(B) Require activities to take place only at location and during time-frame indicated on the license.</li> <li>(C) Indicate the Dept. may issue a license for three specific activities: stocking, holding, and restocking.</li> <li>(D) Require applicant to use online "Project Evaluation Tool" to assess impact of activity on wildlife.</li> <li>(E) Require additional application information: UTM or GPS coordinates helpful in identifying remote locations, size of amur being stocked.</li> <li>(G) Address disease control methods; this is consistent with language under R12-4-410.</li> <li>(H) Restrict stocking activities to date(s) specified on license instead of the current 20-day time-frame.</li> </ul>
R12-4-424	White Amur Stocking and Holding License	<ul style="list-style-type: none"> <li>(A) Require individual possessing restricted wildlife to document individual animals held as identified by a permanent marking (tattoo or microchip).</li> </ul>
R12-4-425	Restricted Live Wildlife Lawfully Possessed without	

Rule	Title	Proposed Rulemaking
	License or Permit Before the Effective Date of Article 4 or Any Subsequent Amendments	<ul style="list-style-type: none"> <li>• (A) Restrict propagation of lawfully possessed live wildlife under this rule.</li> <li>• (D) Specify that transfer of wildlife exempted under this rule to a special license holder will nullify the exemption.</li> <li>• (E) Remove language that implied offspring of exempt wildlife are exempt since propagation will no longer be allowed under this rule and any previous offspring shall be documented in order to be exempt.</li> <li>• (G) Require the permanent marking (tattoo or microchip) of wildlife within 30 days of the rules effective date.</li> <li>• Broadening the objective of the rule to include primate licensing, which would require a statutory amendment.</li> <li>• Require primate testing 30 days prior to importation.</li> <li>• Require the applicant to submit copies of all vaccination records, test results, and proof of a permanent unique identifier (tattoo or microchip) to the Dept. prior to importation.</li> <li>• Establish licensing, possession, housing, captivity, transportation requirements/procedures and a protocol to be followed if an exposure incident occurs.</li> <li>• (G) Require the importation of a macaque monkey to be in compliance with A.A.C. R3-2-622.</li> <li>• (H) Require an individual possessing a primate to obtain a Primate License, unless exempt under R12-4-407.</li> <li>• The Dept. recommends charging a primate license fee and an administrative fee to recover costs incurred by the Dept. when investigating a bite incident.</li> </ul>
R12-4-426	Possession of Primates	<ul style="list-style-type: none"> <li>• Minor grammatical changes to ensure consistency within Article 4.</li> </ul>
R12-4-427	Exemptions from Requirements to Possess a Wildlife Rehabilitation License	<ul style="list-style-type: none"> <li>• (C) Clarify the type of animals referenced as either wildlife or domestic.</li> <li>• (C) Clarify the methods that must be used to prevent the spread of disease.</li> <li>• (C) Require the license holders to provide an enclosure that promotes the psychological well being of primates.</li> <li>• (C) Require the license holder to identify a veterinarian regardless of time the animal is captive.</li> <li>• Clarify who may possess a live cervid.</li> <li>• Require the Director or Director's designee to provide prior written approval for a cervid to be transported to another facility to provide greater latitude with cervid disposal.</li> <li>• (E) Remove 30-day reporting period reference as this is no longer in effect.</li> <li>• (C) Specify the marking, holding, and reporting requirements that the legal cervid holder must follow to be in compliance with the rule.</li> <li>• (D) Expand the requirement for head submission to all cervid owners.</li> <li>• (E) Expand the disease testing requirements to all cervids held within the state to better protect the state's wildlife resources.</li> <li>• Allow the Dept. to quarantine cervids with a zoonotic or wildlife disease to strengthen the Dept.'s ability to protect human health and safety and the wildlife resources of the state.</li> </ul>
R12-4-428	Captivity Standards	
R12-4-430	Importation, Handling, and Possession of Cervids	



TO FOSTER, PERPETUATE AND EXPAND BOWHUNTING AND BOWHUNTING ETHICS IN ARIZONA

## Arizona Bowhunters Assoc.

Dear Game and Fish Commissioner:

As a representative of the Arizona Bowhunters Association I would like to express our opinion on the Agenda Item regarding moving the Archery Draw Cycle to coincide with the Elk/Antelope draw currently being conducted in Jan/Feb.

Initially, when looking at the reasons that the Department recommended moving the Elk/Antelope draw to the spring, our thoughts were, that is a great idea and if it is a great idea for Elk/Antelope then that same reasoning should apply for the Archery Deer Permitted hunts. Maybe that was a knee-jerk reaction on our part?

After much consideration and discussion, we feel that we may be asking for something a bit premature. With the changes that have been made to the structure of the archery deer hunts, some permitted units, some shortened seasons etc., and understanding that those changes may have an impact on future guideline recommendations, then we feel that it probably would be wise to see what direction is taken after a year or two working under the new guidelines.

There is a possibility that some of the units that have been put to a draw may go back to over the counter tags. The recommendation of the Department was to try to manage archery deer so that not more than 20% of the harvest in any unit would be by archery. The changes made that were implemented in this last year, adjusting season structure and putting some units to a draw, will create harvest data that is going to have to be analyzed to understand what impact it has had on archery days afield and harvest. It will take a year or two of information to compile that data.

With that being said, we recommend that the drawing for archery deer permitted hunts remain as is until we have time to further analyze the impact that the recent changes will have on the future guidelines for archery deer.

Director Voyles addressed the fact that he was very pleased to see us work together (critter groups and the Department) to resolve issues as we did the Archery Antelope Permits for Unit 7 this past year. We would like the same opportunity to work towards a resolution to the archery deer draw that would appease all parties and resolve the majority, if not all, of the concerns we have.

However, there is one exception, that being Unit 13B. There are only 35 archery deer permits for that unit. It undoubtedly is one of, if not the best, trophy mule deer unit in the country. Many people have waited years and years to be fortunate enough to draw that tag. Last year was the first time that there has ever been an archery only season in 13B and I know the excitement this created. Knowing that this is maybe a true "hunt of a lifetime", we would ask that Unit 13B be moved to the early draw cycle with Elk/Antelope so that those 35 lucky permit holders can have the same opportunity to plan as those who were successful in the Elk/Antelope draw.

Respectfully,

P.O. BOX 67084 • PHOENIX, ARIZONA 85082-7084