

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, September 11, 2009
Saturday, September 12, 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 Jack F. Husted

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

Chairman Hernbrode called the meeting to order at 8:00 a.m. This meeting followed an agenda revision #2 dated September 9, 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: Woodhouse moved and Martin seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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The Public Meeting reconvened at 9:31 a.m.

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Chairman Hernbrode called the meeting back to order and lead those present through the Pledge of Allegiance. Commissioner Woodhouse asked for a moment of silence to remember the eight year anniversary of 911 and its victims, and to thank the members of law enforcement and the troops overseas that ensure the safety of our country. The Commission introduced themselves and Chairman Hernbrode introduced the Director and the Director's staff.

Director Voyles announced that Regions I-VI were linked via video teleconference and that regional staff and regional members of the public were able to attend and participate in this meeting through the teleconference 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. Legislative Engagement and State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles provided his regular briefing using a PowerPoint presentation on the current status of selected state and federal legislation as well as state budget issues. The Department has been providing the Commission with regular daily/weekly updates on legislative matters during this legislative session and provided informational materials at this meeting (available to the public). The presentation included updates on the following:

State of the Budget

- Bills signed or filed into law (12 measures)
- Line Item Vetoed Bills: H2006: BUDGET; GENERAL APPROPRIATIONS; FY 2009-10 and H2011: BUDGET RECONCILIATION; K-12; FY09-10
- Bills Vetoed: S1025: BUDGET RECONCILIATION; GENERAL REVENUES
- Adjourned *sine die* August 25th

Congressional Legislation

- Congressional members returned September 8th
- Major focus on healthcare
- Cap and Trade on backburner for now. Dems to introduce their version later this month.
- Senator Tom Coburn blocks National Parks Director nominee (Parks using outside groups to engage Congress)

State Legislation

H.R. 2100: 'Tri-State' Shooting Range

- 4/30/09 – Refer: House Subcommittee on National Parks, Forests and Public Lands
- Sponsor: Congressman Trent Franks (CD-2)
- Provisions direct Secretary of Interior (BLM) to: Convey public lands in Mohave County to the Department for use as a public shooting facility; transfer costs to be assumed by the Department

Attorney General Suggestions on H.R. 2100

- NEPA concerns: 'NEPA does not apply to non-discretionary actions' in Sec. 2(a), conveyance is nondiscretionary and thus NEPA would not apply (Change Sec. 2 (b) shall; insert: 'to the extent required')
- Strike: 'Department' throughout the language and insert: 'Commission.' Title 17 does not authorize the Dept. to acquire land.
- The bill requires the Department to pay all costs associated with the land conveyance without a 'condition for acceptance.' (Need to minimally, create a condition of acceptance by Commission, before land is conveyed.)

Motion: Woodhouse moved and Freeman seconded THAT THE COMMISSION VOTE TO SUPPORT HR 2100 WITH THE INCORPORATION OF THE CHANGES SUGGESTED BY THE ATTORNEY GENERAL.

Vote: Unanimous

H.R. 1018: Restore Our American Mustangs Act (also known as ROAM)

- 7/20/09 – Refer Senate House Committee on Energy and Natural Resources
- 7/17/09 – Passes House Roll Call: 239-185
- AZ Delegation Votes

<u>Ayes</u>	<u>Nays</u>
Grijalva (D)	Flake (R)
Mitchell (D)	Franks (R)
Pastor (D)	Giffords (D)
	Kirkpatrick (D)
	Shadegg (R)
- Provisions:
 - Would amend the Wild Free-Roaming Horses and Burros Act
 - Identify new rangelands and sanctuaries for horses and burros within 10 western states.
 - Delineates several new management and reporting practices, which are imposed upon BLM, the agency responsible for managing these herds.
 - Revokes provisions associated lethally removing old, sick and lame animals
 - Mandates ‘exhaustion’ of all practicable options for mitigating herd damage to ecological balance before removing horses or burros.
- BLM/AFWA Concerns
 - Appropriate herd management levels have consistently been exceeded since the Act’s Inception; the bill would make managing appropriate herd levels even more difficult
 - ‘exhausting all methods’ before ‘removing’ horses and burros = cost prohibition
 - Impacts to health of horses and burros as a result of increased numbers, elimination of helicopter use, inability to euthanize sick or lame animals
 - Adoption rates declining, and holding costs increasing it is unknown where or what to do with all of the horses and burros removed to sustain health of public lands
 - GAO Reports costs are growing, \$7M - 2000\$21M – 2007
- Damage to Herd Management Areas in Arizona
 - Burros have not evolved with plant species and causes damage to habitats and cultural sites
- Herd Management Areas include Havasu NWR, Alamo Lake Wildlife Area/State Park and Cibola/Imperial NWRs

Motion: Woodhouse moved and Martin seconded THAT THE COMMISSION VOTE TO OPPOSE HR 1018 including the Senate Companion Bill.

Chairman Hernbrode requested that the Department copy the western states with this motion.

Commissioner Husted stated that the Department needed to be aggressive in regards to this bill.

Vote: Unanimous

H.R. 3173: Asian Carp Prevention and Control Act

- 8/19/2009 Referred to House subcommittee. Status: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.
- Recurring Legislation, that would include big head carp to the Lacey Act as an injurious species

Mr. Guiles stated that HR 3173 was just recently introduced and the Department will bring this back at a future Commission meeting after further analysis.

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4.. Information, Education and Watchable Wildlife Activities Briefing

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

The Commission was provided with an update of Department activities and events related to Information, Education and Watchable Wildlife Programs. The update covered activities and events that have occurred since the August 2009 Commission meeting and was provided in fulfillment of the Department's commitment to brief the Commission on a regular basis.

In addition to the update, Mr. Gray reported that two positions had been filled: 1) the Archery Trade Association Partnership position and 2) the Wildlife Recreation Branch Chief position has been filled by Craig McMullen who will start on October 3, 2009.

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5.. Lands and Habitat Program Update – An update on the latest developments relating to the implementation of land and resource management plans and projects on private, state and federal 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 the latest developments relating to the implementation of land and resource management plans and projects on private, state and federal lands in Arizona and other related matters, and included decisions or activities since the August 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 the following additional updates:

- The Commission was given a briefing on some of the movement with the Western Governor's Association Efforts. Department is continuing participation in the renewable

energy focus. Two concurrent efforts are the Science Committee and the Western Governor's Wildlife Council. Both are participating and working on defining the decision support system (DSS). The DSS is intended to be very similar to the Department's GEO Spatial Planning Tool. There is a lot of momentum to get the western states to develop a similar protocol and the Department plans on continued participation. The Department has finalized a version of our map that will be used in an outreach effort over the next several months. This will be integrated into the SWAP product, previously referred to as the Comprehensive Wildlife Conservation Strategy (CWCS).

- Northern Arizona Shooting Range – The 160-acre Foster Ranch property was recommended as an additional site for the Northern Arizona Shooting Range. The Department has had preliminary discussions with the National Forest Service and will meet again after further review of the site. Foster Ranch, Cochrane Hill, Winona/Telegraph Range, and Willard Springs are all sites that will be considered for the Northern Arizona Shooting Range. Currently the goal is to meet the Service's Gantt chart timeline of refining the consideration of these sites by the March deadline.

Public Comment:

James Mehan, representing himself, was available to answer any questions regarding the Foster Ranch property. Commission had no questions.

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6.. 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 each item to the Commission and items C and D were removed for discussion.

a. Request for the Commission to Approve the Road Permit Agreement with Eight Private Landowners for the Purpose of Providing Legal Access to Private Property through Cluff Ranch Wildlife Area, Graham County, Arizona.

Presenter: Josh Avey, Habitat Branch Chief

The Arizona Game and Fish Department (Department) was approached by eight private landowners who have private property immediately to the north of Cluff Ranch Wildlife Area with no legal access. The access they have been using for the last 70 years has been a road through the Wildlife Area. The existing alignment of the road appears to be in the best location. There are no other roads in the area that give access to these properties. The Department has a patent on this property from the Bureau of Land Management (BLM). Concurrence from BLM is being requested.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE THE ROAD PERMIT AGREEMENT WITH EIGHT PRIVATE LANDOWNERS FOR THE PURPOSE OF PROVIDING LEGAL ACCESS TO PRIVATE PROPERTY THROUGH CLUFF RANCH

WILDLIFE AREA, GRAHAM COUNTY, ARIZONA, AND EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

b. Request for the Commission to Approve the Commercial Lease (No. 03-95720) with the Arizona State Land Department for a Ten-Year Lease of the Lands Occupied by the Kingman Regional Office.

Presenter: Josh Avey, Habitat Branch Chief

In 1989, the Commission approved a ten-year Commercial Lease (No. 03-95720) from the Arizona State Land Department (ASLD) to develop the Kingman Regional Office. During that initial period, the Regional Office and related improvement were developed. The lease was renewed in 1999. A new ten-year Commercial Lease will be prepared by the ASLD, which will remain current through October 20, 2019.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE THE COMMERCIAL LEASE (NO. 03-95720) WITH THE ARIZONA STATE LAND DEPARTMENT FOR A TEN-YEAR LEASE OF THE LANDS OCCUPIED BY THE KINGMAN REGIONAL OFFICE, AND AUTHORIZE THE DIRECTOR TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Motion: Martin moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEMS A AND B AS PRESENTED.

Vote: Unanimous

c. Request for the Commission to Approve the Agreement for Permit with Tucson Electric Power Company for the Purpose of Continuing Service for Construction, Operation, and Maintenance of Electric Poles and Lines Through the Commission's Tucson Regional Office, Pima County, Arizona.

Presenter: Josh Avey, Habitat Branch Chief

Tucson Electric Power Company has requested that authorities provided under the current agreement for the purpose of continuing service for construction, operation, and maintenance of electric poles and lines at the Tucson Regional Office be extended for an additional ten years. The Department has determined that the agreement is of value to the public and consistent and compatible with the operation of the Tucson Regional Office. The user fee for this period will be established by current appraisal of market value.

Motion: Husted moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE AGREEMENT FOR PERMIT WITH TUCSON ELECTRIC POWER COMPANY FOR THE PURPOSE OF CONTINUING SERVICE TO CONSTRUCT, OPERATE AND MAINTAIN ELECTRIC POLES AND LINES THROUGH THE COMMISSION'S TUCSON REGIONAL OFFICE.

Vote: Unanimous

d. Request for the Commission to Approve the Mediation Agreement with Stakeholders Along the Bill Williams River Watershed for Lower Colorado River Multi-Species Conservation Plan (MSCP) Purposes Associated with the Planet Ranch Property Located in Mohave and La Paz Counties, Arizona.

Presenter: Josh Avey, Habitat Branch Chief

The impetus for the mediation of the Parties' water right claims in the Bill Williams River watershed is the contingent transfer of Planet Ranch to the Bureau of Reclamation and the Commission for purposes associated with the Lower Colorado River Multi-Species Conservation Plan (MSCP). The MSCP is a 50-year plan intended to work towards the recovery of endangered species and protect and maintain wildlife habitat on the lower Colorado River. The purposes of the MSCP are (1) to protect the lower Colorado River environment while maintaining existing water and power operations on the river; (2) provide for the needs of threatened and endangered species, and (3) reduce the likelihood of listing additional species on the lower Colorado River.

The Parties wish to engage in a mediation proceeding in hopes of achieving settlement of their respective water claims and present and future water uses in the Bill Williams River System, including the severance and transfer of water rights associated with Planet Ranch and Lincoln Ranch located in Mohave and La Paz Counties, Arizona for use by Reclamation for the MSCP and for water uses upstream of Alamo Lake by Freeport McMoran Corporation.

Mr. Odenkirk provided a presentation to the Commission that included background information and a review of the long term effects both to the Commission and the Department.

Motion: Woodhouse moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE MEDIATION AGREEMENT WITH STAKEHOLDERS ALONG THE BILL WILLIAMS RIVER WATERSHED FOR MSCP PURPOSES ASSOCIATED WITH THE PLANET RANCH PROPERTY LOCATED IN MOHAVE AND LA PAZ COUNTIES, ARIZONA, AND EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

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7. E-Commerce Update

Presenter: Harry Seck, Assistant Director, Special Services Division

Mr. Seck provided an update on the status of the Department's E-Commerce activities. The update included information for online watercraft registration renewals, license sales and big game applications.

The online watercraft registration renewal system went live on Sept 9, 2009 and the system is performing to specifications. Over 100 online registrations have already been done. Watercraft registration generates 5.5 million dollars per year.

Online license sales still planned to go live on January 4, 2010. Preliminary discussions with NIC Inc. have started in regards to online big game applications. No set date has been

confirmed. International field updates will be added to the online application. The Department will be meeting with GITA to discuss design elements and the needs of the agency. Options for help buttons and search engine possibilities were also discussed.

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Meeting recessed for a break at 11:05 a.m.

Meeting reconvened at 11:25 a.m.

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11. Request for Commission approval to enter into Inter-Governmental Agreements to fund watercraft law enforcement efforts by watercraft law enforcement agencies.

Presenter: Gene Elms, Law Enforcement Branch Chief

The Commission was asked to approve eight Inter-Governmental Agreements for the purpose of providing watercraft law enforcement funding to seven county and one municipal boating law enforcement agencies. Watercraft law enforcement agency budgets have been reduced for the current fiscal year. Recent Watercraft Fund appropriations to the Department allow for the opportunity to provide funding assistance to non-Federal Arizona boating law enforcement agencies facing budgetary shortfalls. The funding will be transferred through the execution of Inter-Governmental Agreements. One municipal and seven county boating law enforcement agencies have forwarded the following budget requests to the Department:

Agency	Total
Lake Havasu City P.D.	\$279,700
Mohave County SO	\$169,193
La Paz County SO	\$140,865
Maricopa County SO	\$129,000
Yuma County SO	\$67,743
Apache County SO	\$42,973
Coconino County SO	\$42,828
Gila County SO	\$41,500
Totals	\$913,802

The three criteria were used to determine the amounts requested were 1) straight man hours, 2) overtime, and 3) operation and maintenance of existing equipment.

Guest speaker Sergeant Craig Stefick with the Lake Havasu City Police Department addressed the Commission and thanked them for the opportunity to speak on this Inter-Governmental Agreement request. He conveyed that with these funds they are able to increase their law enforcement presence in the Bridgewater Channel. He stated many times when an accident occurs in this area Lake Havasu PD is usually the first responding agency. These monies have also helped them to increase their boating safety program and public contacts.

Guest speaker Lieutenant Alan Nelson with the La Paz County Sheriff's Office also thanked the Commission for considering this proposal. He stated that La Paz County was one of the smallest counties, population-wise, but ranked very close to second in the number of boater use along the Colorado River and Parker Strip. This puts a strain on their local tax base and local sheriff's

department trying to enforce laws with the number of visitors on the Colorado River. With the lack of funding they face they could lose one and a half law enforcement positions for patrolling the river. The funding available through this Inter-Governmental Agreement would allow them to maintain their staff and also allow for some seasonal assistance. Lap Paz Country covers the southern portion Lake Havasu, the Parker Strip, and 110 miles of the Colorado River down to Yuma. He said this funding would help to get more of these waterways patrolled.

Motion: Woodhouse moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE DEPARTMENT ENTERING INTO INTER-GOVERNMENTAL AGREEMENTS WITH THE LAKE HAVASU CITY, MOHAVE COUNTY, LA PAZ COUNTY, MARICOPA COUNTY, YUMA COUNTY, GILA COUNTY, COCONINO COUNTY, AND APACHE COUNTY TO PROVIDE \$913,802 IN FUNDING FOR DEDICATED WATERCRAFT LAW ENFORCEMENT EFFORTS CONTINGENT UPON FINAL ATTORNEY GENERAL OFFICE APPROVAL OF THE AGREEMENTS.

Vote: Unanimous

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8. Request by Mr. George Sells to be issued his First Choice Hunt Permit, in Lieu of his Second Choice for which he was Drawn.

Presenter: Harry Seck, Assistant Director, Special Services Division

Mr. Sells was drawn for his second choice hunt (1138) during the bonus round of the 2009 deer big game draw. After the draw was completed there were leftover permits in his first choice hunt (1137). Mr. Sells is requesting he return the permit for which he was drawn and be issued a permit in his first choice.

Mr. Seck explained the 20% bonus point pass process to the Commission.

The Commission was in agreement that this process needed to be looked at and changes needed to be made in the future.

Motion: Husted moved and Freeman seconded THAT THE COMMISSION VOTE TO ACCEPT THE PETITION AND THAT MR. GEORGE SELLS BE ISSUED HIS FIRST CHOICE HUNT PERMIT IN THE 2009 DEER BIG GAME DRAW.

Vote: Unanimous

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8A. Design, Role, and Function of the North American Wetland Conservation Act and the National Fish Habitat Conservation Act as Models for Federal Funding Partnerships.

Presenter: Mike Senn, Assistant Director, Wildlife Management Division

The Commission was briefed on how the North American Wetland Conservation Act program is implemented and how it can be used to advance wetland conservation in Arizona. The National

Fish Habitat Conservation Act is a similar program that is currently up for consideration by the 111th Congress. The briefing included the mechanisms for implementing both these national programs through private and public partnerships, how the programs are funded, and how participation in these programs can serve the interests of the Department.

Mike Rabe, Small Game Management Supervisor with the Department, presented the North American Wetland Conservation Act presentation to the Commission which included the following information:

NAWCA was passed by Congress in 1989. It was passed because it had widespread support from many groups and had a plan to guide implementation. The plan was the North American Waterfowl Management Plan (NAWMP). Tracking the progress on NAWMP is continuous-plan updated every 5 years.

The North American Waterfowl Management Plan (NAWMP) came first. With the NAWMP in hand, state wildlife agencies, NGOs, and private landowners testified to Congress that money was needed to implement the plan. A clear, transparent process was set up to expend the funds in line with plan goals.

Funding is appropriated by Congress each year and includes fines, coastal dollars, and interest on PR tax collections. Current total funding is about \$75 million dollars. NAWCA is popular with Congress because:

- It spends money for on-the-ground bird conservation
- It spends money all over North America
- It leverages Federal dollars with MATCH so \$1 in Federal Funds is at least doubled, and usually tripled
- It gets widespread support from Conservation Groups (Ducks Unlimited, The Nature Conservancy, Audubon, State Wildlife Agencies, Pheasants Forever, and many others)
- It gets support from private landowners- work is done on both private and public lands

Three grant types, standard grants (up to \$1 million) for US and Canada, small grants (up to \$75,000) for US, and Mexican Grants. Applicants submit applications on deadlines. Staffers score proposals and rank them and Joint Ventures also rank proposals from their areas. Staff ranks and JV ranks are reconciled and forwarded to Council and the Council makes final decisions on funding.

Arizona has received 12 NAWCA grants since 1991 for \$2.8 million (8 small grants, 4 large grants). Those NAWCA funds leveraged \$11,713,000 in partner contributions. Those 12 projects involved 12,036 acres of wetlands and associated uplands. Most recently, NAWCA funded Yuma East Wetlands (\$72,987—2008) and Sandhill Farms (\$75,000--2009).

Arizona Game and Fish and TNC applied for \$1,000,000 in NAWCA grant funds in July, 2009. The grant is to purchase 78 acres of riparian habitat in the Verde Valley from a private landowner. All 78 acres would become AGFD property if awarded. Leverage for the grant came from the purchase of the Well's property in 2008.

Conservations partnerships include:

- Flyways – States and Fish and Wildlife Service; designed to implement migratory bird hunt regulations and management

- Joint Ventures—Created by the USFWS as a mechanism to implement Federal/State/Private partnerships
- NAWCA and NAWMP—Created to guide and fund waterfowl Conservation—Now NAWCA uses all four bird plans
- Partners in Flight and Neotropical Migratory Bird Conservation act fund Neotropical birds

The Pacific Flyway was formed in 1949. All four Flyways were created by the Association of Fish and Wildlife Agencies as a means for the States to work with the USFWS to manage migratory birds. The Flyways have a game technical committee and a nongame technical committee that reports to Council. The four flyways include the Pacific, Central, Mississippi, and Atlantic flyway.

Arizona has two joint ventures, the Sonoran Joint Venture and the Intermountain West Joint Venture. These were created as partnerships among the USFWS, State Wildlife Agencies, and Private entities to accomplish conservation goals. Link private parties and funding by providing the scientific and organizational expertise to make conservation happen.

Arizona Game and Fish provides guidance and expertise to select projects. They also identify areas and landowners, funding mechanisms for conservation and put partners together, and may also provide match to leverage projects (or investments by others).

Julie Carter, Native Trout Coordinator with the Department, gave a background presentation on the National Fish Habitat Action Plan (NFHAP) to the Commission. The presentation included the following information:

Established in 2001, NFHAP provides a framework for maintaining and restoring fish habitat in freshwater, estuarine and marine habitats on a national scale. NFHAP is an investment strategy guided by the National Fish Habitat Board to maximize the impact of conservation dollars on the ground. Federal, state, and privately-raised funds are the foundation for building regional Partnerships. Fish Habitat Partnerships are the primary work units to implement the Action Plan.

Projects proposed by Fish Habitat Partnerships are eligible for funding as NFHAP projects. Since 2006, the U.S. Fish and Wildlife Service has provided \$8.5 million to support 188 on-the-ground projects in 36 states, leveraging \$19.8 million in partner match to address the priorities of the Fish Habitat Partnerships. Nine approved Partnerships and 11 candidate Partnerships. Arizona is part of 2 Partnerships which is the Western Native Trout Initiative and the Desert Fishes Habitat Initiative.

The Department's involvement with the Western Native Trout Initiative includes:

- Multi-state approach with State, Federal, Tribal, and NGO partners that focus on 15 species of western native trout
- Goal 1: Protect, enhance, or restore western native trout
- Goal 2: Protect intact watersheds, and enhance or restore impacted habitats
- Goal 3: Develop collaborative approaches and partnerships among agencies and stakeholders that emphasize cooperation and shared effort, and increased funding
- Goal 4: Develop and implement effective communication, education and outreach programs to increase public awareness and encourage partnerships that benefit western native trout

Arizona projects in 2006 and 2008 included fish barrier construction and chemical renovation to remove non-native trout on Bear Wallow Creek, an Apache trout recovery stream on the Apache-Sitgreaves National Forest and San Carlos Indian Reservation. The grant award was \$131,500.

In 2007, projects included chemical renovation to remove non-native trout on Conklin and Stinky Creeks, two Apache trout recovery streams on the Apache-Sitgreaves National Forest. The grant award was \$150,000.

Proposed legislation to further implement the NFHAP & associated partnerships is similar analogous to NAWCA. It would establish partnerships as delivery mechanisms and a \$75 million grant program for aquatic habitat projects through the Department of the Interior.

The Act was brought forward to the House and Senate in June and has been appointed for review by both committees. If it passes, it will bring significant amount of dollars to partnerships and benefit the Department as well.

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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 12:02 p.m.

Meeting reconvened at 1:48 p.m.

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12. 2009 Annual Commission Awards Selection

Presenter: Marty Fabritz, Executive Staff Assistant

The Commission was provided with a list of 2009 Commission Award nominees and nominee background information for review and consideration prior to this meeting. Mr. Fabritz provided the Commission with an overview of the nominees and facilitated the Commission's selection process. Additional discussion resulted in the following selected recipients:

Award of Excellence: Phoenix Herpetological Society and the Arizona Wildlife Federation

Youth Environmentalist of the Year: Shelby Miller

Outdoor Writer of the Year: Stephanie Rainey

Volunteer of the Year: Steve Clark

Educator of the Year: Dave Brown

License Dealer of the Year: Sprague's Sports

Wildlife Habitat Stewardship Award: Jim O'Haco

Advocate of the Year: Sandy Bahr

Motion: Woodhouse moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE RECIPIENTS THAT ALREADY HAD A MAJORITY VOTE.

Vote: Unanimous

Motion: Husted moved and Freeman seconded THAT OUTDOOR WIRES BE SELECTED AS MEDIA OF THE YEAR.

Vote: Unanimous

Motion: Freeman moved and Martin seconded THAT LIBERTY WILDLIFE BE SELECTED AS CONSERVATION ORGANIZATION OF THE YEAR.

Vote: Unanimous

Motion: Woodhouse moved and Freeman seconded THAT JIM UNMACHT BE SELECTED AS CONSERVATIONIST OF THE YEAR.

Vote: Unanimous

Motion: Martin moved and Freeman seconded THAT HEIDI BLASIUS BE SELECTED AS NATURAL RESOURCE PROFESSIONAL OF THE YEAR.

Vote: Unanimous

Motion: Martin moved and Woodhouse seconded THAT SCOTT BONAR BE SELECTED AS MENTOR OF THE YEAR.

Vote: Unanimous

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10. 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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12. Call to the Public

There were no requests to speak at this time.

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Meeting recessed for the day at 3:09 p.m.

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Meeting reconvened Saturday at 8:00 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. Commissioner Woodhouse was present from the Kingman Regional Office via video teleconference.

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1. Shooting Sports Activities Briefing

Presenter: Jay Cook, Education Branch Chief

The Commission was provided with a Shooting Sports Activities Briefing prior to this meeting (also available to the public) on Department activities related to shooting sports. The report included shooting programs and shooting range development statewide and covered activities that occurred since the August 2009 Commission meeting. This briefing is part of the Department's ongoing commitment to provide the Commission with updates on a regular basis.

Mr. Cook briefed the Commission using a Power Point presentation on Shooting Range updates which included the 3-Points Shooting Range, 7-Mile Shooting Range, Adair Shooting Range, Ben Avery Shooting Facility, Buckeye Hills Shooting Range, Prescott Rifle Club-Granite Mountain Shooting Range, St. John's Shooting Range, White Mountain Shooter's Association, Shooting Range Grants, the Shooting Range Grant Application, and Shooting Sports Programs, Events and Activities.

2. Presentation of the Proposed Hunt Guidelines for the fall 2010 through spring 2013 for Commission Approval

Presenter: Brian Wakeling, Game Branch Chief

Mr. Wakeling briefed the Commission on the proposed Hunt Guidelines for fall 2010 through spring 2013 using a Power Point presentation which included charts, graphs, and historical information supporting the Department's recommendations. The Department's proposed hunt guidelines (provided to the Commission prior to this meeting for review and consideration) were developed to reflect prior Commission direction, biological limitations, Department input, and public comment.

The Department solicited public input on existing hunt guidelines during April and May. The existing hunt guidelines were posted on the Department's web site, mailed to 67 individuals that

represented a variety of conservation groups in Arizona, and noticed through media releases to the public. The Department received 117 comments from the public during this period (of which only 56 comments dealt specifically with the hunt guidelines). The Department developed proposed hunt guidelines for consideration and shared these on the Department's web site throughout June 10–July 15, 2009, which was also noticed through media releases to the public. The Department held 9 public meetings to solicit input (in Kingman with 9 attendees, Prescott with 8, Flagstaff with 9, Mesa with 5, Payson with 4, Pinetop with 2, Yuma with 0, Sierra Vista with 37, and Tucson with 9).

At each public meeting, a survey was distributed asking questions about support for a variety of proposals regarding the hunt guidelines. This same survey was placed on the Department web site and was taken by 2,167 individuals. This same survey was mailed to 2,000 randomly selected license holders, of which 181 responded by mail and 49 responded by logging onto a specific web link (11.5% response rate in total). Since June 10, the Department received 31 written comments (of which only 21 comments dealt specifically with hunt guidelines).

The Department believes that increasing the length of the hunt guidelines cycle will be a benefit to reviewing effects of changes to the hunt guidelines. For all Commission Orders, the hunt recommendations based on the 2007 hunt guidelines have only had a single hunt to date. For example, deer hunt recommendations based on the August 2007 hunt guidelines were used to formulate the 2008 deer hunt recommendations that the Commission authorized in April 2008. That hunt has occurred and the Department has the harvest, hunt success, deer survey, and related information from that hunt. However, the 2009 deer hunt which was approved in April 2009 by the Commission has yet to occur, and no data is yet available to evaluate the effects of the second season. As the hunt guidelines were reviewed with the public, the Commission has yet to act on the second year of spring hunt recommendations associated with the 2007 hunt guidelines. If the cycle time on the hunt guidelines was extended to a three year rather than two year cycle, the Department and public will have two years of data to use in the evaluation of hunt guidelines rather than only a single year data set. In addition, the Commission has amended hunt guidelines in mid-cycle during the past. If a guideline requires amendment, the Commission has the ability to address it between regular review cycles.

Benefits, challenges, and considerations for switching to a 3-year hunt guidelines included:

Benefits

- Allows implementation and analysis of two years of hunts under current guidelines before formulation of new guides
- Tiers better with monitoring and survey schedules
- Reduces staff and budget resource demands

Challenges

- Reduced frequency of involvement during a Commissioner's term

Considerations

- The Commission may deviate from guidelines
- The Commission may amend any aspect of the guidelines at any time with public notice and action

Commissioner Husted expressed concerns over switching to a 3-year hunt guideline review cycle. Going to a 3-year cycle could mean that a Commissioner may only have one opportunity during his 5-year term to review the guidelines.

Commissioner Martin stated she was in agreement with Commissioner Husted.

Chairman Hernbrode said he felt comfortable with changing to a 3-year cycle because that gave the Department the ability to provide the Commission with the best available science to make these decisions.

Commissioner Woodhouse saw benefits to both staying with the current 2-year cycle and also to changing to a 3-year cycle. He agreed with Commissioner Hernbrode on the 3-year cycle providing the best available science.

Commissioner Freeman also saw benefits to both sides. But he also stated that we needed experience in the field to see how well the hunt guidelines were working. He felt strongly about the public's input.

The Commission continued discussion on the pros and cons of a 2-year guideline package vs. a 3-year guideline package.

Motion: Husted moved and Martin seconded THAT THE COMMISSION CONTINUE THE DISCUSSION ON HUNT GUIDELINES WITH THE UNDERSTANDING THAT IT WOULD BE A 2-YEAR GUIDELINE PACKAGE.

Vote: Aye – Martin, Woodhouse, Freeman, Husted
Nay – Hernbrode
Passed 4 to 1

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Meeting recessed for a break at 9:08 a.m.

Meeting reconvened at 9:23 a.m.

* * * * *

Mr. Wakeling presented the recommended changes that would differ from the previous hunt guideline package.

Proposed Changes - Deer

- Allow for a juniors-only muzzleloader in December
- Increase the percentage of general deer tags for youth from $\geq 3\%$ to $\geq 5\%$
- Shift juniors-only deer hunts in Unit 12A to include a holiday weekend
- Avoid overlap of juniors-only deer seasons with juniors-only elk seasons
- Move early general deer season in Unit 12A and 12B to begin a week earlier
- Clarify use of trend and mean data in hunt recommendations
- Alternative hunt in Unit 12A to allow 5–7% growth annually
- Eliminate permitted archery deer units south of the Colorado River (1, 3A/3C, and 7)
- Retain permitted archery deer hunts in units north of the Colorado River (12A/B, 13A/B)

Public Comment:

Jeff Dickey, representing the Arizona Deer Association, stated that with the improved communication and cooperation between his organization and the Department he believed many issues can and will be resolved in a positive fashion. With that said he went on to state that the Arizona Deer Association is in complete concurrence with the draft deer hunt guidelines being presented at this meeting. He also thanked the Department staff for their positive attitude during this process.

Motion: Husted moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE HUNT GUIDELINES FOR DEER FOR FALL 2010 THROUGH SPRING 2012 AS PROPOSED.

Vote: Unanimous

Proposed Changes – Pronghorn

- Specific incorporation of pronghorn management plan
- Although date changes were proposed for general and muzzleloader seasons, they were not recommended for implementation

Commissioner Martin expressed concern over pronghorn harvest strategies being evaluated using statewide regulations rather than evaluating by bio-geographic regional levels.

Mr. Wakeling responded by saying that antelope were managed in a more conservative fashion and despite the fact that there are differences in how pronghorn respond to various habitat types the Department's hunt guidelines already reflect the health of these herds and future permit recommendations. The Department looked at a unit by unit analysis of population increases and decreases and saw the same relationships in southeastern Arizona as they did in northwestern Arizona. Because tags are looked at on a unit by unit basis, these concerns are addressed in the allocation of tags. The Pronghorn Management plan takes many things into account including habitat type issues.

Motion: Freeman moved and Husted seconded THAT THE COMMISSION VOTE TO APPROVE THE HUNT GUIDELINES FOR PRONGHORN FOR FALL 2010 THROUGH SPRING 2012 AS PROPOSED

Vote: Unanimous

Proposed Changes – Elk

- Juniors-only hunts on a weekend
- Avoid overlap of juniors-only elk seasons with juniors-only deer seasons
- Elk Management Plan
- Add flexibility in seasons to meet management objectives

Motion: Martin moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE HUNT GUIDELINES FOR ELK FOR FALL 2010 THROUGH SPRING 2013 AS PROPOSED

Vote: Unanimous

Proposed Changes - Turkey

- Limit harvest by juniors-only hunters to 30-35% of the total harvest in each unit
- Permit units with juniors harvests exceeding 35% of overall harvest
- Add non-permitted archery spring turkey seasons in "A" units during with the last two weeks of the limited weapon shotgun seasons
- The archery spring turkey harvest is expected to be minimal, and may be limited if it exceeds 5% the total spring turkey harvest

Commissioner Husted expressed his concern for retaining hunters as well as recruiting hunters. He pointed out that the turkey tag holder does not have one weekend by himself to hunt without competing with over the counter junior archery turkey hunters.

Mr. Wakeling responded saying most juniors need to have an adult who is willing to go out into the field with them. This would be a benefit to a father/mother who holds a draw tag to be able to hunt with their son/daughter in the same unit.

Commissioner Husted noted that we needed to have more quality hunts and it wasn't just about the number of birds being harvested. Mr. Wakeling stated that some of the best quality hunts were not open for juniors using an over the counter archery tag.

Commissioner Freeman stated that he would vote against this recommendation because he felt it unnecessarily complicated a season structure.

Commissioner Woodhouse said he supported the recommendation for adding non-permitted archery spring turkey seasons during with the last two weeks of the limited weapon shotgun seasons. But he also shared Commissioner Husted's concern that hunters who are drawn for a turkey hunt and do not have at least one weekend to themselves.

Commissioner Freeman stated that he received a lot of feedback from hunters saying their hunt was ruined for various reasons, such as ATV's, and not all complaints were about other hunters.

Commissioner Woodhouse inquired whether shortening the Juniors Only Turkey hunts by a week would be an option.

Mr. Wakeling stated that ending the Juniors Only hunt at three weeks would give the shotgun shooting shot hunters two weeks at the end of the season where they would not have juniors in the field with them. He also said that routinely there is very little participation during those weeks and that is also the two weeks that they are recommending the non-permitted archery only season.

Commissioner Martin stated for the record that she supported the recommendation as written by the Department but also agreed to further discussion.

The Commission decided to table this recommendation until later in the meeting.

Proposed Changes – Javelina

- Juniors only – strive for 10% – avoid large numbers of leftover tags
- Units 1-5 & 7-9 move to over-the-counter archery
- Companion tags for juniors-only deer hunters

Motion: Woodhouse moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE HUNT GUIDELINES FOR JAVELINA FOR FALL 2010 THROUGH SPRING 2012 AS PROPOSED

Vote: Unanimous

Proposed Changes – Bighorn Sheep

- Clarify the ability to subdivide units to direct hunters into lightly hunted areas
- Clarify the use of survey data in hunt recommendations

Public Comment:

Jim Unmacht, Arizona Desert Bighorn Sheep Society, wanted to clarify for the record that the Sheep Society is in favor of the Department's recommendation.

Motion: Freeman moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE HUNT GUIDELINES FOR BIGHORN SHEEP FOR FALL 2010 THROUGH SPRING 2012 AS PROPOSED

Vote: Unanimous

Proposed Changes – Buffalo

- No substantive changes
- Recognized Individual Herd Management Plans

Commissioner Husted recommended surveying successful Kaibab tag recipients asking them what influenced them to apply for these tags.

Motion: Husted moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE HUNT GUIDELINES FOR BUFFALO FOR FALL 2010 THROUGH SPRING 2012 AS PROPOSED

Vote: Unanimous

Proposed Changes – Bear

- Units with predominate young female harvest that often exceeds female harvest limit (currently Units 4A and 5A)
 - November 1st or later start date

- 3 day season
- Every other year season structure
- Public opinion was not generally supportive of proposed changes

Motion: Martin moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE HUNT GUIDELINES FOR BEAR FOR FALL 2010 THROUGH SPRING 2012 AS PROPOSED

Vote: Unanimous

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Meeting recessed for a break at 10:38 a.m.

Meeting reconvened at 10:51 a.m.

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Proposed Changes – Turkey (continued)

Mr. Wakeling presented the Commission a timeline graph on the spring turkey hunt structure which included these categories:

- Current Spring Season Structure (juniors turkey season encompassed the week prior to the week ending of the two limited weapon shotgun shooting seasons within units that rank A or B in the habitat quality score).
- Proposed Spring Season Structure (juniors turkey season encompasses the week prior to the week ending the two limited weapon shotgun shooting seasons within units that rank A or B in the habitat quality score and the addition of the two week archery-only season during the last two weekends of the limited weapon shotgun shooting seasons within units that rank A in the habitat quality score).
- Option 1 (same as proposed except that the juniors-only season would recess for two weeks following the first open week).
- Option 2 (same as proposed except that the juniors-only season would only run for three weeks, with the last two weeks being truncated so as to end before the archery-only season).

Motion: Husted moved and Woodhouse seconded THAT THE COMMISSION VOTE TO APPROVE THE HUNT GUIDELINES FOR TURKEY FOR FALL 2010 THROUGH SPRING 2012 AS PROPOSED WITH THE SEASON STRUCTURE IN OPTION 1.

Vote: Aye – Woodhouse, Freeman, Husted
Nay – Hernbrode, Martin
Passed 3 to 2

Proposed Changes – Mountain Lion

- Keep the multiple bag limit (The need and use of triggers to shut them off)
- Keep the summer closure (Modify the dates to end on the last day of turkey season and open with the archery deer season)
- Harvest limits (Harvest composition should comprise <35% adult (≥ 3 year old) females; Establish female harvest limits within biological zones where harvest may be reducing

resident lion population; The results of DNA will be used to continue the refinement of these areas.

Commissioner Freeman inquired if the 35% came from Anderson and Lindsey. Mr. Wakeling stated that Anderson and Lindsey's 2005 Wildlife Society Bulletin publication was referenced in helping to develop this number.

Commissioner Husted stated he would likely support these guidelines as proposed but would like to see the Department develop a management needs assessment.

Commissioner Martin supported Commissioner Husted on the need for better data on mountain lion management in Arizona.

Commissioner Freeman said he would be more comfortable with specific information from Arizona. He expressed that he is extremely excited about the DNA samples that are being analyzed. He feels this will be an opportunity to develop a strategy of where to go with research that is more specific to this state.

Commissioner Woodhouse inquired on how the decision would be reached to employ female harvest limits in potential zones.

Mr. Wakeling stated that the decisions would not be based on DNA analysis because at this point in time they do not have an estimate for the population based on DNA. The determination would be based on harvest statistics from biologically similar units that current data indicates functioning populations and whether the harvest statistics indicate the harvest was potentially reducing the resident lion population in units where that was not the management objective.

Public Comment:

Jim Unmacht, Arizona Desert Bighorn Sheep Society, stated that the Sheep Society was in full support of Departments recommendations for the management plan and encouraged the Commission to approve the Department's recommendation for lion as written.

Jim Vaaler, representing himself, addressed the Commission with his opposition to a year long season on male lions.

Nancy Kroening, representing herself, addressed the Commission with her opposition to increasing the mountain lion hunting season.

Lynn Ashby, submitted a letter to the Commission, the letter was added as part of the record.

Stephanie Nichols-Young, Animal Defense League of Arizona, addressed the Commission with concerns about the recommended changes as well as the changes she supported. She also asked the Commission and Department to be careful not to target only certain constituents when sending out alerts for public participation.

Sandy Bahr, Sierra Club-Grand Canyon Chapter, encouraged the Commission and Department to manage for ecologically effective populations in mountain lions and recognize their role in the system. She also commended the Department for gathering more data and DNA analysis.

Commissioner Martin stated for the record that although she intended to support this recommendation, she does not support shortening the closure.

Motion: Husted moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE HUNT GUIDELINES FOR LION FOR FALL 2010 THROUGH SPRING 2012 AS PROPOSED

Vote: Aye – Martin, Woodhouse, Freeman, Husted
Nay – Hernbrode
Passed 4 to 1

Proposed Changes – Small Game

There were no proposed changes for Small Game, Predator and Furbearer, Trapping, and other Birds and Mammals.

Commissioner Woodhouse inquired on the conflict between the late November white-tailed deer hunters and the opening of Mearns' quail season.

Mr. Wakeling stated that the Department had not received any complaints resulting from the start date overlap that currently exists, but if it did become an issue in the future, changes could be made within the guidelines to not offer the white-tail season that overlaps with Mearns' quail.

Chairman Hernbrode asked if they could use the same authority to shorten the quail season by a week. Mr. Wakeling said changes would have to be made in the guidelines to have that flexibility.

Public Comment:

Chuck Christiansen, representing Central Arizona Chapter of Quail Unlimited, stated that their organization was in support of the recommendations for small game as written.

Motion: Husted moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE HUNT GUIDELINES FOR SMALL GAME FOR FALL 2010 THROUGH SPRING 2012 AS PROPOSED

Vote: Unanimous

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3. Request for the Commission to Take a Position on the Proposed S.409 Southeast Arizona Land Exchange and Conservation Act of 2009.

Motion: Husted moved and Freeman seconded THAT THE COMMISSION VOTE TO TABLE THIS AGENDA ITEM.

Vote: Unanimous

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4. Call to the Public

Valerie Morrill, submitted a letter to the Commission, the letter was added as part of the record.

Shirley Dawson, Gila County Board of Supervisors, expressed her support of the proposed S409 Southeast Arizona Land Exchange and Conservation Act of 2009 and its importance to the economic recovery of Arizona.

Nancy Kroening, submitted a letter to the Commission, the letter was added as part of the record.

Stephanie Nichols-Young, Animal Defense League of Arizona, commended the Commission and Department on the webcasting of the Commission meetings and encouraged continuation of this practice. She also thought holding the meetings in Phoenix and having Regional offices online was good for our customers all over the state.

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Meeting recessed for a break at 12:14 p.m.

Meeting reconvened at 12:22 p.m.

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5. Director and Chairman's Report

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

- Attended the Kaibab Mule Deer Workshop at Jacob Lake
- Attended the Resolution Copper meeting in Superior, Arizona
- Attended the Commission Workshop and Hall of Fame Banquet
- Met with members of the Malpai Borderlands Group and USFWS and had a roundtable discussion about the future of Mexican Wolves in Arizona

Deputy Director Bob Broscheid announced the 2009 Heritage Grant Awards as follows:

Environmental Education received seven applications. The amount available is \$ 32,000.00. The following three education programs are awarded 2009 E.E. grants.

1. Arizona Agribusiness & Equine Center, for the project "Chiracauan Leopard Frog Stabilization Project." The award is in the amount of \$10,000.00.
2. Northern Arizona University, for the project "Native American Students Studying Avian Wildlife." The award is in the amount of \$ 9,571.00.
3. Arizona State University, for the project "Cheery, A Frog's Tale." The award is in the amount of \$8,148.00.

Schoolyard Habitat received five applications. The amount available is \$ 37,500.00. The following two schools are awarded 2009 Schoolyard grants.

1. Tucson Unified School District, for the project "Bell Wildlife Habitat Enhancement." The award is in the amount of \$ 10,000.00.
2. Kyrene School District, for the project "Colina Wildlife Discovery Habitat." The award is in the amount of \$ 10,000.00.
3. Flagstaff Unified School District, for the project "Marshall Magnet School Water Conservation Habitat Garden." The award is in the amount of \$ 9,195.00.

Urban received ten applications. The amount available is \$ 112,500.00. The following five agencies are awarded 2009 Urban grants.

1. Northern Arizona University, for the project "Bats and the Wildland Urban Interface, Phase II." The award is in the amount of \$ 44,406.00.
2. USDA Forest Service, for the project "Sabino Canyon Lizard Watching." The award is in the amount of \$ 8,190.00.
3. USDA Forest Service, for the project "Interpretive Signs at Brown Canyon Ranch." The award is in the amount of \$ 5,500.00.
4. University of Arizona, for the project "Land Use and Wildlife at the Urban Fringe: Integrating Ecological Research, Public Perceptions and Conservations Planning." The award is in the amount of \$ 43,375.00.
5. University of Arizona, for the project "Urban Bobcats and Mountain Lions: Public Outreach, Education and Docent Program." The award is in the amount of \$ 11,029.00.

Public Access received two applications. The amount available is \$ 50,000. The following agency is awarded a 2009 Public Access grant.

1. USDA Forest Service, for the project "Galiuro Mountain Range Improved Hunting Access." The award is in the amount of \$ 50,000.00.

IIAPM received eighteen applications. The amount available is \$ 320,000.00. The following five agencies are awarded 2009 IIAPM grants.

1. USDA Forest Service, for the project "Scotia Canyon Bullfrog Eradication." The award is in the amount of \$ 49,774.00.
2. Research Foundation, State University of New York, for the project "Novel Survey Methods to Increase detectability of rare frogs in the field." The award is in the amount of \$ 46,948.00.
3. Northern Arizona University, for the project "Inventory and Development of a long term monitoring program for Arizona Riparian Raptors." The award is in the amount of \$ 63,141.00.

4. University of Arizona, for the project "Impact of introduced Aberts squirrels on endangered Mt. Graham red squirrels: removal experiments as an assessment and management tool." The award is in the amount of \$ 78,857.00.
5. Arizona State University, for the project "Aquatic Environment and the Persistence of the Frog Killing Fungus." The award is in the amount of \$ 81,280.00.

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

- Participated in the Natural Resources track of the 2009 Sustaining Military Readiness Conference
- Met with Dr. Dan Becker and Department staff regarding the background and the overview of the Managers Model and upcoming workshops
- Met with Keith Manning with the Maricopa County Attorney's Office regarding the Gila River Riparian Project
- Participated in the kick off meeting for the Apache Trout with Steve Spangle and Ben Tuggle with the US Fish and Wildlife Service along with retired Director Dale Hall and others
- Attended the Arizona Natural Resources Executive meeting with Corbin Newman Regional Forester, Ben Tuggle Regional Director FWS, Jim Kenna BLM State Director, David McKay with NRCS, and others.
- Attended the State Trust Land Reform meetings
- Traveled to Mexico City with Terry Johnson and Francisco Abarca to discuss the Mexican Wolf reintroduction with SEMARNAT and CONANP
- Attended the Wildlife for Tomorrow Banquet
- Participated in the Forest Service and BLM coordination meetings at Sipe
- Participated in the signing ceremony for the Apache Trout Recovery Plan
- Met with the Vice Mayer of Cave Creek, Ernie Bunch, and discussed his interest in opening the CAP canals to fishing
- Participated in the Wildlife Recreation Branch Chief interviews
- Has had several meetings to discuss bighorn sheep and mountain lion issues
- Participated in a video shoot with Rocky Mountain TV at Robins Butte on opening day of dove season
- Attended the Boarder Governor's Conference in Monterey Mexico
- Had a conference call with Maria Baier, State Land Commissioner, in regards to Game and Fish and the State Land Departments working relationship
- Attended meeting in Las Cruces New Mexico with New Mexico Game and Fish and USFWS and others regarding wolf issues on this side of the border

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6. Commissioner's Reports

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

Commissioner Woodhouse:

- Attended the Resolution Copper meeting in Superior Arizona
- Attended the Commission Workshop and Hall of Fame Banquet

- Met with Chairman Ferguson Yuma County Board of Supervisors regarding the outdoor range and answered potential questions regarding the transfer of that range to Commission ownership.
- Reviewed proposed guideline package with Department personnel
- Attended Yuma Valley Rod and Gun Club meeting

Commissioner Martin:

- Commissioner Martin did not have her calendar at the meeting so will go over her August and September activities at the next Commission meeting

Commissioner Freeman:

- Chaired the HPAC Committee meeting at Sipe
- Attended review of Commission properties and Commission training
- Followed up on many emails from constituents
- Toured Resolution Copper
- Reviewed proposed guideline package with Department personnel
- Met with Stephanie Nichols-Young on the hunt guidelines and other issues
- Met with Gene Elms on a paper reduction project

Commissioner Husted:

- Attended the Resolution Copper meeting in Superior Arizona
- Commission Training
- Responded to many emails
- Dove patrol

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7. Approval of Minutes and Signing of Minutes

No minutes available for approval/signature at this time.

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8. Future Agenda Items and Action Items

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

- Defining Future Mountain Lion research/management needs
- Commission Meeting Process Improvements
- Leftover Tags and Bonus Point Issues
- Update Commission on changes to the Shooting Range Grant Application

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

Vote: Unanimous

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Meeting adjourned at 12:50 p.m.

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Robert D. Hernbrode, Chairman

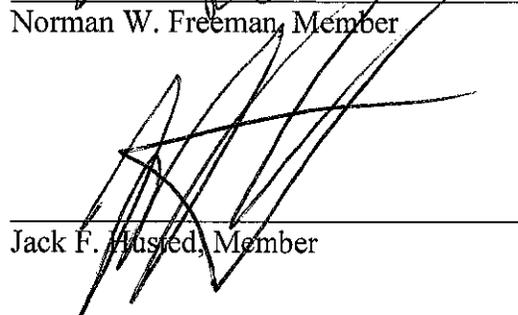


Jennifer L. Martin, Vice Chair

Robert R. Woodhouse, Member

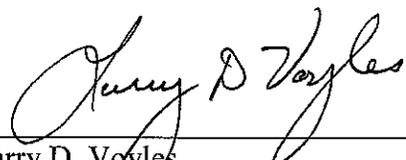


Norman W. Freeman, Member



Jack F. Husted, Member

ATTEST:



Larry D. Voyles
Secretary and Director

**Game and Fish Litigation Report
Presented at the Commission Meeting
September 11, 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 15th.

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

On August 20, 2007, the State also filed a response to plaintiffs' Motion for Temporary Restraining Order.

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

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

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

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

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

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

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

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

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

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

The parties filed supplemental briefs on June 3, 2008, addressing the issue whether the Wilderness Act or the National Wildlife Refuge Improvement Act controls in this case. Oral argument on the cross motions for summary judgment took place on June 12, 2008. The court has taken the motions under advisement.

The court 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) filed an opening brief on February 13, 2009. The defendants and intervenors filed motions for thirty day extensions to file responsive briefs. The court granted the motions and extended the date to file the briefs to April 15, 2009.

The court issued an order on April 27, 2009, granting the plaintiffs an additional 21 days from the date of the order to file a reply brief. The reply is now due on May 18, 2009.

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. At a hearing on March 9, 2009, the Court granted Plaintiff leave to amend his Complaint. Plaintiff filed his Amended Complaint on March 10, 2009, and re-filed the same Amended Complaint on April 6, 2009. On March 27, 2009, the State filed a Conditional Answer to Plaintiff's Amended Complaint concurrently with a Motion to Dismiss Amended Complaint or Alternatively for Change of Venue.

The Court granted the State's Motion for change of venue and ordered Anderson to re-file his complaint in Coconino, Maricopa or Pinal counties. Anderson re-filed his complaint on July 23rd in Pinal County. The State has until August 13th to file an answer.

The State filed its answer to the complaint on August 13, 2009. The State also filed a motion to dismiss that portion of the complaint seeking judicial review of the Commission's decision to seek civil damages for the loss of wildlife. The State filed a motion for extension of time to file the administrative record. The Court granted the State's motion for extension of time and gave the State an additional thirty days to file the administrative record. Anderson conceded the State's motion to dismiss.

(5/11/09) (JFO/SDC)

Lands Update
For the Arizona Game and Fish Commission
August 28, 2009
Phoenix, Arizona

Forest Service Land and Travel Management Planning

Kaibab National Forest

On July 31st, the Southwestern Region of the Forest Service instructed the Kaibab National Forest to further analyze the Tusayan Ranger District travel management decision, following the review of two appeals. The Forest will be further analyzing alternatives and move forward with a new effort (and more public scoping) to implement the Travel Management Rule. The original decision would have allowed for motorized big game retrieval for elk. However, the Forest is being directed to analyze additional alternatives without motorized retrieval.

Tonto National Forest

The Forest has gone through an interdisciplinary team process to review existing and planned roads on the Tonto. Although Department personnel have been able to look at maps and give comment as the proposed action was being developed, we were not involved in the interdisciplinary team process as we had been with the Bureau of Land Management. On August 19th the Forest had a meeting with the Department and key Tonto travel planning personnel, including the Forest Supervisor where their proposed action was shown on maps. The Department provided additional verbal comment. However, when the maps are released to the Department and the public for initial scoping, sometime in September, we will conduct a thorough review of all roads and submit our comments including suggestions for addressing conflicts. The Department agreed to jointly host public meetings for the travel management planning process.

U.S. FOREST SERVICE

Four Forests Initiative

The US Forest Service (USFS) Southwest Regional Office continues to work on an accelerated, landscape-scale forest restoration project on four forests (Coconino, Kaibab, Apache-Sitgreaves, and Tonto), aka the Four Forests Restoration Initiative. The Four Forests Initiative calls for mechanical tree thinning and fire to restore fire-adapted ecosystems and reduce fire risk in Arizona forests. The effort seeks private sector involvement to offset costs of restoration, accelerate treatments, and bring economic development to rural communities in northern Arizona. Eventually 2.4 million acres will be considered for treatment over 20 years. The collaborative steering group met with USFS on August 10-11 and made significant progress in moving the initiative forward. A third-party neutral facilitator has been hired to help the group develop a formal decision-making process and solve differences among stakeholders. Group members are actively working on elements of the initiative, including how to do NEPA on a landscape scale, how to form a fair and balanced collaborative process, and how to contract industry to do the work. A preliminary analysis area for the first project has been identified on

approximately 800,000 acres of the Peaks/Mormon Lake Districts of the Coconino NF and Williams Ranger District on the Kaibab NF. The next meeting is scheduled for September 16.

Apache-Sitgreaves National Forest

Department personnel conducted fish population surveys on the East Fork of Black River in mid-July. Permanent stations were electrofished with depletion passes, repeating surveys that were conducted in 1988, 1996 and spring 2009. The surveys showed that stocked Apache trout in lower East Fork did not move significantly or persist in the stream. Non-native crayfish were abundant, but no quantitative data was collected in any of the surveys from 1988 to present to show a trend in crayfish numbers.

Department personnel conducted Little Colorado spinedace surveys in West Chevelon Creek on August 4. Spinedace were reintroduced to West Chevelon in July 2007 as a conservation project to increase the range of this threatened species. These surveys documented good numbers of spinedace in the area they were initially released, with recruitment occurring in 2008 and 2009. Some dispersal downstream of the release site has occurred, but it was not significant.

Department personnel released 32 dusky grouse into Game Management Units 4A and 5A during the period of July 29 through August 7. Twenty-two of the birds came from the La Sal Mountains in Utah, with the remaining ten birds coming from the North Kaibab.

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

Coconino National Forest

The Forest invited the Department into the field to evaluate the Walker Basin and Buckhorn Allotment Management Plans. These two allotments encompass significant winter range and riparian habitats on the north rim of West Clear Creek. The Department was encouraged by Mogollon and Red Rock Districts' efforts to design rigorous monitoring and adaptive management strategies to address range conditions that have been in decline for the last several decades. Erosion, low species diversity, and declining native vegetative cover will all be addressed through the Forest's adaptive management strategy in an effort to reverse those trends. The Department is encouraged by the Forest's efforts and the positive interagency relationship building on the ground.

The Department attended a public meeting associated with the Grapevine Interconnection Project. This transmission line would join the proposed Grapevine Wind Park to existing power lines along Forest Highway 3 (Lake Mary Road). Grapevine Wind Park is located on the Flying M ranch southeast of Flagstaff. Due to a federal nexus, Western Area Power has taken the lead for National Environmental Policy Act (NEPA) compliance. The Environmental Impact Statement (EIS) will analyze the effects of the Wind Park, the new interconnection power line, and minor road improvements for site access. The Department has been working with Foresight Wind Energy (the Wind Park developer) in the past with respect to the potential impacts to

wildlife. The Department will continue to work with project personnel and direct the new lead (Western Area Power) to the Department's wind guidelines.

Coronado National Forest

The Department continues to work with the Nogales Ranger District and the Coronado Supervisor's office on the Peña Blanca Lake dredging project. The sediment removal has been completed and the project is starting to wrap up. The fish structure work has been completed and plans are currently shifting to construction of the new boat ramp, parking facilities and site cleanup. Summer rains have begun to re-fill the lake but so far progress has been slow due to poor rainfall.

The Department continues to work with the Safford Ranger District and the Coronado Supervisor's office on the Gila Trout Project in the Pinaleño Mountains. The Environmental Assessment (EA) is expected to come out soon. The stocking of Frye Creek is planned for this fall and renovations of Ash and Marijilda drainages are planned for subsequent years. The Department surveyed Marijilda Creek below Crazy Horse Creek confluence, no trout were detected.

The Biological Opinion for establishment of Topminnow into Sabino Canyon has been received by the Department. The Department plans to stock topminnow into Sabino in the Fall.

The Department is currently working with the Forest to translocate Desert and Sonora suckers from the Gila River to the South Fork of Cave Creek. The translocation is planned for the Fall of this year.

Kaibab National Forest

Vane Minerals (uranium mining) has proposed to drill 24 exploratory holes on the Tusayan District. The Department attended a public meeting on August 11. This project was originally proposed as a Categorical Exclusion but was challenged by environmental groups, therefore, it is being re-scoped as an EIS. In order for existing claims to be drilled, the area must have proof of valid existing rights based on a series of mineral examinations. The "proof of existing rights" process comes from the recent segregation of lands associated with Secretary Salazar's decision to temporarily withdraw lands in the Grand Canyon area to determine if a more permanent (20 year) decision is warranted. During this 2 year withdrawal, a study will be conducted (and subsequent EIS) by the NPS, FS, and BLM to assess the effects of uranium mining in the Grand Canyon area.

The Department is preparing for mule deer habitat treatments on the westside of the North Kaibab. This fall using a rangeland drill, we will seed up to 250 acres that were burned in the past and/or are in need of the establishment of winter browse species. In addition to the rangeland drilling, 200 acres of pinyon and juniper (PJ) will be treated using a combination of treatments. First, prior to grinding the trees with a mechanical grinder, small areas in the PJ will be seeded with native grasses and shrubs using the Department and the FS's recently purchased Plotmaster© implement (pulled behind an ATV). This two-phased approach is designed to increase understory, which increases watershed protection, and release existing browse species through grinding of dominant pinyon and juniper. This will be the third season of treatments on

the Westside and recent monitoring done by NAU suggests that shrubs are beginning to germinate on research plots.

The Department is currently reviewing the Corva and Double A Allotment Management Plan on the Williams District. This area has summer and winter habitat for elk, deer, and pronghorn. The EA proposes to maintain current grazing levels with the addition of up to 30 miles of pipeline with drinkers available to wildlife. The EA currently states that in order to move cattle from pasture to pasture, the water would be turned off and then back on if utilization has not been met. The Department plans to address this issue in our comments especially since the permittee has a history of applying for and receiving HPC funding. This allotment is part of a 1984 Double A Wild Burro Territory decision to manage a herd of burros at 22 individuals. Currently, there are an estimated 70 - 150 wild burros, although the BLM and FS are proposing to reduce burro numbers to the planned management level this fall. In addition to pipeline, the Forest is proposing 6 new waterlot fences and the Department is working with the Forest on how those fences can be permeable to wildlife and meet livestock operation needs.

Tonto National Forest

The Department will be meeting with the Forest on September 28th to visit the sites of the Jim and Bull uranium claims that are being explored. The Department's initial comments on exploration of these claims did not support the action or possible development of the claims. The subject area is within Parker Creek watershed which provides important habitat to a variety of wildlife species as well as providing significant recreational opportunities. The project area is contained within the larger Salt River watershed which includes a system of streams and lakes representing a main water supply for many residents of central Arizona. The Department's concerns focus on impacts to fish, wildlife, water, and recreational resources due to the nature and ultimate consequences of the project (the development of a mine site and extraction activities).

BUREAU OF LAND MANAGEMENT (BLM)

Wild Horse and Burro Program

The BLM is planning to remove a total of 300 burros from Herd Management Areas (HMAs) in 2010. They have plans to remove burros from the Black Mountains, Cibola-Trigo, and Lake Pleasant HMAs, but the BLM State Office has indicated that they will work with the Department to remove burros from priority areas where they are causing the most damage to wildlife resources. The Department's priority areas for burro removal are bighorn habitat in the southern portions of the Black Mountains in Region III, the Big Sandy HMA and Alamo HMA in Region IV, and Lake Pleasant HMA in Region VI. Due to lack of funding to the Wild Horse and Burro Program, burro populations are currently over Appropriate Management Levels (AML) in most HMAs. In several areas the population is estimated to be near or above 200% of the AML. During the BLM planning process, request for burro removals come from the Field Offices then are sent through the State Office to the BLM Washington Office for approval. The Department is working at multiple levels to increase the number of burros removed in the state. The BLM is planning on conducting surveys in the Black Mountains, Cerbat Mountains, and Cibola Trigo in

the spring of 2010. The Department is working with the BLM to standardize survey techniques and compile a database of all surveys and incidental sightings of burro populations.

The Wild Horse and Burro Program is expected to receive a significant increase in funding for fiscal year 2010. The national budget may increase by 20-25 million dollars – a 50-60% increase. This funding should free up much-needed funds for surveys and removals. The BLM Arizona Wild Horse and Burro Program is also putting together a proposal to use contraceptives on burros to prevent populations from exploding during years when they can't do removals. They expect to be implementing this in 2010 or 2011. The type of contraceptive they plan to use is supposed to be effective for two years. This type of contraceptive can't be administered by aerial darting. The animals have to be captured, restrained, and given an injection by hand. For this reason the contraceptive will probably be administered while they are carrying out removals.

Additional Burro Updates and Concerns:

- When burro numbers exceed AML they often cause significant damage to riparian, desert wash, and upland habitats. Excess animals that occupy lands within and outside of HMA boundaries can cause damage and degradation to wildlife habitats occupied by numerous species such as bighorn sheep and the federally-endangered southwest willow flycatcher.
- The proposed burro legislation (H.R. 1018) that has passed the House and is now in the Senate would greatly hamstring BLM's ability to manage wild horses and burros, by:
 - Requiring the BLM to exhaust all practicable options before capturing and removing wild horses and burros.
 - Requiring the Secretaries of the Interior and Agriculture to ensure that the acreage available for wild horses and burros is at least equal to the acreage where they were found in 1971 when the Act was passed – which would expand the range of wild horses and burros by approximately 19 million acres.
 - Requiring the establishment of sanctuaries or exclusive use areas for wild horses and burros.
 - Limiting the amount of time the BLM could hold wild horses and burros in captivity to six months.
 - Revoking a provision that allows the BLM to destroy old, sick and lame animals; and excess horses and burros for which an adoption demand does not exist.
 - Lifting a restriction on the authority of the BLM to relocate wild horses and burros to public lands where they did not exist at the passage of the Act.
- A companion bill to H.R. 1018, S. 1579, was introduced in the senate. It is identical to H.R. 1018.
- Currently, Senator Feinstein and Senator Landrieu are working on separate Senate bills relating to wild horse and burro management.

Hassayampa Field Office

The Bureau of Land Management is in the process of working with stakeholders and agencies in an effort to develop a functional, feasible recreation plan for the Table Mesa Road area. In

effect, this plan is the next step following the recently developed Resource Management Plan (RMP). The Hassayampa Field Office has been collecting public comments and mapping concepts since last November; incorporating alternatives for a draft Recreation Plan. The Draft Plan was presented to the public on June 30th. The draft map for the planning area is posted on the BLM website. Due to the interpretation of a BLM Instructional Memorandum on authorizing shooting ranges, the locations of popular existing target shooting sites will not be shown on the map. In the draft plan 61% of the planning area will be open for recreational target shooting and 39% will be closed to target shooting. The entire area will be open to hunting. The text of the draft plan/EA will be available soon. The proposed plan/Final EA will be out for review sometime in September 2009.

The Department worked with the Field Office on Travel Management Plan route evaluations for the Harcuvar/North Aguila area. Route evaluations for this area were completed in June 2009 and a preferred alternative is currently being developed.

Lower Sonoran Field Office

The Department began working with the Field Office on Travel Management Plan route evaluations for the Gila Bend Mountains area on July 20th. In August, route evaluations were completed for the Lower Sonoran Field Office, and a preferred alternative is being developed.

Department Personnel recently sat down with the Bureau of Land Management Lower Sonoran Field Office to review roads in the Buckeye Hills. The Department has been very pleased with the high level of cooperation and access to the process that has been provided to the Department in this process.

Havasu Field Office

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. Department personnel will participate in Travel Management Plan route evaluations for the Unit 16A and B areas in September 2009.

Kingman Field Office

On July 13th and 14th, Department personnel participated in the continuation and wrap-up of Route Evaluation for the Kingman Field Office's Hualapai Mountain Unit. August 10-14th Route Evaluation took place for the Kingman Field Office's Black Mountain Unit.

Phoenix District Office

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.

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. Department personnel will participate in Travel Management Plan route evaluations for the Cibola-Ehrenberg areas in September 2009.

The Department is coordinating with the Yuma Field Office BLM and the Imperial National Wildlife Refuge on the early development of the Trigo-Mountains-Imperial National Wildlife Refuge Cooperative Wilderness Management Plan.

Tucson Field Office (TFO)

TFO is in the final review stage for the Middle Gila Transportation Management Plan which is due out this Fall.

The Department is currently assessing recreation access needs in the area northwest of the Galiuro Mountains. BLM has completed an inventory of existing routes here. Arizona State Land Department has provided the Department permission to conduct the inventory using BLM resources. The Department will continue to coordinate closely with the Field Office in the development of subsequent implementation-level plans, including Travel Management Plans and associated route designations.

Safford Field Office

Nonnative fishes have been detected in Bonita Creek above the fish barrier. The Department is now evaluating potential management strategies for the native fish population.

The Department has been actively participating in a route evaluation process in the Safford Field Office for the San Simon travel management area toward the end of completing a designated route system for the area. These route evaluations have now been completed and the analysis will aid in completing a Travel Management Plan for the area.

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 Department is coordinating with TFO on the final draft of the Resource Management Plan which is due out to the public for comment this fall. The Plan is currently under BLM State Office and Washington Office administrative review.

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. One law suit against both BLM and FWS alleges that the Resource Management Plans fail to protect California condors in the Grand Canyon from lead ammunition. Over the last months,

the Department has been active in assisting the AG's office in developing the Department's response and involvement in these lawsuits.

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.

Horseshoe Ranch

Department personnel recently met with the BLM to discuss changes in opportunities for acquisition of the Horseshoe Ranch, on the Bloody Basin Road in Unit 21, within the Agua Fria National Monument. The new Obama administration will make available more Land And Water Conservation funds from federal off-shore oil leases for acquisition of valuable habitat and lands. The Bureau of Land Management is going to apply for funds adequate to acquire the Horseshoe Ranch. The Department will also contribute funds for the acquisition. If there are excess funds, the agencies will use these to acquire other private inholdings along the Agua Fria River.

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 participating to proactively develop comments throughout the planning process.

Las Cienegas National Conservation Area (LCNCA)

The Department and BLM removed crayfish and bullfrogs from Northwest Reservoir adjacent to Las Cienegas National Conservation Area. Further surveys will be necessary to confirm eradication of the exotic species before Chiricahua leopard frogs and native fish can be translocated to the site.

In October 2008, the Department reestablished the black-tailed prairie dog population on State Trust Lands within the LCNCA. On June 19, 2009, BLM obtained their State Director's signature to finalize the Environmental Assessment and the Finding of No Significant Impact on the Department's proposal to reestablish black-tailed prairie dogs on BLM lands in southern Arizona. This decision commits the BLM to providing up to 1000 acres of reintroduction habitat for black-tailed prairie dogs on the LCNCA. The Department continues to move forward with reestablishment of a second area within the LCNCA. This second area, 3.5 miles north of the 1st reestablishment area, is in the process of being prepared for a release on September 21, 2009.

U.S. FISH AND WILDLIFE SERVICE

Kofa National Wildlife Refuge (Kofa NWR)

Efforts to capture and collar additional lions on the Kofa NWR have resulted in the capture and collaring of one adult male lion. U.S. Fish and Wildlife Service (Service) monitoring of

waterhole cameras have shown evidence of up to 5 lions still routinely using the Kofa Mountains Complex. The Commission and Department's self-imposed moratorium on lethally removing offending lions captured and collared on the Kofa NWR expired on July 31, 2009. On August 4, 2009 the Service completed a draft environmental assessment, with a 60-day comment period, for limiting mountain lion predation on desert bighorn sheep on the Kofa NWR. The total number of collared sheep is approximately 30. Efforts continue on a study to document and monitor body condition of bighorn sheep on the Kofa NWR. The annual bighorn sheep survey on the Kofa NWR was completed in October 2008 and the resulting population estimate was 436. This estimate is similar to the previous two years. The next survey is scheduled for October 2009. In May, the Department began monitoring areas outside of the Kofa NWR for signs of lions and collecting data from trail cameras; in August we completed this work and documented lion activity east of the Kofa NWR. Department and Kofa NWR personnel also provided supplemental water to 2 water catchments on the Kofa NWR. Additional information on the management of bighorn sheep, lions, and water on the Kofa NWR can be found on the Department's web site.

San Bernardino National Wildlife Refuge (SBNW)

USFWS translocated approximately 3000 Yaqui topminnow from SBNWR to private land upstream of the Leslie Canyon Wildlife Refuge in Leslie Canyon. The Department plans on assisting USFWS in also translocating Yaqui chub to these sites in the Fall.

DEPARTMENT OF DEFENSE

Barry M. Goldwater Range (BMGR)

The Department provided comment on the BMGR Draft Environmental Impact Statement (DEIS) for proposed BMGR East Range Enhancements. The DEIS described and analyzed alternatives for 10 proposed enhancements aimed to meet the general training and support needs for the BMGR. The Department expressed concerns and provided alternative recommendations for those proposed enhancements that would negatively impact the Sonoran pronghorn and other wildlife and habitats on BMGR.

GENERAL UPDATES

Arizona Department of Transportation (ADOT)

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

The Department continues to provide frequent guidance for the location of project right-of-way fencing. This week, the Department will review preliminary construction design of tortoise pathways through rip-rap associated with project drainage structures. The project team has determined to postpone identifying locations for the "jump-outs" that will allow bighorn sheep to escape from the right-of-way. FNF construction has indicated it is not currently ready to begin construction of these structures at this time.

I-40 – Bellemont to Winona

The Department has submitted comments for the first round of scoping for improvement to Interstate 40 from Bellemont (west of Flagstaff) to Winona exits (east of Flagstaff). The Department, ADOT, and Federal Highways have been working collectively on wildlife corridor issues early on in the process. To date, the Department has collared 50 elk with the goal of 20 more individuals. In addition, as part of the Coconino County Wildlife Linkage Project, we have initiated a corridor analysis for a larger suite of species that exist within the corridor. In this case, the species are wide ranging species such as black bear, elk, mule deer, mountain lion, pronghorn, javelina, and porcupine. This analysis focuses on selecting contiguous blocks of habitat (in this case the forested lands both north and south of the freeway) and then modeling a “least cost corridor” for all 7 species. Together, the corridor modeling and validation and from the collared elk locations should provide data to help design existing and future wildlife crossing locations. In addition to the improvements along the freeway corridor, the Department is concerned about the adjacent railroad, and how future railway expansion may influence wildlife connectivity.

Buckeye Hills

Department personnel continue to coordinate with the Bureau of Land Management and Maricopa County Parks about a joint land management venture in the Buckeye Hills west of SR 85. The most recent meeting was on August 20, 2009. Currently, the new management area will be called the *Buckeye Hills Recreation and Resource Area*. Lands currently owned and/or managed by all three agencies in the area will be included in this management area. The three lands will somehow be cooperatively managed together. Access will be limited to one or two access points. One main entrance will be off of SR85 near the entrance to Robbins Butte Wildlife Area. At that point visitors can choose to camp or shoot on the County’s property (currently the Buckeye Hills Recreation Area), or visit the Robbins Butte or Powers Butte Wildlife Areas, or access the BLM lands in the core of the area. Documentation framework being constructed will include an umbrella MOU; a Cooperative Management Agreement, and a Cooperative Management Plan. Although recreation and educational activities will be encouraged including OHV usage, these will be maintained at a level that does not damage natural or cultural resources. Current activities such as grazing will continue. We anticipate that this cooperation will provide many more wildlife-related recreational opportunities on or adjacent to the Department’s Robbins Butte, Powers Butte, or Arlington Wildlife Areas.

City of Flagstaff/Coconino County

The Flagstaff Regional Planning process continues for the City and the County. Both jurisdictions are involved in a revision of the Flagstaff Regional Plan and have initiated Focus Group meetings to address land use, circulation, open space, and the environment, among others. The Department recently provided City/County staff with a map, description, and spatial data on wildlife corridors in the Flagstaff Region. The City of Flagstaff is looking to incorporate this data into their Regional Plan Update but also into their Zoning Code rewrite. The Department will continue working to integrate wildlife goals and policies throughout the City’s planning process.

Great Western/Glassford Hill Extension Design Concept Report (DCR)

The Department continues to coordinate on the Great Western/Glassford Hill Roadway Development Project Team. AECOM will soon move forward with 5% design planning.

Providing weather cooperates, the Department will initiate the pronghorn collaring effort for this area during the last week of September or first week of October.

Maricopa County Ordinances P-28 and P-27

The Department provided the Maricopa County Air Quality Department suggested revisions of Ordinance P-28 in an effort to find creative solutions that would allow for reasonable vehicular access while providing affective measures to reduce PM₁₀ emissions caused by off-highway vehicles. The Agencies met on August 20, 2009 to discuss the proposed revisions and how they could be utilized to reach each agency goals. As a result of the meeting Maricopa County will reevaluate the suggested revisions and provide the Department with feedback. The group will meet again in mid September.

The Department is continuing to monitor actives related to dust ordinances in Pinal County as well.

Maricopa County will continue to have influence on the Agriculture industry despite the passage of Senate Bill 1225 which modifies a standing committee formally comprised of members from crop related industry which will now add representation from the dairy, feedlots, poultry, and swine industries. Although the bill removed the sovereignty that the County had over these added industries any new Best Management Practices will have to be as stringent as the Counties regulations due to the EPA State Implementation Plan which prohibits “back sliding” (regulatory reductions).

Maricopa County – Solar Projects

Mesquite Solar Project

The Department attended a Siting Committee public meeting for the Mesquite Solar Project on land purchased by Sempra for their existing gas turbine power plant in Maricopa County. The Department will continue to work with Maricopa County Planning and Development on this project.

Sonoran Solar Project

Project planning with Sonoran Solar LLC (Nextera) continues to move forward and Department personnel attended a Siting Committee public meeting. The BLM has initiated NEPA with a notice of intent to prepare an Environmental Impact Statement (EIS). BLM has also invited the Department to participate as a Cooperating Agency. Sonoran Solar LLC continues to request input from the Department for project mitigation relating to wildlife impacts and habitat loss. The Department has discussed concerns with project siting on undisturbed public lands, within a wildlife linkage identified by stakeholders participating in the Maricopa County Linkages Workshop held nearly 2 years ago. The Department recently met with Sonoran Solar LLC in June to discuss preliminary Department recommendations for mitigation. At this time we recommend the following: develop a wildlife water to replace a stock tank within the project footprint that wildlife use as a water source; fund research to evaluate the effects of solar energy development on wildlife movement within the Buckeye Hills East-North Maricopa Mountains linkage, as well as potential impacts on the wildlife community within and around the proposed

solar development; and compensation for habitat loss for the portion of the project footprint that impacts an important wildlife linkage commensurate with Department policy.

Northern Arizona Shooting Range (NASR)

The Forest has finalized and sent the Agreement To Initiate to the Albuquerque Regional Office for review and approval and provided a copy to the Department. The Department contacted Forest-permitted and Department-contracted Archeological consultants (Logan Simpson Design Inc. and EcoPlan Assoc.) to request archeological proposals and estimated timeframes for completion of cultural resources surveys at the Cochrane Hill and Winona/Telegraph Range alternative sites. A public records request submitted by Scott Rhodes representing Jennings, Strouss & Salmon Law Firm is being processed for documents, correspondence, emails, reports, drafts of reports regarding the proposed Willard Springs Land Exchange. Department personnel, the Chairman and two former commissioners conducted a site visit of the deeded 160-acre Foster Ranch property and determined it meets current Commission objectives for the NASR project.

Peralta Shooting Range Site:

Department personnel evaluated Bureau of Land Management lands east of the metropolitan area and west of Superior for shooting range potential. This was precipitated as a result of apparent unfeasibility of the Whitlow Dam spillway site as a potential shooting range. Parcels being evaluated are on the BLM's list of parcels for disposal. The best potential site is a 320 acre parcel just off of the Peralta Canyon Road surrounded by state trust lands. This parcel has a low mountain to the north and a low mountain to the south, with a generally level area in between. This site has great access for east valley residents. However, eventually the surrounding state trust land may be developed.

Pinaelno Ecosystem Restoration Project

The Department is participating on the interdisciplinary team for this project. The Forest has distributed to the public the Draft Environmental Impact Statement (DEIS) for the Pinaleno Ecosystem Restoration Project. The DEIS discloses the results of an impacts analysis of a proposal by the Forest to thin dense tree stands, remove standing dead trees, down woody debris, and use prescribed fire to further restore the Pinaleno Mountains forest ecosystem. It also discloses the impacts of removing woody biomass from treated areas. The project is anticipated to be implemented over the next 10 years. The affected area includes 5,754 acres on the Pinaleno Mountains near Safford, on the Safford Ranger District. The Forest worked closely with the Department to develop this proposal that will address both forest health and sensitive wildlife needs. A major objective of the project is to protect and enhance the habitat of the Mount Graham red squirrel. The 45-day public comment period closed on August 4, 2009.

Rosemont Mine

The Department submitted a comment letter on a draft Alternative Elements Table for alternatives to be established for the Draft Environmental Impact Statement. The Department continues to participate in monthly meetings with the cooperating agencies. The Forest has presented several draft alternatives to the cooperators. The Department is currently reviewing these alternatives.

The Department met with the Forest, U.S. Fish and Wildlife Service, Bureau of Land Management, and representatives from Rosemont Copper to discuss potential conservation measures for sensitive and federally listed species occurring within or adjacent to the Rosemont Mine Site. The Department will attend site visits to potential habitat for Chiricahua leopard frogs, Rosemont talus snail, and lesser long nosed bats. The Rosemont talus snail is not a listed species, but is known only from a location immediately within or adjacent to the site. The Department is working with the U.S. Fish and Wildlife Service to determine the extent of the range of this species whose habitat could be severely impacted by the mine.

Sonoita Creek Ranch

In August the Department met with the landowners to discuss acquisition of the property. The landowners agreed to move forward with an appraisal of the property and a potential phased acquisition. The Department is making arrangements for the appraisal.

Background: In September 2008, the Department submitted a proposal to the U.S. Fish and Wildlife Service's Cooperative Endangered Species Conservation Fund for \$1 million to help purchase the Sonoita Creek Ranch through the Recovery Land Acquisition Grants Program. The land acquisition will protect habitat of the Gila topminnow and other federally listed species. In April, the USFWS notified the Department that we were awarded partial funding for this proposal (\$307,000). In June, the Department was notified that USFWS has released other monies and is now able to fund the entire \$1 million grant proposal. We must identify matching funds and make agreements with the seller to accomplish the grant award. Arizona State Parks has notified us that they will not be able to contribute matching funds this year. The Department is working with other partners to find matching funds for the acquisition.

Western Aspen Alliance Workshop

The Department attended a two-day Aspen Workshop put on by the Western Aspen Alliance in coordination with the USFS Forest Health Protection Office. The Western Aspen alliance is a joint venture between Utah State University's College of Natural Resources and USFS, whose purpose is to facilitate and coordinate research issues related to aspen communities of the west. Aspen in northern Arizona continue to decline due to a variety of threats such as drought, pathogens, climate change, ungulate browsing, etc. Discussions from the two day meeting were focused on protecting existing stands of aspen via fencing, jackstrawing, large scale restoration treatments that include fire and a variety of other treatments. The USFS and the Department are currently discussing ways to work cooperatively on aspen decline issues, including using landscape-scale approaches to aspen restoration and elk population management.

State Trust Lands

Superstition Vistas: This planning process for 175,000 acres of state trust land in the east valley has been resurrected. Public meetings are scheduled for September 1 and 2. Four possible scenarios will be presented and public input and comment will be solicited. Department personnel will be attending.

Wildlife Linkages/Corridors

On July 6th, Department personnel capitalized on previous discussions regarding a coordinated approach to Natural Resources Planning within Yavapai County and Central Yavapai

Metropolitan Planning Organization's (CYMPO) area of responsibility. Building on earlier efforts, Department personnel provided a presentation on the Wildlife Corridor Stakeholder process at the Coordinated Transportation – Land Use Meeting (CT-LU) attended by the CYMPO administrator, Prescott ADOT, and Yavapai County Staff. It was favorably received, with support from the group to carry the effort forward for the county in a presentation at the September 3rd meeting of CYMPO's Multi-modal Technical Advisory Committee. It is anticipated that with CYMPO's official support for this effort, important habitat components and wildlife corridors identified in the process will be incorporated into the "*soon to be renewed*" General Plans of Chino Valley, Town of Prescott Valley, City of Prescott, Yavapai County, and Prescott National Forest - creating a contiguous, viable conservation reserve network within the region.

Wind Energy

Department and BLM personnel met with Iberdrola Renewables at the Dry Lake Wind Plant northwest of the Town of Taylor to discuss the proposed Dry Lake Phase I post construction wildlife fatality monitoring plan. Phase I turbine construction at the Dry Lake Plant was recently completed, with thirty 2.1 megawatt turbines having been erected. The Department also received an update on the planned construction of Dry Lake Phase II, which is expected to occur in 2010 and consist of an additional thirty 2.0 megawatt turbines. In addition to concerns over potential bird and bat fatalities, the Department expressed concern over the potential impact to pronghorn antelope.

Yavapai County HCP

Department personnel met with one of Yavapai County's Supervisors to discuss Yavapai County's willingness to participate in developing a Habitat Conservation Plan (HCP) for Yavapai County. Hopefully, as Chino Valley moves forward in the HCP planning process in 2010, and as the CYMPO Municipalities cooperate in the upcoming Wildlife Corridor Stakeholder Process for Yavapai County, opportunities will present themselves to engage Yavapai County in developing a county-wide HCP.