

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, December 4, 2009
Saturday, December 5, 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 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 #1 dated November 13, 2009. The Commission went directly into Executive Session.

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1. Executive Session

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

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

Vote: Unanimous

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The Public Meeting reconvened at 8:54 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.

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

- The legislative session is ongoing; Arizona is still in a severe economic situation
- The Special Session concluded November 23; the plan is to reduce the fiscal year deficit by about \$500,000 million
- There is a \$1.5 billion deficit for FY 2010
- One solution discussed was to bring agencies back to 2003 budget funding levels

Congressional Legislation

- Several bills moved through the Senate Natural Resources Subcommittee yesterday, including the National Fish Habitat Action Plan and Junior Duck Stamp bill.

Mr. Guiles recommended that the Commission select their Legislative Representatives for the next legislative session, which begins on January 11, 2010.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO APPOINT ROBERT WOODHOUSE AND JENNIFER MARTIN AS THE NEXT TWO LEGISLATIVE REPRESENTATIVES.

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

Commissioner Woodhouse explained that the normal rotation has been for a Commissioner to be a Legislative Representative twice and that Commissioner Martin has done that twice already.

Motion: Husted moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPOINT ROBERT WOODHOUSE AND NORMAN FREEMAN AS THE NEXT TWO LEGISLATIVE REPRESENTATIVES.

Vote: Unanimous

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4. E-Commerce Update

Presenter: Harry Seck, Program Manager

The Commission was provided with an update on the status of the Department's E-Commerce activities, which included information for online watercraft registration renewals, license sales and big game applications as follows:

- Online watercraft registration renewals: Went live in September and is doing very well
- Online license sales: The Department received a test copy on November 24, 2009 and is working out some issues. The plan is to have the final customary acceptance on December 21-23 and to go live on January 4, 2010
- Online application process: Once the online license sales are up and running, work will begin on the online application process.

Commissioner Freeman asked if the Commissioners could be part of the testing. Mr. Seck replied yes, and stated that he plans to have random testing done by Department staff as well.

Chairman Hernbrode asked about a set date for the online application process so he can have an answer for constituents and the public.

Mr. Seck stated that they have no set date yet.

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5. A Presentation Describing the Bonus Point Round of the Draw and the Possible Results Given Left-over Permits.

Presenter: Harry Seck, Program Manager.

Mr. Seck provided an overview of the draw process that included the following information:

Each time an application is processed through the random number generator program, one random number is generated for the application plus an additional random number for each of the group bonus points for that application.

Group bonus points are calculated by adding the genus bonus points and hunter education bonus point for each applicant on an application and dividing that total by the number of applicants. If the result has decimal digits greater than ".49", it is rounded up to the next whole number; otherwise it is rounded down. The one random number generated for the application is then added to the total.

When an application is read and the hunt choices are checked for available permits, there must be enough permits available in a hunt choice for all applicants on the application; if not, the application is considered unsuccessful.

The Big Game Drawing procedure, including the 20% bonus point phase, will be processed as follows:

First Pass (20% Bonus Point)

1. Each application is assigned the lowest random number from those generated for it.

2. The application file is then sorted by group bonus points in descending sequence within genus and then by random number within the bonus point groupings.
3. As each application is read, the first and then second hunt choices are checked to see if there are any permits available as part of the 20% bonus point allotment. If there are enough permits available for each applicant on the application without exceeding the 20% allotment, the permits are issued to that application. If not, the next application is read and the first and second hunt choices are checked until the entire application file is read.

Any unissued permits from the "bonus point phase" will be returned to the available permits for each hunt. The Drawing will then continue as usual.

Second Pass (1st and 2nd Hunt Choices)

4. For all applications which were unsuccessful in the bonus point phase, new random numbers are generated for each application, with the lowest random number being assigned to the application.
5. The application file is then sorted in random number sequence (with no regard to bonus points) within genus.
6. The first application (with the lowest random number) is read, checking the first and then the second hunt choices for available permits. If there are enough permits available for either of the choices, for each applicant on the application, without exceeding the non-resident cap when applicable, the permits are issued. The next application in random number sequence is then checked for available permits until the entire file is read.

Third Pass (3rd, 4th and 5th Hunt Choices)

7. For all applications which were unsuccessful with their first and second choices, new random numbers are generated for each application with the lowest random number being assigned to the application.
8. The application file is again sorted into random number sequence within genus.
9. Each application is then read checking the third, then the fourth and then the fifth hunt choices for available permits for all applicants on each application (without exceeding the non-resident cap). When permits are available for one of the three choices, they are issued to the application.
10. After the entire file is read, applicants are awarded an additional bonus point for each genus for which they were unsuccessful. The bonus points for each successful applicant are then zeroed out for the genus for which they were issued a permit.

Commissioner Freeman asked about flagging people who weren't successful in their 1st choice, but were successful in their 2nd choice, even when there are still tags left over in their 1st choice hunt.

Mr. Seck stated that the Department is looking into several possible solutions for that issue.

Commissioner Freeman suggested that the Commission have a discussion on this and the whole bonus point issue, including whether the bonus points still serve their purpose today as they did for both parties involved when they were first instituted, and how have the trends have changed over the past twenty years for our constituents.

Commissioner Husted suggested that the Commission doesn't have enough information today, but requested that the Department bring this back again in the near future as an agenda item.

Commissioner Freeman restated that there are two issues here: 1) The draw process itself and what it does and the left over tag issue, and 2) Bonus Points and how they are done (species, total, etc) and there is a need to look at this from a marketing and customer service standpoint.

Commissioner Husted added that there is a hardware and social issue, and asked how this will affect the hunters; whether it's fair and/or equitable.

Chairman Hernbrode said the Department needs to look at the draw and bonus point system both short term and long term, and to develop a policy to deal with the 2nd Choice issue. Anyone who doesn't get their 1st choice but gets their 2nd choice and then finds out later there were left over permits for their 1st choice shouldn't have to come to the Commission to deal with the issue.

Mr. Seck stated that draw is in rule so the rule will have to be changed.

Chairman Hernbrode asked why it can't be in policy, so that when this occurs that the Department will respond A, B, or C.

Commissioner Freeman asked if a list of people in that category could be generated and brought to the Commission for action to get us through to the next draw.

Harry Seck stated that he will find out and get back to the Commission.

Chairman Hernbrode said two things came from this discussion: 1) This needs to be fixed by the time of the next draw, and 2) this will be a workshop discussion item.

Director Voyles requested that the Chairman or Commission appoint two members of the Commission to work with a team from the Department to lay out the alternatives for resolving this. Commissioner Freeman and Commissioner Woodhouse were chosen. Emails and written comments will go to Harry Seck and a copy to Director Voyles.

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6. Information, Education and Watchable Wildlife Activities Briefing.

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

The Commission was provided with an Information, Education and Watchable Wildlife Programs Update prior to this meeting (also available to the public), which presented new

information as well as progress on related activities. The update covered activities and events that occurred since the October 2009 Commission meeting and was provided in fulfillment of the Department's commitment to brief the Commission on a regular basis.

Using a PowerPoint presentation, Mr. Gray highlighted the following items from this reporting period:

- The open house at Adobe on November 21 and 22, 2009 went very well. The event was well attended and overall everything was a huge success. Sixty wildlife viewing guides were sold as well. The event will take place again in 2010 adding some archery items and a fishing tank. Thank you to Kelley Tharp from AZGFD and her staff along with the Auxiliary for their help with this event.

Commissioner Freeman stated that you couldn't tell the difference between the staff and volunteers and it was very well done and well received by the public.

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7. Lands and Habitat Program Update

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 October 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.

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8. Request for the Commission to Approve the Transfer of Land and Water Rights located along the Lower San Pedro River in Pinal County, Arizona from ASARCO LLC to the Commission.

Presenter: Josh Avey, Habitat Branch Chief

Using a PowerPoint presentation, Mr. Avey briefed the Commission on the Department's request for the Commission to approve the transfer of land and water assignments located along the Lower San Pedro River from ASARCO LLC to the Commission.

On March 30, 2009, the American Smelting And Refining Company (ASARCO) LLC, filed a motion in bankruptcy court for an order approving a compromise and settlement between ASARCO, the State of Arizona and the United States regarding Natural Resource Damage (NRD) claims for Mineral Creek, the Gila River and the San Pedro River in Pinal County, Arizona. After extensive negotiations, the parties finalized a Settlement Agreement in which ASARCO conveys to the State of Arizona by and through the Arizona Game and Fish Commission title to three ASARCO-owned tracts (one tract has water rights), consisting of

approximately 1000 acres located along the Lower San Pedro River. The Settlement also included nearly \$4 million in unsecured claims to the Arizona Game and Fish Commission for conservation purposes, restoration, and perpetual operation and maintenance associated with the parcels.

The parcels, located along 4 miles of the Lower San Pedro River south of the town of Winkelman near the confluence with Aravaipa Creek, are home to many diverse species, including, neo-tropical migratory birds, nesting raptors, the endangered southwestern willow flycatcher, and a variety of waterfowl species. ASRACO has estimated the total cash value of the properties to be between \$3 and \$4 million and coupled with NRD restoration funding compensates Arizona for damages to natural resources. The total value of the settlement is approximately \$7.5M - \$8M.

Motion: Husted moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE TRANSFER OF LAND AND WATER ASSIGNMENTS LOCATED ALONG THE LOWER SAN PEDRO RIVER FROM ASARCO LLC TO THE COMMISSION AND TO AUTHORIZE THE DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY TO ACQUIRE THIS PROPERTY AND WATER AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

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Meeting recessed for a break at 10:14 a.m.

Meeting reconvened at 10:33 a.m.

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9A. Request for the Commission to Approve a Memorandum of Understanding with Arizona Sportsmen For Wildlife Conservation for Cooperative Activities.

Presenter: Brian Wakeling, Game Branch Chief

Mr. Wakeling discussed how this MOU would allow for cooperative projects that both the Department and the Arizona Sportsmen for Wildlife Conservation (AZSFWC) agree on and find mutually beneficial. This MOU will allow us to work on specific collection agreements that address individual projects. The benefits to the Department generally are, if we are working on a habitat renovation project, it allows us to expand the areas we may be treating, reduces Department staff time, reduces the financial investment, generates increased match, and fosters increased collaboration. Each collection agreement beneath an MOU details the requirements for reporting, identifies a Department manager, details any payment schedule, and requires budget and processing. This is similar to other MOU's the Department currently has with various other groups. Any details of work the Department does with AZSFWC, a nonprofit 501(c)3 group, will be described through a subsequent collection agreement. AZSFWC has tentative approval of a National Forest Foundation grant for \$30,000 and the Department's contribution towards this would include another \$30,000 for a project on the Kaibab National Forest.

Commissioner Martin asked how the Department would be allocating this \$30,000. Mr. Wakeling said this would be worked out through the collection agreement, which would follow state procurement procedures. Because collection agreements follow MOUs, Mr. Wakeling indicated he is unsure at this time of the details of the collection agreement and details on how the language of that collection agreement would finally be crafted. Each collection agreement tends to contain generic language, although specific details germane to each project is needed.

Chairman Hernbrode expressed concern over spending \$30,000 of the Department's money on somebody else's priorities.

Director Voyles said the Department will not commit to spending money on anything that isn't a priority for the Department. He asked if the Commission would be more comfortable with a note in this agreement that indicates expenditure of Department funds will be in accordance with Department priorities. Also, a statement can be added about sharing the Department's programmatic priorities so collectively the Department and AZSFWC can identify areas of mutual interest.

Chairman Hernbrode indicated he would like that referenced on the MOU page 2 under number 1.

Public Comment:

Mr. Jim DeVos spoke on behalf of the President and Executive Director of AZSFWC. He clarified some confusion between the Arizona Sportsmen for Wildlife (AZSFW) and the Arizona Sportsman for Wildlife Conservation. Mr. DeVos said that the AZSFWC is a 501(c)3 and their bylaws say they will primarily focus on habitat issues to benefit the wildlife of Arizona and on environmental education issues. This MOU is an opportunity to partner with the Department on a multitude of projects. Clearly the Department is the process owner for this project and the AZSFWC can't operate on these agreements without the full concurrence and support of the Department. We wish to partner and work with the Department to focus on wildlife and wildlife habitat related programs. We hope that in the future, AZSFWC can bring monies to the Department for their consideration. We believe that we can be successful with this MOU and the Department and see this as a pathway for multiple opportunities as we work together.

Commissioner Martin suggested consideration of an MOU with a narrower scope as we establish this relationship with a new organization.

Director Voyles suggested that the Commission could direct the Department to bring the first two or three collection agreements back before the Commission to seek the Commission's concurrence before the Director signs them.

Mr. Wakeling and Director Voyles reviewed the suggested changes that the Commission and Assistant Attorney General James Odenkirk requested. Mr. Odenkirk mentioned that he had not reviewed this MOU but will be reviewing it before the Director signs it.

Commissioner Martin stated that the Commission does not need to see any collection agreements, but requested regular briefings on progress on associated projects under this MOU through the lands update, and to include the transfer of funds and completed work.

Motion: Husted moved and Woodhouse seconded THAT THE COMMISSION VOTE TO APPROVE A MEMORANDUM OF UNDERSTANDING TO ALLOW THE DEPARTMENT TO COOPERATE WITH ARIZONA SPORTSMEN FOR WILDLIFE CONSERVATION ON PROJECTS FOR PUBLIC INFORMATION AND WILDLIFE HABITAT ENHANCEMENT.

Vote: Unanimous

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10. Request to approve the Department's recommendation to submit a request to the Governor's Office for permission to initiate aquatic invasive species rulemaking.

Presenter: Jennifer Stewart, Rules and Risk Branch Chief

House bill 2008 was signed in September of 2009. Section 28 of this particular piece of legislation, placed a statutory moratorium on all agency rulemaking activities through June 30, 2010. This particular bill does allow agencies to submit exception requests to continue rulemaking for authorizations or requirements that were enacted by the legislature after January 1, 2009. However, doing so does require written approval from the Governor's Office.

The Aquatic Invasive Species (AIS) legislation was passed in July of 2009. The Department has had a chance to review this particular piece of legislation and determined that it does meet the exception criteria listed under section 28(B)(1) because it was passed after January 1st of this year. As a result, the Department is recommending to submit a request to the Governor's Office for permission to initiate AIS rulemaking, to proceed with items that the Department has the statutory authority for which are not addressed by Director's Orders. The Department also believes that Quagga mussels currently present a threat to both public health and safety because of their potential to contaminate state waterways. This creates both an ecological and environmental impact to waterways as well as the facilities, equipment, and structures related to the treatment and delivery of water. For these reasons, the Department also believes that AIS rules meet emergency rulemaking criteria. As part of the request, the Department would be asking permission to initiate AIS rules through emergency rulemaking to prevent the further spread of Quagga mussels and to implement decontamination procedures for boats entering Arizona. This process would allow rules to be implemented more quickly to address the current situation related to Quagga mussels. The request would include the ability to pursue regular rulemaking in order to permanently establish AIS rules.

In speaking with the Governor's policy advisor on rules, it was determined that a written request needs to be submitted from the agency to the Governor's Office for consideration to proceed. The Governor's office will then determine if the request is approved or denied and the request itself has to identify the exception criteria that a particular rulemaking meets as well as the date in which an agency's governing body decided that it wanted to proceed with that request. If the Commission approves today, it will be the intent for the Rules and Risk section to submit a letter to the Governor's office requesting permission to proceed with AIS rulemaking through the emergency rulemaking process to be followed by regular rulemaking. If approved by the Governor's Office, the rules would be developed and be brought back to the Commission for consideration in the future. If the request is denied by the Governor's Office, agency rulemaking activities will continue to remain on hold through the end of the fiscal year when the moratorium

is slated to lift. The Department may approach the Commission in the future with additional exception requests that may warrant presenting to the Governor's Office.

Motion: Woodhouse moved and Husted seconded THAT THE COMMISSION VOTE TO APPROVE THE RECOMMENDATION TO SUBMIT A REQUEST TO THE GOVERNOR'S OFFICE FOR PERMISSION TO INITIATE AQUATIC INVASIVE SPECIES RULES.

Vote: Unanimous

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10A. Review of Proposed Director's Order Listing Quagga and Zebra Mussels as Aquatic Invasive Species in Arizona.

Presenter: Lawrence M. Riley, Coordinator, Wildlife Management Division

The Arizona Game and Fish Department, under the authority of A.R.S. 17-255.01(B) proposes to establish an initial list of aquatic invasive species in order to prepare to abate and prevent the spread of quagga mussels or zebra mussels into or from bodies of water or locations where they now exist to other locations in Arizona.

Quagga and zebra mussels pose an immediate aquatic invasive species threat to Arizona. Zebra mussels (*Dreissena polymorpha*) were initially detected in the United States in 1988, having been translocated from Eastern Europe in the ballast of seagoing vessels making passage to the Great Lakes. The closely related quagga mussel (*Dreissena rostriformis bugensis*) was detected in the Great Lakes in 1989. They have rapidly spread to other parts of the country. In January of 2007, quagga mussels were detected in the Colorado River in Nevada (Lake Mead). Subsequently, they have spread to and been detected in the lower Colorado River below Lake Mead to the Southerly International Boundary. Furthermore, juvenile and adult mussels have been detected in the Central Arizona Project aqueduct and have established a population at Lake Pleasant.

Dreissenid mussels accumulate on underwater surfaces, impairing structures and systems. Once established, these mussels reproduce rapidly resulting in large populations in affected water bodies that can clog water intake and delivery pipes; infest hydropower infrastructure; infest dams and water control structures; adhere to watercraft bottoms, boat engines, docks, and pilings, foul beaches; and alter the functioning of aquatic ecosystems. Their ecological legacy in the Eastern U.S. has included disruption of ecological food webs in lakes and streams, a pattern that can be expected in the West as well. Congressional researchers estimated that Dreissenid mussel infestations generated new costs to the power industry of \$3.1 billion between 1993-1999, generating subsequent economic impacts to industries, businesses and communities of more than \$5 billion. Costs associated with ecological disruptions are poorly quantified, but are significant.

Quagga and zebra mussels are prolific and resilient. They tolerate a broad range of ecological conditions and can survive significant periods of time exposed to the air. A principle pathway for their movement between watersheds is the overland movement of boats and equipment that have adult mussels attached and the movement of water itself in un-drained bilge areas, live

wells, internal storage spaces, or conveyances designed to carry water. It is believed that the initial movement of quagga mussels to the Colorado River was as a hitchhiker on a boat or equipment item moved more than 1,000 miles overland.

This initial listing is necessary to set the foundation for establishment of enforceable, mandatory conditions for movement of boats and aquatic equipment into Arizona from states where these invasive mussel species exist, and the establishment of enforceable, mandatory conditions for movement of boats and aquatic equipment from waters and locations inside of Arizona to other water bodies is necessary to prevent the spread of these mussels to as yet unaffected water bodies and the financial, economic, and ecological costs that will accompany them.

While this initial listing of aquatic invasive species focuses on the immediate invasive mussel interdiction need, future orders will establish the locations and conditions for movement; and expand upon this aquatic invasive species list and locations where additional aquatic invasive species are present in order to better protect Arizona from further spread of recognized aquatic invasive species threats.

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11. Nongame Subprogram Activities Briefing: August 1, 2009 through November 30, 2009.

Presenter: Mike Senn, Assistant Director, Wildlife Management Division

Mr. Senn announced that the Arizona Bald Eagle Nestwatch Program has been selected by the Arizona Quality Alliance (AQA) as a Showcase in Excellence Award recipient of the 2009 AZ State Quality Awards Program. This recognizes the Department's Bald Eagle Nestwatch Program's effective cost savings and monitoring process. Mr. Senn acknowledged and thanked Jamey Driscoll, Kyle McCarthy, and Kenneth Jacobson for a job well done. The Commission also expressed their appreciation.

Using a PowerPoint presentation, Mr. Senn briefed the Commission on the Department's Nongame Subprogram activities. The briefing included the following information:

Department staff noticed an error on the federal ESA site that lists T&E species in Arizona. Closer review led to discovery of a total of 5 errors. Most have to do with how the USFWS tracks species if they are listed but only occur through a 10j population. This has created confusion when we have 10j populations AND natural populations (13 Threatened species does not include grizzly bear; The Department is working with USFWS staff to clarify the listing status of these species and to rectify the apparent errors on their website).

Proposed Corrections to Federally Listed *Endangered* Species in Arizona:

- Colorado Pikeminnow: Listed Population; Entire, except Salt and Verde R. drainages, AZ (these are 10j populations); Should still be listed in AZ due to historical presence in Colorado River
- Woundfin: Listed Population; Entire, except Gila R. drainage, AZ, NM (these are 10j populations) ;Should still be listed in AZ due to historical and current presence in Virgin River

- Desert Tortoise: Listed Population: Entire, except AZ south and east of Colorado River, and Mexico; The area north and west of the Colorado River (in AZ) has Mohave desert tortoise; The Mohave population of desert tortoise occurs on the AZ strip (north and west of the Colorado River and those animals are listed as Threatened
- Bald Eagle: Listed Population: Sonoran Desert DPS: Arizona: (1) Yavapai, northern Mexico. Gila, Graham, Pinal, and Maricopa counties; and (2) southern Mohave County (that portion south and east of the center of I-40 and east of AZ Hwy 95), eastern LaPaz County (that portion east of the centerline of U.S. and AZ Hwy 95), and north of the centerline of I-8); The Sonoran Desert Population in AZ is still listed by court order; Obvious error – USFWS site says it is listed, but not in AZ. AZ is the only place this DPS exists. If it is listed (and it is), it can only be in AZ

Proposed Corrections to ESA Candidate Species in Arizona:

- Gunnison's Prairie Dog: Listed in central and south-central Colorado, north-central New Mexico; States/US Territories in which the Gunnison's prairie dog, central and south-central Colorado, north-central New Mexico is known to occur: Colorado, New Mexico; Gunnison's prairie dog is erroneously included on AZ's list; Currently, only the south-central Colorado, north-central New Mexico population is a candidate. However, there is a petition to extend listing to all of the species' range.

Added note: Headwater and Roundtail chubs and the Zuni Bluehead Sucker - These species did not show up on the ECOS site until recently.

Federal Status:

- Brown Pelican - Will be removed from listed status on December 17, 2009
- Hualapai Mexican Vole - Department has reviewed the summary analysis provided by USFWS; Department has met with USFWS to determine scope of work / resources needed if petition moves forward; USFWS will provide further analysis regarding extent of effort / likelihood of success
- WildEarth Guardians' Petition to List Black-footed Ferret 10j Populations - USFWS treating petition pursuant to the Administrative Procedures Act; Department sent letter requesting USFWS respond and support role of 10j populations; USFWS response: No statutory time frames, preliminary response letter October 27, 2009, and request to meet to discuss ramifications to partners/willing landowners
- WildEarth Guardians' Petition to List Sprague's Pipit Under the ESA - USFWS positive 90 day finding which initiates a 12 months status review; Arizona has a wintering population primarily in the grasslands of southeastern Arizona; Department will provide comments to the status review once published in the Federal Register
- Black-tailed Prairie Dog: WildEarth Guardians Petition - Found not warranted on December 2, 2009; Plan to continue development of a Candidate Conservation Agreement (CCA) and CCAA (with Assurances)

Updates:

- Sonoran Pronghorn - Captive breeding pen recruitment – 31 Fawns; EA for 2nd population out soon; Planning efforts underway for 2nd herd
- Black-footed Ferret - Espee Ranch (September spotlighting event, October - 22 ferrets released) and Aubrey Valley (October Spotlighting event 38 BFFs captured (32 first

time), 117 volunteers helped with event; 4 wild-born ferrets translocated and released on Espee

- Black-tailed Prairie Dog - September/October release (107 prairie dogs released, 68 released on BLM land, 39 released on State Trust; Ongoing monitoring; Next release fall 2010)
- Lesser Long-nosed Bat - Simultaneous roost counts (6 sites counted Aug 22: Copper Mtn - > 22,000 (higher than usual); State of Texas - 9,310 (lower than usual); Patagonia <50 (very low); Pyeatt Cave >22,000 (very high))
- Mt Graham Red Squirrel - Population estimates based on number of known middens (surveys Spring and Fall); Fall 2009 estimate of ~250 red squirrels (down from 2008); Population affected by drought, poor cone crops, wildfires, and bark beetles
- California Condor - Lead Reduction Efforts (Outreach, Non-lead ammunition program); Condor Numbers: Total Population: 354; Captive: 173; Wild: 181; Arizona: 76
- Two Arizona IBAs Receive Global Important Bird Area Designations - Chiricahua Mountains-habitat for Mexican spotted owl; Anderson Mesa- recognized for pinyon jay habitat; Marble Canyon (for California condor) and the lower San Pedro River (for Bell's vireo) previously designated as Global IBAs
- Cultivating Novel Partnerships for Chiricahua Leopard Frog Recovery - Meetings with ranchers (Presentation to Society for Range Management and ongoing discussions with BLM/USFS Safford grazing permittees); Repatriating frogs to historical habitats (Permittee assisted with releases in Ellison M); Collaboratively developing temporary water sources to allow active frog management and continued grazing
- Bullfrog Removal - Peña Blanca Lake area (Surveyed >100 sites; 15 with bullfrogs; Nearly 100 square miles are bullfrog-free and habitat is now available for Chiricahua leopard frogs; Post-monsoon monitoring through October found no bullfrogs); Huachuca Mountains (Assisted USFS & TNC to eliminate bullfrogs in Scotia Canyon part of larger habitat restoration project; Chiricahua leopard frogs repatriated October 2009)
- Ornate Box Turtle Watch: Incorporating citizen science (Collect trend data and monitor health & status of population); Create & implement management plan; Survey and monitoring (Historical localities; Distance sampling methods)
- Gila Trout Stockings: On Nov 4, Gila trout were stocked at 2 new sites – Grapevine Creek in the Bradshaw Mountains (Prescott NF) and Frye Creek on Mount Graham (Coronado NF); This is the first stocking of Gila trout at 2 different sites on the same day, and the first in southern AZ
- Springsnail Updates: Aug 24: surveys of Grapevine Springs on Prescott NF found 2 new populations of springsnail (species yet to be identified); Oct 7: Page Springsnail Candidate Conservation Agreement with Assurances (CCAA) was finalized; Nov 13: Department staff hosted a springsnail “workshop” for USFS staff at Grapevine Springs – how to identify habitat, snails and survey protocols
- Topminnow-Pupfish SHA Update: Currently have 9 sites enrolled and stocked under the top-pup SHA; Robbins Butte Wildlife Area was stocked on Nov 17 – this was the first topminnow and pupfish stocking on Commission property
- Stillman Lake Renovation: On Nov 10-12, Department and USFWS staff chemically renovated Stillman Lake, at the headwaters of the Verde River (Commission-owned property); Razorback suckers and roundtail chub will be stocked in the upcoming months – furthering recovery and conservation goals for those species

- International & Borderlands Projects: The Department concluded its two-year assignment as co-chair of the Wildlife Working Group under the Border Governors Conference; The other states acknowledged the Department's leadership in consolidating the group and promoting border-wide initiatives for wildlife management; The group will implement a dove banding project in all border states beginning in 2010
- MOU with Semarnat – first year: The Department successfully completed several projects under the first year of the MOU with Mexico's Secretariat of Environment and Natural Resources (SEMARNAT); These projects included: Several training opportunities and workshops on database management systems and wildlife surveys, field work for the Sonoran pronghorn and Yaqui River native fishes, and a 15-year report on the status of Yaqui catfish and Yaqui trout in the State of Sonora.

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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 lunch at 11:50 a.m.

Meeting reconvened at 1:46 p.m.

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17. 2009 Commission Award of Excellence Nominations for Reconsideration

Presenter: Marty Fabritz, Executive Staff Assistant

The Commission was asked to re-consider and approve two previously submitted Commission award nominations. At the October Commission meeting, the Commission directed the Department to modify one of the previously submitted Commission Award of Excellence nominations for Yavapai Deputy County Attorney Eric English, and place it on the agenda for reconsideration at the December Commission Meeting. Subsequently, at the Chairman's request, the Department is also re-submitting the Award of Excellence nomination for Arizona State Assistant Attorney General Rachel Bacalzo for Commission reconsideration and approval.

Motion: Husted moved and Woodhouse seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO OPEN THIS DISCUSSION BACK UP.

Vote: Unanimous

Motion: Hernbrode moved and Woodhouse seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO ADD THESE TWO NAMES TO THE AWARD OF EXCELLENCE.

Commissioner Martin stated for the record that although she feels these people are worthy of this award and outstanding individuals, she is uncomfortable with setting a precedence of bringing them back later.

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

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13. 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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14. Rehearing Request Regarding Previous License Revocation/Civil Assessment

Presenter: Gene Elms, Law Enforcement Branch Chief

On March 17, 2009, David R. Martin was convicted in the Yuma Justice Court for license fraud. On September 11, 2009, the Commission revoked Mr. Martin's license to hunt, fish, and trap in the State of Arizona for five years along with completing a hunter education course. Mr. Martin has asked for a rehearing on this matter stating that the reason he obtained this license from a licensed dealer was due to the fact that after being questioned by the dealer, the dealer felt Mr. Martin was entitled to a resident license. Mr. Martin stated that the employee at Wal-Mart asked if he owned property in Arizona and lived here six months out of the year. Mr. Martin replied that yes, he did own property in the State of Arizona and lived here for six months out of the year. The Wal-Mart employee said Mr. Martin could purchase a resident license. Mr. Martin pleaded no contest since he wanted to be done with this. Officer Elms contacted Officer Scott Fisher, the Wildlife Manager from Yuma, and asked that he go to Wal-Mart and have a conversation with the sporting goods department. Mr. Fisher spoke to the supervisor and most of the employees stated that their policy is not to cast judgment. The Wal-Mart employees said that they accept whatever the person tells them. Officer Fisher said the regulations and residency fliers were out on the counter.

Motion: Freeman moved and Martin seconded THAT THE COMMISSION VOTE TO DENY THE REQUEST BY DAVID R. MARTIN FOR A REHEARING.

Vote: Unanimous

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15. Rehearing Request Regarding Previous License Revocation/Civil Assessment.

Presenter: Gene Elms, Law Enforcement Branch Chief

On December 16, 2008, Jorge Valenzuela was convicted in Cochise County Justice Court for possession of big game animal without a valid tag being attached to the white tailed deer. He

was sentenced to pay a fine of \$270.00. On May 15, 2009, the Commission revoked Mr. Valenzuela's hunting, fishing, and trapping license for a period of 5 years and evoked an \$8,000 civil assessment, and further required for him to complete a hunter education course before obtaining another license to take wildlife in this state. Mr. Valenzuela requested a rehearing at the October 2009 Commission meeting. Mr. Valenzuela stated he never shot the deer, didn't know it was taken illegally, and only assisted taking it out of the field. Both the Game and Fish officer and Mr. Valenzuela testified in front of the Commission.

Motion: Woodhouse moved and Husted seconded that THE LICENSE AND /OR LICENSE PRIVILEGES OF JORGE VALENZUELA TO HUNT, FISH, AND TRAP, IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE LICENSE BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE OF THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH BEFORE APPLYING FOR ANY OTHER LICENSES TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL ACTION AGAINST JORGE VALENZUELA TO COLLECT THE SHARED AMOUNT OF \$8,000 FOR THE LOSS OF ONE (1) WHITE TAILED DEER; AND I FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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16. Rehearing Request Regarding Previous License Revocation/Civil Assessment.

Presenter: Gene Elms, Law Enforcement Branch Chief

Edmundo Valenzuela, Sr., was granted a rehearing on October 9, 2009, by the Arizona Game and Fish Commission regarding the action taken on May 15, 2009, to civilly assess him \$8,000.00 for the loss of one (1) whitetail deer, to revoke his license privileges for a period of 5 years, and to require that he satisfactorily complete the Hunter Education class before obtaining any license(s) in the State of Arizona. Mr. Valenzuela, Sr. had left the meeting and did not speak to the Commission.

Motion: Martin moved and Husted seconded THAT THE LICENSE AND /OR LICENSE PRIVILEGES OF EDMUNDO VALENZUELA, SR TO HUNT, FISH, AND TRAP, IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THIS LICENSE BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE OF THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH BEFORE APPLYING FOR ANY OTHER LICENSES TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL ACTION AGAINST EDMUNDO VALENZUELA, SR TO COLLECT THE SHARED

AMOUNT OF **\$8,000** FOR THE LOSS OF **ONE (1) WHITE TAILED DEER**; AND I FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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18. Call to the Public

There were no requests to speak at this time.

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Meeting recessed for the day at 3:25 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.

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Awards

Director Voyles presented Assistant Director Mike Senn with his twenty-year pin service pin. Mr. Senn was congratulated by all in attendance.

Chairman Hernbrode said the Commission wishes to publicly recognize Anglers United for their significant contributions and role in the following projects:

- Raised over two million dollars that have benefited both cold and warm water fisheries
- Improved conditions at Canyon Lake, Saguaro Lake, Lake Mary, Bartlett Lake, West Fork of the Black, Rose Canyon, Patagonia Lake and most notably – Large habitat and angler access and improvement effort at Lake Havasu
- Anglers United has contributed \$100,000 to two projects: Biscuit Tank -\$70,000, will help with reconstruction and maintenance; and Fishing in Neighborhoods - \$30,000, to help start up this new pilot fishing program.

Chairman Hernbrode welcomed Tim Stephens, Pat Nash, Richard Dow, Randy Dahl, Brian Pinney, Martin Jones, Ron Heck, Ken Boone and Mike Moore from Anglers United to come forward to be recognized.

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1. Information and Education Division. Shooting Sports Activities Briefing.

Presenter: Jay Cook, Shooting Range 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 October 2009 Commission meeting. This briefing is part of the Department's ongoing commitment to provide the Commission with updates on a regular basis.

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2. A presentation on the Current Status, Planning Efforts, and Pending Decisions on the Proposed Northern Arizona Shooting Range.

Presenter: Josh Avey, Habitat Branch Chief

Mr. Avey provided the Commission with a briefing on the current status, planning efforts, and pending decisions on the proposed Northern Arizona Shooting Range prior to this meeting (also available to the public). The briefing included the following information:

Commission Objective:

- Type of Facility - Develop a local shooting range with the potential to expand into regional range
- Proximity - Within 30 minutes from downtown Flagstaff
- Timeline - Fully operational by 2013 (3-5 year period)
- Budget - \$100k for NEPA and \$50k for alternative site evaluation

The Commission previously directed the Department to continue due diligence on the proposed Willard Springs Land Exchange with the Forest, execute the Agreement To Initiate and dedicate \$100k in funding to initiate the NEPA EIS scoping for FY 2010, and dedicated (\$50k) to simultaneously evaluate AGFD/USFS recommended alternative sites (Cochrane Hill and Winona) to determine if acquiring these sites would reduce the proposed Forest timeline or costs associated with the land exchange process.

Willard Springs Land Exchange Update:

- The Coconino National Forest has provided the Department with a final Agreement To Initiate for the Director's signature.
- The Department and Forest are now in a position to execute the Agreement To Initiate.
- NEPA costs are estimated at \$788k.

Archeological Class III Surveys:

- Archeological sites were recorded in accordance with CNF minimum site recording requirements.

- Newly identified sites were: Marked in accordance with CNF guidance; recorded on CNF or other appropriate paper-based site forms; mapped on aerial photographs and by GPS; digitally photographed
- Previously recorded sites were subject to re-mapping and verification of the site descriptions. Previously reported sites that have not been adequately recorded or have changed since last recording have been treated as newly discovered resources.

Foster Ranch Due Diligence:

- Appraisal (\$1.1M); Drainage study; Well investigation; Archeological survey; Phase I ESA; Historic structure report
- Remaining due diligence includes: Title report, ALTA survey, Geotechnical survey, and aerial photography mapping.

Department Recommendations:

- Eliminate Winona as an alternative site due to the density of cultural resources.
- Continue to coordinate with the Forest on the ATI and NEPA process for the Willard Springs Land Exchange.
- Further investigate the Cochrane Hill alternative site. Identify potential mitigation of archeological resources, initiate public scoping, and draft a Proposed Action for Cochrane Hill.
- Pursue the potential acquisition of the Foster Ranch Property and complete remaining due diligence.

Public Comment:

Jimmy Meehan from Flagstaff addressed the Commission in support of the above four recommendations. He would like to see the Department move forward on the private land acquisition for the reason of timing, control, certainty, and economics.

Bill McLean, former Game and Fish Commissioner, spoke in support of the Department's recommendations.

Motion: Husted moved and Woodhouse seconded THAT THE COMMISSION VOTE TO ACCEPT THE DEPARTMENT'S RECOMMENDATIONS.

Vote: Unanimous

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3. Consideration of Proposed Commission Orders 3, 4, and 26 for 2010 Hunting Season.

Presenter: Brian F. Wakeling, Game Branch Chief

The Commission was asked to consider Commission Orders 3 (pronghorn antelope), 4 (elk), and 26 (population management) establishing seasons and season dates, bag and possession limits, permit numbers or authorized limits, and open areas for the respective 2010 fall hunting season. A detailed description of all proposals were available for public review at all Department offices and were provided to the Commission prior to this meeting for review. At the September 2009

meeting, the Commission approved a two-year hunt guideline package under which hunt structures and recommendations would be formulated. Per Commission direction, these guidelines will be used through the 2012 spring seasons. Mr. Wakeling pointed out that on the certified hunt recommendation copies there were no bonus points or hunt numbers noted, but it is the Department's intent to have those points for both the antelope and elk in the recommendation. In November, the hunt guidelines were updated and amended primarily to deal with the sovereign nature of the Hopi trust lands in Units 4A, 5A, and 5B. Mr. Wakeling briefed the Commission using a PowerPoint presentation that included charts and graphs that provided historical data and current hunt management objectives. The following Department recommendations were presented to the Commission:

Commission Order 3 – Pronghorn Antelope

(Refers to the proposed hunt season structure and permit numbers for unit by unit details)

General season permits are recommended to decrease by 72 from last year for a total of 452 permits. The Chino Grande Ranch access closure in Unit 19B resulted in a recommended decrease of 40 permits, and another 10 permits in Units 4A, 5A, and 5B are recommended to be offered exclusively to Hopi tribal members. The archery pronghorn permit recommendation is 347 permits, which is a decrease of 29 permits from last year, although a new hunt in Unit 27 was established with 5 permits. Access issues in Unit 19B resulted in a recommended reduction of 5 archery permits. Muzzleloader pronghorn seasons are recommended for 87 permits, a decrease of 19 permits from last year. Hopi tribal members are recommended to be allocated 4 archery permits and no muzzleloader permits.

The Commission was provided with the Pronghorn Management Plan, which was revised this year. The plan is updated once every two years and reflects specific management issues and planned activities for implementation within each unit. The plan tiers from Department operational plans.

Region 3 Supervisor Bob Posey spoke about the issues with the closing of the Chino Grande Ranch in Unit 19B.

Deputy Director Broscheid said that the state trust lands are currently in a draft form of state trust land reform that would be set aside as conservation lands. These principals are planning a very large solar and wind power facility up in this area. It is very complicated and the ranch has been willing to work with us on crafting wildlife management plans for this area that does incorporate their future wind and solar capabilities. They are at the vortex of a lot of controversy that brings in the Lands Department, Governor's Office, and the corporation commission. There are also significant water issues. Mr. Broscheid welcomed the Commissioners to go up and talk to these folks about the importance of wildlife and wildlife habitat, focusing on what we can do in the future to ensure pronghorn habitat and migration movement corridors as well as recreation on other lands.

Commissioner Woodhouse asked how this ranch closing for this coming hunt season came about. Mr. Posey responded saying the ranch manager was concerned with the poor ethics of OHV users. A wildlife manager went to talk to locals and hunters and found no evidence supporting these concerns. One hunter was apparently interested in exclusive access to the ranch

and may have made inquiries to that effect; subsequently the ranch was closed. The Department tried to contact the ranch manger and owner but was not able to make contact. Regardless, the Department remains committed to working with him. Mr. Posey said it is very tenuous right now and will accept any help at any time.

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Meeting recessed for a break at 9:40 a.m.

Meeting reconvened at 10:12 a.m.

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3. (continued) Consideration of Proposed Commission Orders 3, 4, and 26 for 2010 Hunting Season.

Presenter: Brian F. Wakeling, Game Branch Chief

During the break, Commissioner Woodhouse was able to make contact with the ranch owner Mr. Gear and discussed enforcement, signage, and other standard activities the Department routinely uses to assist with his issues. The ranch owner committed to leaving access open for the upcoming year, which would allow the return of 5 archery and 40 general pronghorn permits in Unit 19B. Commissioner Woodhouse, Commissioner Freeman, Mr. Posey, and Mr. Broscheid assured the ranch owner that we look forward to sitting down with him and working on the specific issues that he has on that ranch for long term solutions.

Commissioner Freeman reminded the sportsmen in attendance and those who are listening and watching to please be the Department's eyes and ears out there and use the Operation Game Thief hotline to report violations when they observed them.

Commissioner Woodhouse stated for the record that what was discussed with Mr. Gear was nothing more than what we do with other ranches. We talked about sign in boxes and ensured him that our enforcement, which happens on other ranches all around the state, would be done there. We reiterated to him that our officers will be sensitive (some of the issues are fence cutting, vandalism, and trash) and write those citations, and if the offense is revocable, they come to the Commission and they are generally revoked. There were no special exceptions other than our business as usual.

The Department received no substantial feedback from the public regarding the pronghorn hunt structures since the last hunt guideline and recommendation process.

Motion: Woodhouse moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 3 – PRONGHORN ANTELOPE WITH TWO AMENDMENTS: THAT THE GENERAL PRONGHORN HUNT SCHEDULED FOR SEPTEMBER 3-12, 2010 IN UNIT 19B BE FOR 60 TAGS, NOT 20 AND THE ARCHERY ONLY PRONGHORN HUNT IN UNIT 19B NORTH OF WILLOW CREEK AND SCHEDULED FOR AUGUST 20-SEPTEMBER 2, 2010 BE FOR 20 PERMITS, NOT 15.

Vote: Unanimous

Commission Order 4 – Elk

(Refers the proposed hunt season structure and permit numbers for unit by unit detail)

This recommendation package will continue to adjust bull to cow ratios to meet or move toward management guidelines. General season permits are recommended at 16,862 permits, an increase of 487 permits from last year (the change comprises an increase of 251 bull elk permits and an increase of 236 antlerless elk permits from last year). An additional 44 general bull and 28 general antlerless permits are recommended for allocation to Hopi tribal members in Units 4A, 5A, and 5B. Juniors general antlerless elk permit opportunities are recommended at 1,332 permits, 3 permits fewer than last year, which are recommended to be allocated to Hopi tribal members in Unit 4A (5.4% of standard opportunity). Archery elk permits are recommended to decrease by 231 to 5,373 (the change comprises a decrease of 134 bull elk permits and 97 antlerless elk permits from last year). Hopi tribal members are recommended to receive 23 archery bull and 8 archery antlerless permits in Units 4A, 5A, and 5B. Muzzleloader permits are recommended to decrease by 91 permits to 1,202 (the change comprises a decrease of 66 bull elk permits and 25 antlerless elk permits from last year). Hopi tribal members are recommended to receive 1 muzzleloader bull permit in Unit 5A. And finally it is recommended that CHAMP hunters receive 35 any elk permits, which is an increase of 15 from last year.

Not including limited opportunity or juniors-only hunts, the targeted and recommended allocations for bull and antlerless elk permits are as follows:

Bull Elk:	<u>Target</u>	<u>Recommended</u>
	65% general	65% general
	30% archery	30% archery
	5% muzzleloader	5% muzzleloader

Antlerless Elk:	<u>Target</u>	<u>Recommended</u>
	81% general	80.5% general
	14% archery	14% archery
	5% muzzleloader	5.5% muzzleloader

Limited opportunity hunts are recommended for minor adjustments this year, with a reduction of 89 general permits to 1,578 and no change to archery permits at 155. No muzzleloader limited opportunity hunts are recommended. Hopi tribal members are recommended to receive 38 any general and 101 antlerless general limited opportunity permits in Units 5A and 5B.

No changes were recommended to the nonpermit over-the-counter elk seasons.

Commissioner Husted said that he is concerned that the Department is managing Unit 1 for growth right now because of what he has seen over the last couple of years and the phone calls he has fielded from legislators, past legislators, and past Commissioners.

Mr. Wakeling showed the Commission a couple of graphs from his Power Point Presentation that showed elk populations currently lower than they were in the nineties.

Commissioner Husted would like to see a recommendation that would indicate how many additional tags it would take to just be able to say that Unit 1 is stable.

Mr. Wakeling said that in order to stabilize the population, rather than allow for the slight increase proposed, the Department would recommend an overall increase of 140 antlerless permits on top of the 635 permits in the original proposal. These permits would be spread across numerous hunts.

Commissioner Martin expressed concern about what the Sportsmen groups like the Arizona Elk Society and the public stakeholders who haven't had an opportunity to review this would think of this change in direction in Unit 1.

Public Comment:

Steve Clark, Arizona Elk Society, stated that he concurs with Mr. Husted's representation.

Commissioner Martin discussed the recommendations for Units 5, 7, and 8, and noted that we have a letter from the Arizona Elk Society and the Forage Resource Study Group regarding feedback from the Forest Service that browsing on aspen appears to be high and that there are concerns about aspen regeneration. Aspen regeneration problems are not limited only to elk browsing, but include other factors as well.

Mr. Wakeling responded by saying that the hunt guidelines don't speak specifically to population trajectory and aspen regeneration. However, many factors are incorporated through the elk management plan and forage monitoring, where we conduct monitoring. Speaking specifically about units around in the Flagstaff area, there are a number of the units that have high bull to cow ratios, and some bull hunts have been added to manage those ratios. The bull to cow ratios don't play into the forage consumption concerns. The Department's recommendation was not specifically designed for a dramatic population reduction, but to balance the bull to cow ratio. The Region has been working with the Forest Service on aspen regeneration issues and they have been meeting to discuss that with some of the groups as well. Mr. Wakeling said he believes there are representatives from both groups here who are willing to speak.

Commissioner Martin noted that cattle also will browse on the Aspen and wanted to know if they were being reduced at the same time they are asking the Department to reduce the elk populations.

Ron Sieg, Flagstaff Regional Supervisor, said that on the Coconino portion, all of the allotments that we have been working on are excluded from cattle and that on the Kaibab, he believes every unit where aspen regeneration is an issue, grazing by cattle and elk along with sheep is being considered. He and his staff are looking at a more holistic and broader approach with the forest. Coconino has a proposal they are doing NEPA on now that will address a lot of the aspects. The Kaibab is finishing up some of their planning efforts and we are seeing some encouraging results while looking at this more broadly than we have historically.

Commissioner Woodhouse spoke on behalf of the archery community and has been talking to Mr. Wakeling on the discontent among the archery community in a couple of aspects. One is in

regards to the pie allocation chart and that we don't recognize the demand on the second choice hunts. Archers feel that they receive a littler lesser of that allocation pie than they should. If we were to recognize that second choice on the hunt application, it wouldn't affect by a large percentage the amount of tags that would be allocated towards archery however, it would affect it some. Commissioner Woodhouse said we socially don't want to alienate a certain portion of hunters of a couple of weapon types.

Commissioner Hernbrode said we fight this same battle every year and what we need to do is sit down with the elk hunters in this state (rifle and archery hunters) and find a simple allocation methodology that everyone agrees to. It has to be simple, fair, and equitable to every party involved and it should be proportional to demand.

Commissioner Husted wanted to go on record on behalf of the archery community, and stated that when you talk about an elk hunt recommendation package, and the herd is alive and well (and we have an increase in population in Unit 1 where we may or may not make an adjustment on today) and when you go in and preface it like that and you look at a decrease, (not just talking about the archery but also the muzzleloader side), if we had simply left those permit numbers the same as it had previously been, we would still have, on the general side, an increase. We would not have created a social impact and maybe increase those perceptions that some may have that the pie allocation chart treats them unjustly, even though that's predetermined and even had input from some of those groups. It's just a social impact and it creates perception on those people's part. We could have just left those tag numbers the same given aside the increase and life would have been good.

Commissioner Hernbrode responded by saying that when they kill elk at the rate of modern weaponry, that's what happens.

Commissioner Husted said if we are looking at increasing herd sizes, we could have maintained those tag levels the same, giving a little bit more to the general and it would still decline some of those populations just a little bit.

Public Comment:

Joe Stringer, Acting Forest Supervisor, Coconino National Forest, stated that all of us recognize the importance of aspen to the diversity of our forest. He believes it is the second most critical area for wildlife diversity in the southwest. We as land managers need to take responsibility and some of the issues we are facing include fire suppression, aspen regeneration, and elk browsing. Currently on the Coconino, there are fifty aspen stands in which forest personnel, Game and Fish personnel, and volunteers are working on building and maintaining fences on an annual basis. Many of these areas are closed to grazing, and some are on a rest and rotation system. The Forest Plan has been amended to refocus on aspen regeneration and improvement. Other areas such as the Peaks and Mormon Lake districts are under a management plan as well. The Forest Service is also increasing the use of fire (natural and suppressed) in the ecosystems. Coconino National Forest is working with the Department as well as a broad stakeholder community on a project called the Four Forest Restoration Initiative, and are always looking for new ways to work with the Department so that we can come to solutions that meet all of our interests in the best way possible.

Mike Williams, Forest Supervisor, Kaibab National Forest, spoke about the elk-aspen management and mentioned that there are some similar conditions with the Coconino Forest but some key differences as well. There are fair conditions in the North Kaibab district but the conditions are different in the south district near Williams. He said they are looking at how they are going to improve aspen regeneration in this area. He believes that elk are just one of the factors among many. Over the last 6 years they have expanded the use of fire and management resources for other benefits including aspen regeneration. They have reduced the number of cattle and sheep that have been grazing in some areas and have implemented an environmental analysis in the upcoming year to look at aspen regeneration.

Steve Clark, representing the Arizona Elk Society, stated that he has sat through three presentations on the aspen issue which were all skewed toward elk. If these are the presentations that have been shown to the public, it is not right. He liked what Joe and Mike had to say today and believes that what they had to say about taking on some of the responsibility is what should be shown to the public.

Commissioner Martin asked a couple of questions. The first was directed towards Mr. Wakeling on what is the history of this issue and the second was directed to the Forest Service on what can we look for in the future as the forest service does some of the activities they touched on at today's meeting.

Mr. Wakeling said aspen has played a role in some of the concerns about elk population size and habitat use in some instances. There were high elk numbers in the early 1990s, where there were some concerns, and we reduced the herds specifically in Units 1 and 27; aspen played a role in some of those concerns. The direction the agency took with that whole approach was very much what the discussion is about right now. Reductions in the elk populations to address the situation is only a portion of the solution and there has been a substantial amount of success in Region I historically. There have been a couple of cooperative work projects which have been funded through the Habitat Partnership Committee (HPC) and recognized nationally.

Commissioner Husted said if aspen is the prey species (which is what Commissioner Martin was asking), do we have a good handle on the desired condition and how many trees are we managing for and what dialogue went into the decision of the desired condition.

Mr. Williams said that the Forest Service put in a good long term and short term monitoring program that identifies what the actual impact is from elk versus the other situations and they will figure out from there where they need to go. As for the desired conditions, they are looking at the most diverse landscape vegetation system that we could come up with that promotes a healthy aspen component within that forest vegetation.

Commissioner Martin said that although she is supportive about what the Forest Service is doing, she is not comfortable without a clear defined desired condition that can help weigh how elk factor into this situation.

Mr. Stringer stated that two efforts are currently ongoing: 1) The Four Forest Restoration Initiative in which they are working with the Department and other stakeholders to try to design what the desired conditions are going to look like; and 2) Revising Management Plans for the Forest, which is another avenue to help set the desired conditions in the future. If we are going

to be successful with this in the future, we need to look beyond our differences and jointly work on these problems.

Jim DeVos talked about contemporary issues with aspen in Arizona. The issue is complex and not easily solved. Mr. DeVos talked about the biology of the aspen and recruitment. He spoke on issues such as bark beetles, drought, and competition with other trees and the effects on elk populations. This is an issue nationwide also and has become a social issue as well. He said it is a forest health issue and an aspen health issue. We can't ignore the fact that the southwest has been in a drought for over the past 10 years which has affected aspen. Climate change is also a factor along with changes in temperature regime. He mentioned there has to be funds to implement any plans. As we go through and implement the plans, we carefully consider perhaps every clone on the forest is not recoverable and we need to look at those places where we have the most opportunity to be successful and focus on short term efforts there. Certainly not to the exclusion of others but let's be strategic and thoughtful in our approach to recovery.

Chris Agnew, representing sportsmen, and not affiliated with any one group, spoke about fairness and agrees with Commissioner Woodhouse that we need to look at the sociological aspect when we are evaluating these things. One of the best hunts in the nation is an elk hunt during the rut and you are taking that away from the archery community. Mr. Agnew proposes that the Commission move the archery hunt back one week and put it at the same time slot it has occupied in the past 20 years. Go ahead and reallocate the firearms and muzzleloader tags to those hunters to affect the necessary harvest ratios that you need to have in place for next year and then in the following year when you need to reallocate your tags based on harvest percentage, you examine that.

Terry Herndon, representing himself, spoke about the Department wanting to combine the 5BN and 5BS hunts. He said this will cause the following issues: 1) 90% of hunters hunt in 5BS because it is a better unit with bigger elk; 2) There will be access issues; 3) More conflict with hunters in the field; and 4) You will devastate 5BS as far as the quality of a bull elk unit. He supports that the hunt stay as is and agrees with the Department in taking away the Unit 23 youth elk. He also agrees with Mr. Agnew about moving the elk hunt back one week.

Commissioner Martin asked Mr. Wakeling about combining the 5BN and 5BS hunts and asked him to explain why they would like to do this.

Tom McCall, Regional Game Specialist, Region II, responded for Mr. Wakeling stating that combining the two units into one would allow hunters to be able to hunt both areas, expanding the area from which they could select to hunt. This is the same level of permitting in the past, simply allowing hunters to distribute themselves. He believes there are more bull elk in the 5BN area and hunters that prefer a higher density of roads will like the 5BS area.

Commissioner Woodhouse expressed concern about the density of hunters.

Mr. McCall said hunter density could be a potential problem in the future, but the Department would monitor hunt success and hunter activity.

Commissioner Husted asked what would be the ramifications of moving the hunts back one week.

Mr. Wakeling stated that if there was an interest in moving these back one week, a real simple solution might be to take those general and muzzleloader hunts and move them up two weeks so they happen just prior to the archery bull hunt, and then move the archery season back two weeks. That would have better timing and will keep all the seasons roughly at the same time. But, simply shifting the season back without this type of accommodation is really difficult to do without unintended consequences unless we look at all of the implications of seasons shift without having deer, turkey, squirrel, and other seasons all displayed simultaneously. This is the approach we generally take when reviewing the hunt guidelines.

Commissioner Husted would support a detailed discussion of this at a later date and to take a look at density, quality, and start dates.

Motion: Husted moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 4 – ELK AS PROPOSED WITH THE MODIFICATION TO UNIT 1 TO REFLECT A STABLIZATION (INCREASE ESCUDILLA HUNT AREA IN UNIT 1 FROM 50 TO 75 ANTLERLESS PERMITS, INCREASE UNIT 1 EAST HUNT FROM 50 TO 75 ANTLERLESS PERMITS, INCREASE THE UNIT 1, 2B, AND 2C HUNT FROM 250 TO 300 ANTLERLESS PERMITS, INCREASE THE UNIT 1 AND 2C JUNIORS-ONLY HUNT FROM 160 TO 175 ANTLERLESS PERMITS, AND INCREASE THE UNIT 1, 2B, AND 2C FROM 75 TO 100 ANTLERLESS PERMITS).

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

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Meeting recessed for a break at 12:00 p.m.
Meeting reconvened at 1:19 p.m.

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3. (continued) Consideration of Proposed Commission Orders 3, 4, and 26 for 2010 Hunting Season.

Presenter: Brian F. Wakeling, Game Branch Chief

Commission Order 26 – Population Management Seasons

Population management seasons are recommended for implementation in generally the same units, seasons, and permit levels as last year. "Designated elk" or "designated buffalo" is the legal wildlife in each of the population management seasons for elk and buffalo so that the Director may designate the desired legal animal for harvest when the permits are issued. Although the Department is recommending that the Commission authorize 1,525 elk (1,120 general, 100 muzzleloader, 25 HAM, and 280 archery-only), 695 javelina (310 general, 250 HAM, and 135 archery-only), 156 buffalo (all general), and 122 bear (68 general, 26 HAM, and 28 archery-only), these tags will not be issued unless approved by the Director following a determination from the population management hunt review and approval process.

No substantive public comments were received regarding Population Management Seasons since the last public process for hunt guidelines and recommendations.

Motion: Husted moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 26 – POPULATION MANAGEMENT SEASONS AS PROPOSED.

Vote: Unanimous

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4. Hunt Permit-tag Application Schedule for Fall 2010 Hunts

Presenter: John Bullington, Assistant Director, Special Services

Assistant Director Bullington presented the Hunt Permit-tag Application Schedule for Fall 2010 (attached). Applications will be accepted in accordance with Rule 1 and the regulations will be available on the website the last week of December. If an application is received by 5:00 p.m. on January 21, 2010 and it contains errors, the Department will make three attempts within a 24 hour period to notify the applicant by telephone to correct the application. Deadline date is 7:00 p.m. MST on February 9, 2010. Hunt permit tags and refund warrants will be mailed out by April 23, 2010 and first come permits (if available) are issued by mail by 8:00 p.m. on April 26, 2010 for both antelope and elk. Permits, if available for purchase, will be available at all Department offices after 8:00 a.m. MST on May 3, 2010.

Motion: Woodhouse moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE APPLICATION SCHEDULE FOR PRONGHORN ANTELOPE AND ELK FOR THE 2010 HUNTS.

Vote: Unanimous

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5. 2010 On-the-Road Commission Events.

Presenter: Larry D. Voyles, Director

Motion: Freeman moved and Husted seconded THAT THE COMMISSION VOTE TO TABLE THIS AGENDA ITEM TO THE JANUARY 2010 COMMISSION MEETING.

Vote: Unanimous

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6. Call to the Public

There were no requests to speak at this time.

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7. Director and Chairman's Report

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

- Attended the grand opening of the Nina Mason Pulliam Rio Salado Audubon Center along with Commissioner Martin
- Attended a joint meeting with State Parks Executive Staff and Game and Fish Executive Staff to discuss ways to improve and be more efficient by working together
- Attended a Wildlife for Tomorrow Board meeting
- Had a meet and greet with Maricopa County Attorney General Andrew Thomas and their Law Enforcement Liaison Keith Manning who is former Commissioner Dennis Manning's son
- Attended the National Assembly of Sportsmen Caucuses in Idaho
- Attended a Sonoran Joint Venture Board Meeting
- Attended two Governor's Cabinet meetings
- Participated in the Conservationist Committee Meeting on November 7, 2009
- Received an invite to make a presentation to Tucson Audubon and Sky Island Alliance since they are considering a position on the wild horse and burro issue
- Participated in a very successful SECC clay target shoot
- Met with Steve Spangle from the U.S. Fish and Wildlife Service (USFWS) and Bruce Ellis from the Bureau of Reclamation (BOR).
- Met with Dave Raber, Interim Director with ADOA along with Diana Shaffer to talk about how best to work personnel issues and processes through their organization through this time of uncertainty in state government
- Had a breakfast meeting with Bureau of Land Management (BLM) State Director.
- Attended a retirement party for Lt. Joe Brown from California Fish and Game (CFG)
- Attended the Hopi Tribal Council meeting with Ron Sieg
- Spent the better part of Thanksgiving weekend and beyond up on Mount Graham chasing white tails
- Participated in the Association of Fish and Wildlife Agencies (AFWA) special telephonic meeting.

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

- Spent a day looking at the Department's proposed property on the San Pedro
- Worked a little bit on reappointment.

* * * * *

8. Commissioner's Reports

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

Commissioner Woodhouse:

- Received an invite to a Cattle Growers Meeting up at Chevelon Butte
- Attended Cibola Valley Irrigation District meeting on behalf of the Commission

- Went with Department staff to a Yuma Valley Rod and Gun Club full membership meeting
- Went back down to Yuma with Ty Gray for a hearing with the board of supervisors
- Attended a Commission work session
- Attended a Northern Arizona Shooting Range trip
- Along with Commissioner Husted, took a congressional staff person to look at the tri state shooting range.

Commissioner Martin:

- Invested considerable time in preparing for and holding another meeting of the Conservationist Committee. The next Conservationist Committee meeting will be at the Meet the Commission meeting
- Participated in a pronghorn capture and release down on the Cabeza Prieta which was very educational
- Attended the Sierra Club Volunteer Recognition Luncheon
- Attended a Commission work session
- Met with a representative of the Wilderness Coalition at her request
- Attended the grand opening of the Nina Mason Pulliam Rio Salado Audubon Center along with Director Voyles
- Went to a benefit dinner to show support for Pioneer Village
- Helped prepare for the next Conservationist Committee's meeting regarding WAFWA.

Commissioner Freeman:

- Met with constituents during the Farm Open House that was passed during the last meeting. Got a lot of positive comments again on our educational programs, outreach efforts, scholastic clay program, and archery programs
- Met with some BOR people who showed him all the carp that was piling up on the dams and in the screens on the diversion dams as well
- Attended a Commission work session
- Was involved at the Adobe Wildlife Center outreach event
- Met with John Bullington to welcome him and talk about long range goals and compared notes on our vision
- Had the Jaguar briefing
- Spoke with a constituent about a new gate on the Verde River to restrict OHV access
- Went to the Chino Valley Prescott Forest Service office and was disturbed to see them selling New Mexico's Watchable Wildlife Guide and not ours
- Did a meet and greet with Rusty Bowers and Gary Peirce
- Spoke with Bill McLean about the NASR
- Met with Josh's staff and was extremely impressed with the geospatial modeling tool.

Commissioner Husted:

- Looked at shooting ranges with staff and Audubon
- Patrolled the elk hunt for a couple of days
- Attended a meeting in the Round Valley area regarding the resurgence of the shooting facility
- Did a 12 day very extensive non-consumptive foot survey of Unit 12A.

* * * * *

9. Future Agenda Items and Action Items

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

- Harry Seck and John Bullington are going to work with the Commissioners to review, scrutinize, hack, and crash, the online license application process. They will test it out and make sure they are comfortable with it. Then they will re-discuss short and long term solutions for the left over tags and the bonus point system. The left over tags and bonus points is what happens on the secondary side. Once we know what that is like; we can redesign the website interface
- Do short and long term and get the analysis ready so we can get it to the Commission for a workshop. This will lead to a Commission meeting that results in a decision
- Include in future lands updates, the status of project(s) that the Department has with the Arizona Sportsmen for Wildlife Conservation under the pending collection agreement for the MOU
- As part of the ongoing NASR process and discussions, reinstate those discussions with the federal grazing associated with that proposal
- Per Commission approval, staff will present any NASR progress on the 4 bulleted activities as it comes up.
- The Department is to meet with the owners of Chino Grande Ranches to develop a cooperative management plan and agreement for continuing hunter access for the 2010 hunting seasons. He will include Commissioners Woodhouse and Freeman in on those discussions.
- Commissioners Husted and Woodhouse will meet with Department staff and sportsmen to look at the allocation formula. They will try to analyze and work together to address concerns with the formula and develop a strategy to cooperatively move forward for a fair and equitable approach including the start dates of the hunts.
- Game Branch will provide a status of the hunt population management hunts and success rates and make it a lot broader to the Commissioners regarding the Round Valley hunt unit
- Fisheries will follow up with the BOR with a status response on activities with the Koi herpes virus and fish kills going on. They will expand discussions to BLM, CFG, State Parks, etc.
- Work with the Peregrine Fund on holding permits associated with the Condor Project (for the two coyote pups at Adobe Wildlife center).

Director Voyles touched on the extensive discussion on the aspen issues relative to elk and he wanted to let the Commission know that the Department is participating in the WAFWA Aspen Regeneration Committee which is currently looking at aspen decline throughout the west. They will be conducting a review of current literature and science relative to the issue and develop some consistent best management practice and approaches and identifying research needs and helping to prioritize funding opportunities. Josh Avey is the Department's representative to that committee.

Director Voyles also mentioned that he's been participating in some in depth briefings. He is going to try and hit every Branch and Region. He has six under his belt now and the briefings range anywhere from 7-13 hours. These Power Point presentations are the foundation for briefings to the Commission. If you have a desire to get an in depth briefing on any one work unit, they'll have the information together to be able to do that. Hopefully they will get it streamlined before the Commission sees it. It is pretty impressive and a good foundation for how we measure our business practices with our conservation and outdoor recreation practices.

Commission Martin said she has received very good feedback and very much appreciated this and thanked the Director.

Director Voyles said that if we don't understand it, how can we convey it to the public. One thing he is wrestling with is how he can convey to our public information people a level of awareness of what this organization does because it is incredibly complex. Many of the people that are shooting slings and arrows at us do not have a clue about the depth of knowledge of this organization. He'll probably have over 400 hour invested when they get through these thirty presentations. He plans to see this all the way through.

* * * * *

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

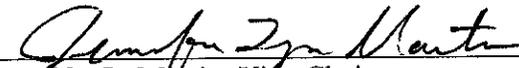
Vote: Unanimous

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Meeting adjourned at 2:09 p.m.

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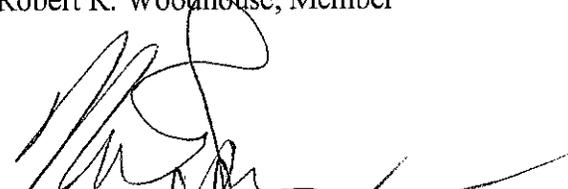
Robert D. Hernbrode, Chairman



Jennifer L. Martin, Vice Chair



Robert R. Woodhouse, Member

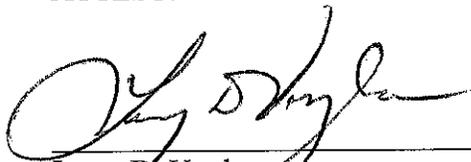


Norman W. Freeman, Member



Jack F. Hustad, Member

ATTEST:



Larry D. Voyles
Secretary and Director

**Game and Fish Litigation Report
Presented at the Commission Meeting
December 4, 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.

The Court of Appeals scheduled oral argument for December 10, 2009.

2. *Anderson v. Arizona Game and Fish Department, et al., C20089051.* Plaintiff Ralph Anderson seeks judicial review of the Commission's June 27, 2008 action revoking his licenses to take wildlife for ten years for taking big game in excess of bag limit (bull elk). Anderson had previously had his hunting privileges revoked for five years for taking a Gould's turkey during

closed season. Anderson filed his opening brief in the Pinal County Superior Court on November 6, 2009. The issues presented concern the legality of the ten year revocation and the propriety of former Commissioner William McLean chairing the Gould's turkey disciplinary hearing while he was a judge *pro tem* in Pinal County. Anderson recently filed a motion for a trial de novo with the Court, demanding that he receive a new trial in superior court on the basis of Chairman McLean's role as both a Commissioner and as a judge *pro tem*. After the Pinal County Superior Court (the Hon. William J. O'Neil) directed Anderson's lawyer to refile the motion because of its citations to non-existent authority, Anderson refiled his motion for a new trial on November 25, 2009.

The State's Response to Anderson's motion for trial de novo is due December 10. The State's responsive brief is due December 24, 2009.

3. *Center for Biological Diversity v. Voyles et al., CV09-00543-JJM.* The Center for Biological Diversity ("Center") filed an action on September 24, 2009, against Director Voyles and the Department for alleged violations of the Endangered Species Act. The Center alleges that the defendants violated Section 9 of the Act when a jaguar was inadvertently captured in a leg-hold snare and was later recaptured and euthanized. The Center seeks declaratory and injunctive relief. The suit arises under the citizen suit provision of the ESA, which authorizes an action to enjoin the unlawful take of an endangered species.

On November 6, 2009, the Department and Director Voyles filed a motion to dismiss for lack of jurisdiction. The Center has 30 days to respond to the motion.

(11/30/09)

Lands Update
For the Arizona Game and Fish Commission
November 27, 2009
Phoenix, Arizona

Forest Service Land and Travel Management Planning

Kaibab National Forest

The North Kaibab Ranger District has begun its Travel Management Planning. Department staff attended an open house in Kanab, UT on October 29th. The Forest is asking the public to come and share ideas about the District's future system of roads, trails, and/or OHV areas. The District has yet to release a Proposed Action, which will be followed by an Environmental Assessment to evaluate alternatives for Travel Management on the north Kaibab. The Department has submitted recommendations for Motorized Big Game Retrieval, and will continue to be engaged throughout the planning process.

The Tusayan Ranger District Travel Management Rule decision is still under review, following two appeals from environmental groups. The Forest is being directed to analyze alternatives without motorized big game retrieval and this analysis is underway with no expected re-release time frame. The original Tusayan Proposed Action included motorized big game retrieval for elk. Because the decision for the Tusayan District may set precedence for the Williams Travel Management Rule, which is scheduled to be out sometime in the next few months, the Department continues to engage in discussion with the Districts in support of motorized big game retrieval.

U.S. FOREST SERVICE

Four Forests Initiative

The US Forest Service (USFS) 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 (FFRI). The FFRI calls for mechanical tree thinning and fire to restore fire-adapted ecosystems and reduce fire risk across at least one million acres of northern Arizona forests. The collaborative stakeholders group had two meetings in November to develop a charter and set of protocols for working together. The Forests are working on a proposal for initial project funding through the Forest Landscape Restoration Act which was part of the Federal Omnibus Bill passed earlier this year. The Department will continue to be actively involved in the FFRI stakeholders group.

Apache – Sitgreaves National Forest

Department personnel stocked 60 Apache trout into the South Fork Little Colorado River (LCR) in Apache County on September 25 to help jumpstart this wild recovery population. The project was a cooperative effort with the White Mountain Apache Tribe and the U.S. Fish and Wildlife Service Arizona Fisheries Resource Office. The wild trout were collected from Big Bonito Creek on the Fort Apache Indian Reservation by the Tribe and the Service, and stocked cooperatively with the Department into the South Fork. The South Fork LCR was chemically

treated in 2007 and 2008 to remove non-native brown and hybrid trout, and was initially restocked with 121 Apache trout in 2008. These additional fish will help the population establish quicker and maintain sufficient genetic diversity. When the population is well established and meets certain population thresholds, the stream will be re-opened to fishing.

Department personnel completed fall gillnetting surveys on several important trout lakes on October 19-22. Surveys were conducted on Becker Lake, Crescent Lake, Carnero Lake and Lee Valley Lake, all located in Apache County. Crescent Lake contained high numbers of brook trout averaging 13 ¼ inches in length, with the largest measuring 16.6 inches, and good numbers of large rainbow trout averaging 14 ¼ inches, with the largest measuring 18 inches which should provide excellent fall fishing and winter ice fishing opportunities. And the fishing will be fantastic next spring and summer if Crescent Lake avoids experiencing a winter kill. Becker Lake contained good numbers of rainbow trout averaging 14 ¼ inches in length, with some measuring over 20 inches. The presence of the large trout in these fall surveys is significant because in previous years those trout had been harvested out during the summer when bait fishing was allowed on the lake. With the current regulations of artificial only year around, these large trout have a better chance of being caught multiple times and to grow to trophy sizes. However, the numbers of these large trout in the fall is still low. The survey at Lee Valley Lake resulted in low numbers of large Apache trout and Arctic grayling. To avoid killing numbers of these unique species, this survey was a short time set and may not have sampled the lake well. More thorough surveys will be conducted at Lee Valley Lake in the spring.

Department personnel attended the Ranching Heritage Alliance (RHA) meeting held on November 16. The RHA is primarily composed of ranchers with grazing permits on the Apache-Sitgreaves National Forests (A-S), as well as range staff from the A-S. The main objective of the meeting was the development of suggested RHA activities and events for 2010.

Coronado National Forest

The Department stocked Gila Trout into Frye Creek in the Pinaleno Mountains on the Safford Ranger District. 500 fingerlings were loaded into 50-gallon transport drums, attached to a helicopter by long-line slings and flown to staging sites on the mountain where they were then transferred to 5-gallon pails before being hiked up another three miles to small pools. The fish came from the Mora National Fish Hatchery and Technology Center in New Mexico.

Kaibab National Forest

The Department recently commented on the Jacob Ryan Vegetation Management Project (JR). Due to appeals primarily from the Center for Biological Diversity, this is the third iteration of this project. The proposed action is for a 26,000-acre ponderosa pine vegetation treatment and prescribed burning project. The JR project is designed to reduce ladder fuels, fuel loads, and potential fire-flame lengths to better manage and reduce the potential for active crown fires in the project area. This is an initial attempt to create uneven-aged stands from past even-aged management and enhance sites currently classified as uneven-aged that lack the desired structure. The Department supports this goal because it will help to enhance vertical and horizontal heterogeneity in forest structure for wildlife habitat. A 12-inch diameter cap on tree thinning was evaluated as an alternative in the JR Project, but it was not the preferred alternative. The preferred alternative has an 18-inch cap. The Department concurred with the Forest's decision not to go with the 12-inch alternative because in some cases, it may be necessary to remove large, non-old growth trees that have

encroached into meadows, grasslands, aspen stands, springs, and other areas. While this practice is opposed by some, it reflects the best available scientific information and an integral element of ecologically-based forest restoration.

During late October and November the Grand Canyon Trust, the Kaibab National Forest, and the Department conducted two volunteer weekends within the Westside Mule Deer Habitat Treatment area. Work was focused on browse seed collection, hand seeding of grasses and shrubs into pinyon juniper woodlands, cliffrose pruning (to encourage resprouting), and cleaning seed from last year's collection efforts.

Prescott National Forest

The Department attended the preliminary ID Team Meeting for the National Environmental Policy Act (NEPA) compliance associated with Forest's Proposed Action for Vegetation Management on 55,000 acres in and near the Bradshaw Mountains. The Department has been invited to participate as a cooperating agency, and will participate in the development of the Vegetation Treatment Plan and Environmental Impact Statement (EIS) for this action.

Tonto National Forest

The Department went on a site visit with the Forest to the proposed Jim and Bull uranium exploration sites to look at potential impacts of the exploration. Our comments were not in favor of the exploration because the ultimate goal would be development of uranium mines, which the Department opposes.

The Department received reports that Arizona alders in Haunted Canyon were dying. This is near the site of the water supply wells for the Carlota Mine. An assessment, after a site visit, indicated the alders did indeed appear to have suffered some die-back due to lack of water. Carlota is required to mitigate the impact of water pumping in Pinto Creek and Haunted Canyon by pumping an additional amount of water and releasing this upstream in Haunted Canyon to compensate for dropping of the water table and to support the normally outstanding riparian vegetation in Haunted Canyon. Of the 4 outfall locations inspected only one had water flowing. There was no water flowing through the weirs, and pools that are normally wet, were dry. We reported our observations to the Forest Service and the U.S. Army Corps of Engineers.

Department personnel and students from ASU conducted a spot survey of fish in Pinto Creek. Two species of native fish were found, long-fin dace and desert sucker, and green sunfish as well. There appeared to be surface water in fewer locations than normal. This might be related to the item mentioned above.

The Department has been invited to attend a scoping meeting on December 15th for a bridge over Tonto Creek. Bridges here have been proposed in the past by the local residents, but the cost/benefit analysis was not in favor of construction. The Department is not opposed to the bridge, however we would like loss of habitat to be mitigated, and the bridge constructed in a way that the hydrology of Tonto Creek is not adversely impacted or would cause aggrading of Tonto Creek.

The Forest Service has asked for scoping comments on the Heber-Reno/Morgan Mountain Sheep Driveway by December 17th for their proposed action of allowing up to 8,000 sheep to travel the

driveway two times a year. The NEPA analysis will be done as a supplement to the Environmental Assessment (EA) for the Long Tom and Beehive / Sheep Springs allotments. The Department has commented numerous times in the past, and will be providing comments again. The Department's main issues are the potential for disease transmission from the domestic sheep to bighorn sheep. In particular, the driveway passes through Bulldog Canyon and near Stewart Mountain which are occupied bighorn habitat. The Department conducted a multi-agency disease risk assessment last year. The consensus was that the short time the sheep are in the area reduces the probability of disease transmission compared to allotments adjacent to bighorn habitat where the sheep are in close contact for many months.

BUREAU OF LAND MANAGEMENT (BLM)

Wild Horse and Burro Program

The Department attended the Society for Range Management Wild and Feral Horse and Burro Management Conference, Reno, NV in November 2009. Below is a summary of the major points presented and discussed at the meeting.

- Bud Cribley, Deputy Director, BLM, presented a brief history of the Wild Horse and Burro program and its potential future direction: From 2001-2007 the emphasis was on getting the numbers of wild horses and burros down to appropriate management levels (AML). The program nearly achieved AML throughout the west. Then Congress reduced funding and the wild horse and burro population went from 27,000 to 37,000 in two years with 30,000+ in holding facilities. Mr. Cribley then presented Secretary Salazar's plan. Briefly this plan has four major components: 1. Designate seven new wild horse and burro preserves in the mid-west and the east. 2. Showcase certain wild herds on western lands to promote adoption. 3. Apply new strategies to increase adoption. 4. Use population control measures (contraceptives, sex ratio manipulation, sterilization of certain herds) to balance reproduction with adoption demand. The BLM is currently working with staffers and congress members on getting funding and approval for this plan.
- A variety of speakers from academia, consulting firms, as well as state, federal (retired), and tribal governments presented on the biological, ecological, social, legal and economic realities of wild horse and burro management. The need to reduce numbers of wild horses and burros on the range, as well as the management costs, was a common thread among the presentations.
- Population control measures presented and discussed: PZP is an immunocontraceptive that has been the most successful. It must be administered by injection. One shot (\$200) will sterilize a mare for two years. Researchers are currently working on another contraceptive that can be delivered as oral bait. Mares can be spayed in the field while standing. If sterilizing stallions, >90% must be sterilized to slow population growth. Modest manipulations of sex ratios can slow population growth as well as fertility control.
- Attendees were nearly unanimous in NOT wanting to revise the original Wild Horse and Burro Act – rather, they would prefer to see the current Act implemented as originally intended.
- Secretary Salazar's plan was discussed in the breakout sessions as well as in the general meeting. The plan was considered by most to be much better than the status quo and a potential savior from the Restoring Our American Mustangs (ROAM) Act. Many saw Salazar's plan as an overcomplicated,

overpriced solution when the federal government should simply euthanize excess animals as directed in the Act, but agreed that Salazar's plan may be the best solution that society will currently accept.

- The need for a grass-roots effort to educate the public on the impacts of wild horses and burros, and the realities of the Wild Horse and Burro Program, was echoed throughout the conference.

AZ Strip Field Office

The Department is currently working with the Arizona Strip District to become a cooperating agency as it pertains to planning for the proposed mineral withdrawal EIS (2-year temporary segregation) on almost 1 million acres of federal lands near the Grand Canyon. The Department is currently reviewing the draft Memorandum Of Understanding (MOU) as it pertains to cooperating status for the two agencies. During this two-year segregation period, various studies will be conducted and an EIS prepared. The BLM is the lead agency on the preparation of the EIS, in cooperation with the USFS, USFWS, NPS, and USGS and soon the Department. A cooperating agency meeting will be held December 1st to discuss roles and responsibilities, cooperating agency MOU's, and data sharing agreements.

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 proposed plan/Final EA is due to be out for review this fall.

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.

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 assisted in route evaluation for Mohave Mountain Unit.

Kingman 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.

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. This plan has been endorsed by the BLM AZ State Director and is currently being reviewed by the Washington Office. The Department continues to work with BLM on the development of subsequent implementation-level plans, including the La Posa Travel Management Plan. Department personnel are planning to participate in Travel Management Plan route evaluations for the Cibola-Ehrenberg areas which have been placed on hold until 2010.

Tucson Field Office (TFO)

The Middle Gila Travel Management Plan is under final review by the state office and is due out to the public this fall. The Department continues to participate in route evaluations for routes in the Middle Gila Area in the Tortilla Mountain and Dripping Springs Units.

Safford Field Office (SFO)

The Department reviewed and commented on the Gila Unit Travel Management Plan for the Safford Field office. The alternatives for this plan were developed in cooperation with the Department. The Department supports Alternative C as the alternative which is most aligned with the Department's Mission. However, The Department is concerned with the status of riparian areas within the Gila Unit. Several routes, which were identified to have sensitive elements or environmental concerns, and closed in Alternative B, were left open without adaptive management or mitigation on Alternative C. The Department recommended additional management or mitigation for routes in riparian and xeroriparian areas to ensure that motorized access is not impacting the important wildlife habitat that exists there. The Department also recommended incorporating an adaptive management component on all routes which follow or intersect riparian and xeroriparian watercourses which would include monitoring of the *ecological functions of the watercourses*, as well as the physical or hydrological function of the watercourses, and a regular review process.

BLM NATIONAL MONUMENTS & CONSERVATION AREAS

Ironwood Forest National Monument (IFNM)

The Tucson Field Office continues to work on the development of a proposed final Resource Management Plan and Environmental Impact Statement for the Ironwood Forest National Monument. This document was 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 (Center for Biological Diversity v. U.S. Bureau of Land Management, No. CV 09-8011-PCT-PGR (US Dist. CT AZ) 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. The scheduling conference has been reset once again to February 8, 2010. At this conference the Court will enter a case management order setting dates for discovery and dispositive motions. On November 3, 2009 the National Rifle Association filed a Motion for Leave to Intervene in the action, which will be argued on December 14, 2009 in the federal district court.

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.

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)

In October 2008, the Department reestablished the black-tailed prairie dog population on State Trust Lands within the LCNCA. On June 19, 2009, BLM finalized 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. With this decision, BLM committed to providing up to 1000 acres of reintroduction habitat for black-tailed prairie dogs on the LCNCA. In September 2009, the Department and BLM prepared a second release site, on BLM Lands 3.5 miles north of the first release site. Black-tailed prairie dogs were trapped near Carrizozo, New Mexico, and transported to Arizona in two separate trapping events. On September 21 and October 8, the Department released 107 black-tailed prairie dogs on the two release areas on State Trust and BLM Lands within the LCNCA. A total of 68 prairie dogs were released on the BLM site, and 39 prairie dogs were released to augment the prairie dog population on the State Trust Lands site. Daily monitoring occurred at each site for three weeks post-release. Weekly monitoring will continue to assess status and population changes at each site.

U.S. FISH AND WILDLIFE SERVICE

Kofa National Wildlife Refuge (Kofa NWR)

The annual bighorn sheep survey on the Kofa NWR was completed in November 2009 and the resulting population estimate was 410. This is slightly down from last year's estimate of 436, but is similar to the previous three years. In November 2009, the New Mexico Cooperative Fish and Wildlife Research Unit continued efforts on a study to document and monitor body condition of bighorn sheep on the Kofa NWR. 34 sheep were captured and telemetry collars were placed on 10 previously uncollared-sheep and collars were replaced on 7 previously-collared sheep. The total number of collared sheep on Kofa NWR is approximately 34. 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 Service is working to complete a final environmental assessment (EA) for limiting mountain lion predation on desert bighorn sheep on the Kofa NWR; the public comment period for the draft EA ended on October 2, 2009. The Department recently hired a wildlife technician to increase monitoring efforts of lion and the Kofa sheep herd. Additional information on the management of bighorn sheep, lions, and water on the Kofa NWR can be found on the Department's web site.

GENERAL UPDATES

Arizona Department of Transportation (ADOT)

SR260 Heber to Show Low

Department personnel continue to meet with ADOT and Parsons Brinckerhoff (PB) concerning the passing lane additions and widening along SR 260 from Heber to Show Low. Department personnel will be reviewing environmental aspects of the NEPA analysis for both projects. ADOT has expressed an interest in conducting a collared elk study within the project area.

I-17 Widening Project- SR 179-I-40

The Biological Evaluation and the first draft of the Environmental Assessment are currently being reviewed by ADOT. Also at this time, potential wildlife crossings are being evaluated. While the Department has not seen the draft EA, there are indications from ADOT staff that wording in the EA states that ADOT will continue to work with the Department to fine tune locations of potential crossings once the location data is completely collected.

I-40 Widening Project- Bellemont to Winona

Monthly meetings have begun for the I-40 project from Bellemont to Winona next month. Department staff will be attending these meetings. Over 75 elk have been collared within the I-40 corridor, which will help facilitate the planning for future wildlife crossings.

SR87 Four Peaks Road to Dos S (Sycamore Creek) Improvement Project

The Department continues to coordinate with ADOT and the Tonto NF on the SR87 highway improvement project along 5 miles of the transportation corridor. The Department has been involved with long-term monitoring and research of desert tortoise in the area. The SR87 is believed to be a significant barrier and cause for habitat fragmentation, as well as threat for roadway mortalities. The Tonto NF is interested in monitoring to determine if SR87 currently

acts as a barrier or source of mortality to tortoise. Tortoise currently occupy habitat on both the east (Sugarloaf Mtn.) and west (Four Peaks) sides of the highway. ADOT has agreed to fund mitigation and monitoring for a 1 mile section of SR 87 that traverses the high quality tortoise habitat. Tortoise fencing will be installed along the 1 mile section and 1 culvert will be redesigned to prevent tortoise access. The culvert allowed access to the highway median. No additional modifications will be made to existing culverts within the 5 mile improvement project. The Department will employ two metrics to determine the current impact that these mitigation strategies have on desert tortoises: tortoise mortality patterns and culvert use. The specific objectives for monitoring include:

1. Evaluate whether the installation of desert tortoise fencing on SR87 (MP 204.55 – 205.34) is effective in reducing tortoise mortality within the fenced section.
2. Monitor culverts to determine if tortoises use them to successfully cross the highway.
3. Determine if desert tortoises are bypassing mitigation fencing by accessing the roadway at either end of the fenced section.

City of Flagstaff/Coconino County

The Department reviewed the Flagstaff Metropolitan Planning Organization's (FMPO) 2030 Regional Transportation Plan (RTP) update and made recommendations to ensure wildlife habitat connectivity is maintained in the Flagstaff Region. The FMPO has engaged the Department early and frequently throughout this planning process, demonstrating a commitment to balancing public transportation needs with wildlife conservation. The RTP promotes focused growth and infill, a transportation policy supported by the Department's Wildlife Friendly Planning Guidelines. The Department did comment on 5 future roadways where wildlife connectivity may be compromised, and provided wildlife corridor data to the FMPO to help facilitate to future studies and project designs that would avoid, minimize, and mitigate potential impacts to wildlife.

Department staff contributed to the ongoing update of the Flagstaff Regional Land Use Plan, serving as a member of the Core Planning Team that collects community input during the revision process. Staff attended a Town Hall Meeting in October in which City officials presented current progress on the revision. Flagstaff and Coconino County have invited the Department to co-facilitate an 'Open Space' Focus Group, through which the Department will help gather information from the public on issues of open space use, acquisition, and conservation. The Department has also been asked to make a presentation in January to the Citizens' Advisory Committee (CAC), the body overseeing the revision process, on the feasibility of developing a Conservation Lands System for the greater Flagstaff area. This could resemble the Conservation Land System adopted by Pima County and call for conservation of wildlife habitats and other natural resources to be identified by a science advisory committee as part of the regional plan update, and will entail significant Department involvement if the CAC elects to go ahead.

City of Goodyear

The Department recently met with City planners to present regional conservation and linkage goals for wildlife within the Goodyear jurisdictional boundary. Similar to the Town of Buckeye meeting, the purpose was to establish a working strategy with the City to implement conservation and linkage goals to benefit wildlife associated with the Sierra Estrella Mountains,

Buckeye Hills, Maricopa Mountains and Rainbow Valley area. The City is very interested in future collaboration towards conservation and linkage goals.

City of Surprise

The Department continues to participate in Village III planning sessions for an area within the Surprise municipal boundary that abuts to the northern side of the White Tank Mountains and the White Tanks Regional Park. City planners are interested in supporting conservation and linkage goals to preserve wildlife and habitats associated with the White Tank Mountains. The City has scheduled a presentation, on behalf of the Department, to the City Council in February of 2010 to discuss wildlife habitat conservation and linkage goals for the area. The City is also working closely with the Department during their approval process for “Proposed Area Development Plans” submitted by developers where linkage goals overlap proposed urban developments. This collaboration provides an important opportunity for the Department to seek development designs and mitigations that will create wildlife habitat linkages that traverse future urban landscapes.

Maricopa County Department of Transportation (MCDOT)

MCDOT continues to initiate feasibility studies for several parkways identified in regional and statewide transportation framework scenarios. MCDOT is interested in establishing Right of Way during early stages of urban development to reduce costs and planning constraints. As a result several Corridor Feasibility Studies are ongoing for the western Maricopa County area.

Hidden Waters Parkway Corridor Feasibility Study

The Department continues to participate on the Technical Advisory Committee for the parkway Corridor Feasibility Study. MCDOT is evaluating the preferred alignment for a future parkway. The proposed parkway would provide a north/south transportation corridor between I-10 and Gila Bend similar to the Old US80 alignment. A few of the transportation development issues in the area involve impacts to local agricultural operations and housing developments, archaeological and historical resources along the Gila River, impacts to the Gila River near the Gillespie Dam crossing, impacts to AGFD Gila River Wildlife Area Complex, and impacts to a wildlife linkage between the Gila Bend Mountains, Buckeye Hills and the Sonoran Desert National Monument. Many questions have been raised to MCDOT on the purpose and need for the parkway. MCDOT has responded that the purpose and need was established during the regional and statewide framework studies; and it is no longer a question of need, but now a question of the specific transportation corridor alignments.

McDowell Parkway Corridor Feasibility Study

The parkway study has just been initiated by MCDOT for a new parkway that would extend the current McDowell road alignment further west along the southern end of the White Tanks Mountains, across the Hassayampa River and connecting to the Tonopah/Salome Highway west. The parkway would traverse undeveloped habitat on the south end of the White Tank Mountains and parallel the I-10 corridor to the north. The Department has been working with Maricopa Flood Control District in this area on planning for dam rehabilitation of the flood control structure known as the Buckeye FRS 1. Flood control recently proposed a final alternative to rehabilitate the dam using soft structural methods that include habitat enhancement and preservation as a wildlife corridor. This corridor is an important component of linkage goals and connects the White Tank Mountains to the Hassayampa River corridor. The McDowell parkway would sever habitat connectivity between the White Tank Mountains and the Buckeye FRS1

corridor. The Department will be participating on the Technical Advisory Committee and providing input on the biological resources of the area and wildlife habitat conservation and linkage goals for the area. The Departments primary concerns with this project include potential impacts to special status species, desert tortoise, and impacts to regional conservation goals for the White Tank Mountains.

Maricopa County Ordinances P-28 and P-27

The Maricopa County Air Quality Department provided the Department with a draft revision of Maricopa County Ordinance P-28. The draft revision is moving towards a regulation that will protect air quality while allowing reasonable access. The draft revision has been forwarded to Jim Odenkirk in the Attorney General's Office for legal review so that the full implications of the changes are explored.

Northern Arizona Shooting Range (NASR)

The Department has completed archeological surveys at the proposed Cochrane Hill and Winona alternative sites. A full report of the archeological findings will be presented at the December 5th Commission Meeting. Due diligence investigations including an appraisal, a drainage study, well studies, and an archeological survey have been completed at the 160-acre Foster Ranch deeded property. The Department has also coordinated a Commission site visit to the Cochrane Hill and Foster Ranch sites. The Department has also coordinated with the Coconino National Forest regarding the proposed Willard Springs Land Exchange and pending decisions on the Agreement To Initiate the National Environmental Policy Act process.

Pinedale Road Paving Project

The Navajo County Pinedale Road Paving Project has been downgraded to just double-chipping (sealing) instead of paving due to budget constraints. The County will not increase the speed limit or add further right-of-way fencing. The Department had expressed concern over further fragmentation of an already fragmented pronghorn habitat as a result of the originally proposed installation of right-of-way fencing.

Rainbow Lake – Nuisance Aquatic Weeds

Department personnel continue to work with the Show Low Creek Watershed Enhancement Partnership to find solutions to address nuisance aquatic weeds in Rainbow Lake, Navajo County. A short-term solution team met with a consulting firm and engineers on October 8 to evaluate sites for possible fish barriers needed to stock weed eating white amur. Issues with flooding in residential areas, dam safety, feasibility of downstream movement barriers, and cost has led the team to look at different options, including a proposal from a group that manually removes invasive Eurasian milfoil. A long-term solution team is currently evaluating the potential of renting a suction dredge from the City of Winslow, now that they have been able to solve their weed clogging issues. The committee is also contemplating developing a non-profit corporation that has fund raising capabilities that will help fund feasible projects. The Department has committed to continue, and increase, the use of weed harvesters in the lake to help address the weed problem.

Renewable Energy Development

Wind

Grapevine Wind Energy Project

The Department recently met with Foresight Wind Energy as it relates to the Grapevine Wind Energy Project. The potential project area has grown significantly in size, and if wind power is purchased, would be completed in 3 phases. The Department's working relationship with Foresight and their consultant West, Inc has been a cooperative one, especially as it relates to conducting bird and bat surveys. At this time, Foresight is willing to implement our newly written *Department Wind Guidelines* which address pre and post construction monitoring primarily for birds and bats. In addition to potential bird and bat impacts, the project area encompasses significant habitat for the Anderson Mesa pronghorn herd. Since 2004, the Department has invested +\$1M on grassland restoration efforts within the proposed energy development area, and on the adjacent Forest Service lands. Effects to pronghorn from wind energy are relatively unknown and the Department is beginning to engage wind developers and project consultants on how to best address this issue. The Dry Lake wind energy project also overlaps important pronghorn habitat.

British Petroleum's White Hills/Mohave Wind Energy Project

The Department continues to coordinate closely with the BLM Kingman Field Office, project proponent, and environmental consultants producing the Environmental Impact Statement in compliance with NEPA for the White Hills Wind Energy Project. The Department is currently reviewing a proposed memorandum of understanding that will formalize its cooperating agency status in the development and implementation of provisions generated in the NEPA process.

NZ Legacy (wind & solar)

Department personnel attended the Navajo County Board of Supervisors Meeting on November 9, at which the Board was reviewing staff recommendations for the amended NZ Legacy Special Use Permit request to erect 4 meteorological (met) towers each on two of their 5 project sites. The Navajo County Public Works staff incorporated Department Met Tower Guidelines into their recommendations to the Board. The Board approved the staff recommendations for both projects. In addition, Navajo County has agreed to notify the Department when special use permit requests for met towers are received by the County. This will help reduce potential Department personnel safety issues during fixed-wind or helicopter survey flights.

Solar

Albiasa and Hualapai Valley Solar Plants

The Mohave County Board of Supervisors unanimously approved General Plan Amendments and zoning requests for the 200 mW Albiasa Solar plant to be located near the junction of US 93 and old Hwy 93, 5 miles south of I-40, and for the 340 mW Hualapai Valley Solar plant to be located north of Kingman near Red Lake. Due to the need for easements across BLM-managed federal lands, and requisite "tie-ins" to the Western Area Power Administration (WAPA) grid, a federal nexus exists that will necessitate both plants completing an Environmental Impact Statement in compliance with NEPA prior to construction. To ensure that Department concerns are addressed in the NEPA process, the Department has hosted preliminary consultation meetings with the proponents of each project, and with our federal partners (WAPA, BLM, and USFWS) who will be facilitating and providing oversight in the NEPA process. The City of Kingman is working to create a water-use policy to sell reclaimed water from the Hilltop

Wastewater Treatment plant to Hualapai Valley Solar, and anticipates that it will be able to provide more than 1.7 million gallons of water to the plant per day. That amount may increase with future growth, potentially supplying the plant with all of its future water.

La Paz, Maricopa, and Yuma Counties

The Department is coordinating with project proponents and land management agencies on commercial-scale solar projects proposed for construction in La Paz, Maricopa, and Yuma Counties. Planning and environmental compliance is moving forward for several projects including the Sonoran, Solana, White Wing Ranch, Palomas, and Quartzsite solar projects. In each case the Department has requested - and been invited, to sit on the Interdisciplinary Teams that will carry out the NEPA compliance for the projects

Rosemont Copper Project

The Department continues to participate in monthly meetings with the cooperating agencies for the Rosemont Copper Project. The Department attended a meeting this month with Forest Staff to discuss potential compensatory mitigation lands for lands impacted by the Rosemont Copper Project. Several potential properties were discussed and many others are anticipated to be proposed for review.

Town of Buckeye

The Department recently met with City planners to present regional conservation and linkage goals for wildlife within the Town of Buckeye jurisdictional boundary. The purpose of the meeting was to establish a working strategy with the Town to implement conservation and linkage goals to benefit wildlife associated with the White Tanks Mountains, Buckeye Hills, Gila River Wildlife Area Complex as well as surrounding desert valley bottoms. The Town was interested in future collaboration and may consider a presentation to the Town Council to begin the process of building political support for conservation and linkage goals.

Wildlife Linkages/Corridors

Cochise County

The Department participated in a planning meeting with ADOT and City of Benson planners on the NW long range transportation plan for Cochise County. The Department made several recommendations to address long term wildlife connectivity in the Whetstone area including connectivity across Interstate 10 as well as linkages between the San Pedro River and the Whetsone Mountains.

Coconino County

The Department is working closely with Coconino County to organize a second stakeholders workshop for the County Wildlife Corridors project in early 2010, part of the Department's statewide effort to define wildlife corridors and provide this information to local and regional planners. The goals of the workshop will be to finalize linkages identified by species experts in a prior workshop held in March 2009, and to identify a subset of high-priority linkage zones for further fine-scale corridor modeling. The Department met with Paul Beier of NAU to discuss possible approaches to prioritizing linkage zones and will present their proposed methodology to the Statewide Arizona Wildlife Linkages Workgroup in early December.

Regional Transportation Authority Wildlife Linkages Working Group (RTA)

The Department continues to participate as a voting member on the RTA wildlife linkages working group. The RTA is currently evaluating several projects which are proposed to increase wildlife permeability on a local scale within Pima County.

Wildlife Linkages Stakeholder Workshop

After considerable effort to garner support from Yavapai County, Prescott, Prescott Valley, Chino Valley, Prescott ADOT, and Prescott National Forest (*through extensive involvement with Central Yavapai's Metropolitan Planning Organization - CYMPO*), on November 23, the Department will host its Yavapai County Wildlife Linkages Stakeholder Workshop. The workshop is expected to draw roughly 200 participants from among local planners, developers, government decision-makers, resource managers, NGO's and interested public. Building on the results of the 2006 Arizona Missing Linkages Report, the goal of the workshop will be to identify the important large habitat components in the County, and Wildlife Corridors that will provide connectivity between them. Based on support derived earlier from the local municipalities and the county, an anticipated outcome of this effort will be the identification, and incorporation of protections for these resources in the soon-to-be renewed General Plans of each local governing body.

Will Garrison Tank

In cooperation with the Arizona Desert Bighorn Sheep Society and with some heavy equipment support functions from FNF Construction, Department personnel have initiated construction of the Mohave #1 Catchment North of Lake Havasu City. The new tanks, drinker, and fence should be completed by the end of the month.

Hunt Permit-tag Application Schedule – Winter 2010

Hunt permit-tag applications will be accepted and processed in accordance with R12-4-104 and R12-4-114 and this schedule.

Drawing				
	ACCEPTANCE DATES¹	CORRECTION PERIOD²	DEADLINE DATES³	
HUNT	Applications accepted on or after:	Deadline 5 p.m. (MST) in Department offices	Deadline 7 p.m. (MST) in Department offices on:	Hunt permit-tags and refund warrants mailed out by:
Antelope	(See note 1)	Jan. 21, 2010	Feb. 9, 2010	April 23, 2010
Elk	(See note 1)	Jan. 21, 2010	Feb. 9, 2010	April 23, 2010

First Come⁴		
	Applications accepted by mail on or after 8:00 a.m. (MST):	Permits available for purchase at all Department offices after 8:00 a.m. (MST)
HUNT	ACCEPTANCE DATES	ACCEPTANCE DATES
Antelope	April 26, 2010	May 3, 2010
Elk	April 26, 2010	May 3, 2010

Notes:

1. The Department will accept Hunt Permit-tag Applications for big game listed above as soon as the applicable year hunt information is available on the Department's Web site (www.azgfd.gov), or from any Game and Fish Department office or license dealer, unless otherwise noted in the Hunt Permit-tag Application schedule.
2. If a paper Hunt Permit-tag Application that is submitted contains an error and is received by Jan. 21, 2010, the Department will make three attempts within a 24-hour period to notify the applicant by telephone (if a phone number is provided).
3. Department offices at Flagstaff, Kingman, Mesa, Phoenix, Pinetop, Tucson and Yuma will close for business at 5:00 p.m. (MST); completed applications will be accepted at these locations until 7:00 p.m. (MST) on deadline days. No applications will be accepted after this time regardless of the postmark. Deadline dates may be extended in the event of a Department related system failure.
4. First come permits are issued if available and will sell very quickly. Applicants are advised to check with the Department before submitting an application for leftover permits. A listing of leftover permits is available online at www.azgfd.gov or any Department office.