

Minutes of the Meeting of the
Arizona Game and Fish Commission
Thursday, March 4, 2010
Friday, March 5, 2010
Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

Chairperson Jennifer L. Martin
Vice Chair Robert R. Woodhouse
Commissioner Norman W. Freeman
Commissioner Jack F. Husted
Commissioner John W. Harris

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

Chairperson Martin called the meeting to order on Thursday, March 4, 2010 at 10:00 a.m. This meeting followed an agenda revision #1 dated March 1, 2010.

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1. Commission Training Regarding Transition to New Equipment for the Electronic Storage, Transfer and Retrieval and Use of Commission Documents and Other Materials, Including a Demonstration of Software to Enhance Procedures for Awarding Special Big Game License Tags in the Future.

Presenter: Marty Fabritz, Executive Staff Assistant

The Department provided the Commission and the Director with a presentation and hands-on training in a workshop setting regarding Department efforts to transition to a paperless approach for future Commission meetings. The presentation and discussion was for information only and the Commission took no action.

2. Call to the Public

There were no requests to speak to the Commission.

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Meeting recessed for the day at 1:00 p.m.

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Meeting reconvened Friday at 8:00 a.m.

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Chairperson Martin called the meeting to order on Friday, March 5, 2010 at 8:00 a.m. This meeting followed an agenda revision #1 dated March 1, 2010. 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: Husted moved and Woodhouse seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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The Public Meeting reconvened at 10:00 a.m.

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

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7. Presentation to Commission on the Morrison Institute's Futuring at time certain 10:00 a.m.

Presenter: Richard Miller, Funds and Planning Branch Manager

Mr. Miller introduced Grady Gammage, Jr. with the Arizona State University Morrison Institute for Public Policy, who provided a PowerPoint Presentation to the Commission. The Presentation reflected Futuring studies conducted by the Morrison Institute and was intended to stimulate discussion about the impacts of Arizona's Sun Corridor on politics, governance, water, and sustainability. All of which can be used to gain insight into the future of the Department. This presentation was for information only and is the first in a series of Commission presentations planned for the next few months to be provided as background for the upcoming strategic planning process.

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3. Legislative Engagement and State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles briefed the Commission using a PowerPoint presentation on the current status of selected state and federal legislation 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 Legislation

- Today is day 54 of the Session, the number of bills posted is 1,232 and the number of bills passed is 2. The main focus remains of the budget.

State of the Budget

- The Legislature cancelled all Committee hearings this week and next to work on the budget situation.

Bills of Interest to the Commission

HB2144: wildlife; guides; wasted meat

- Commission supports
- House passed measure by 55-2
- Transmitted to Senate and assigned to Committee
- Was scheduled for Committee hearing, but then suspended

HCR2008: constitutional rights; hunting and fishing

- Commission supports the strike everything measure as amended
- Passed the House Committee
- Awaits House COW Action and 3rd Read in chamber of origin

SB1200 / HB2189: arizona game and fish commission; appointment recommendation board

- Commission Opposed bill
- Both measures were heard in their respective chamber committees
- SB1200 – Retained from COW until after stakeholders meeting
- HB2189 – Awaits COW Action

Commissioners Woodhouse and Freeman discussed with the other Commissioners the meetings and discussions they've had with the proponents of SB1200 / HB2189.

Commissioner Freeman stated that his concerns with the bill have not been resolved with the language in the amendment.

Motion: Husted moved and Harris seconded THAT THE COMMISSION VOTE TO NOT TAKE A POSITION ON THE AMENDMENT.

(This motion was discussed for clarification later in the meeting following agenda item #12)

Commissioner Freeman stated that he would vote no on being neutral, but will support a motion to take no further action.

Commissioner Harris stated that the language is still changing and that he believes the Commission should be neutral at this point.

Chairperson Martin stated that she supports Commissioner Freeman's comments and has not become neutral on the language. She still believes it's appropriate for the Commission to oppose it, and so she will vote against this motion as well.

Commissioner Woodhouse stated that it is a work in progress and to go into the stakeholders meeting (to be held Monday) with a neutral stance would be more beneficial than in opposition.

Commissioner Harris agreed that a neutral stance would be helpful in discussions.

Vote: Aye - Woodhouse, Husted, Harris
Nay - Martin, Freeman
Passed 3 to 2

Commissioner Woodhouse explained his vote stating that he wants the stakeholders meeting to take place and then for the Commission to hold a telephonic meeting to discuss the outcome.

Chairman Martin explained that she is voting on the language before the Commission today and not what's going to happen at the stakeholders meeting and therefore she voted nay.

HB2601: eagle scouts; complimentary fishing license

- Commission supports
- Sponsor to propose committee amendment for inclusion of Girl Scout's "Gold" recipients
- Department will bring amendment back to the Commission at the telephonic meeting

HB2017: schools; gun safety programs; instructors

- Commission Supports
- Assigned to Committee
- Has not had a hearing

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Awards and Recognition

Chairperson Martin announced the following award: The Bald Eagle Management Program was the recipient of the Department's fourth Arizona Quality Alliance Showcase in Excellence Award for the Arizona Bald Eagle Nestwatch Program. The program is coordinated out of the Department's Nongame Branch and specifically by Eric Gardner, Nongame Branch Chief, James Driscoll, Raptor Management Coordinator, Kenneth Jacobson, Bald Eagle Management Coordinator, and Kyle McCartney, Bald Eagle Projects Coordinator.

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9. Call to the Public

Karl Hendrickson addressed the Commission regarding his family's ranch in the northwest part of Game Management Unit 32 and the issues they have had over the years with hunters and recreationists in terms of trash, cutting fences, vandalism, etc. Now the gates are locked during

non-hunting seasons and access is controlled during the hunting seasons; however, foot traffic is and has always been allowed. Over the years, relations with Department Wildlife Managers in the area have become adversarial. The Department has not responded to calls and has not been helpful. In the past few years, Mr. Hendrickson has resolved to drive his own roads and speak with the hunters and campers to ask them to pick up trash and keep their ATVs on the main roads. It's been successful but it takes time and money. He has been told by Game and Fish that they will start to patrol the area and they have not done that. Further, Mr. Hendrickson is concerned about Department efforts to increase access to nearby state land causing even more traffic and more damage to his land.

Chairperson Martin explained to Mr. Hendrickson that the Commission cannot speak to the issue since it was not on the agenda; however, the Department is planning a presentation for a future Commission meeting regarding access issues, in the broader context, in the Galiuro Mountains and it will be on the agenda. Chairperson Martin encouraged Mr. Hendrickson to continue to work with the Department and to attend that meeting so they can have some better dialogue.

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4. Information, Education and Wildlife Recreation Activities Briefing

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

The Commission was provided with an Information, Education and Wildlife Recreation 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 February 2010 Commission meeting and was provided in fulfillment of the Department's commitment to brief the Commission on a regular basis.

Mr. Gray informed the Commission of the upcoming Expo to be held on March 27-28, 2010 and Youth Day on March 26.

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5. Shooting Sports Activities Briefing

Presenter: Jay Cook, Education Branch Chief

The Commission was provided with a Shooting Sports Activities Briefing prior to this meeting (also available to the public) on Department activities related to shooting sports. The report included shooting programs and shooting range development statewide and covered activities that occurred since the February 2010 Commission meeting. This briefing is part of the Department's ongoing commitment to provide the Commission with updates on a regular basis.

Mr. Cook recapped several items in the briefing using a Power Point presentation and provided the following additional updates:

Two significant shooting events took place:

- Washington's Birthday Shoot (186 competitors, 27 were juniors, 48 teams) and the 19th Annual Winter Range Shoot (Nearly 700 competitors, ages range from 12-80, participants came from 44 states and 5 countries)
- A financial donor has committed to a \$50,000 donation for the Mounted Shooting Arena cover. The agreement is still be worked out. There will be some associated naming rights and it's contingent on budget availability. Also, the arena will have multi-use capability

Chino Valley Shooting Range – There is a potential for development of a public range at the current police range. The Chino Valley Town Council gave the Chino Valley Police Department approval to inter into an IGA with the Department.

Mr. Cook asked the Commission for approval for the Department to enter into the IGA.

Motion: Freeman moved and Woodhouse seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO DEVELOP AND IGA WITH THE TOWN OF CHINO VALLEY TO DEVELOP A PUBLIC CHINO VALLEY SHOOTING RANGE.

Vote: Unanimous

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6. An Update on Current Issues, Planning Efforts, and Proposed Projects on All Lands in Arizona and Other Matters Related Thereto

Presenter: Josh Avey, Habitat Branch Chief

A copy of the Lands Update report was provided to the Commission prior to this meeting and is included as part of these minutes. The update addressed 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 February 2010 Commission meeting. This update is in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding decisions and actions on all State and Federal lands in Arizona.

Mr. Avey provided the following additional update: The Lower Sonoran RMP is coming out and the Department is planning to participate. It will be a quick turnaround due to the Lower Sonoran state offices being litigated to have it done in April.

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8. Consent Agenda

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

a. Request for the Commission to approve a new Memorandum of Understanding with Pima County to cooperate on mutually beneficial wildlife projects

Presenter: Chantal O'Brien, Research Branch Chief

The Regional Transportation Authority (RTA) of Pima County has identified wildlife connectivity as an important component of roadway construction projects within the County. Pima County, as part of the RTA, has a need for wildlife expertise to work with engineers and planners to identify crossing areas and include wildlife connectivity on roadway construction projects. The Department has been involved in wildlife/roadway projects for over a decade and has the expertise and experience to help the RTA make highways safer for humans and wildlife. Therefore, matching the Department's expertise with the RTA's need under this Memorandum of Understanding will benefit wildlife by decreasing wildlife/vehicle collisions and increasing wildlife permeability across roadways.

The Department recommended that the Commission VOTE TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH PIMA COUNTY THAT WILL ALLOW FOR A MUTUALLY BENEFICIAL WORKING RELATIONSHIP FOR THE COMMON PURPOSE OF IDENTIFICATION, DESIGN, AND IMPLEMENTATION OF TRANSPORTATION-RELATED CRITICAL WILDLIFE LINKAGES AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO APPROVE THE AGREEMENT AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

b. Request for the Commission to approve an Inter-Governmental Agreement with the City of Tucson

Presenter: Chantal O'Brien, Research Branch Chief

The City of Tucson has identified wildlife connectivity as an important component of roadway construction projects within the city. The City of Tucson as part of the Regional Transportation Authority (RTA) has selected the Department as the wildlife experts to work with engineers and planners to identify potential crossing areas and implement wildlife connectivity on roadway construction projects along Houghton Road. The Department has been involved in wildlife/roadway projects for over a decade and has the expertise and experience to help the RTA early in the development stage of road design making highways safer for humans and wildlife. Therefore, matching the Department's expertise with the RTA's need under this Inter-governmental agreement will benefit wildlife by increasing wildlife permeability across roadways.

The Department recommended that the Commission VOTE TO APPROVE AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF TUCSON TO CONDUCT A RESEARCH STUDY TO IDENTIFY IMPORTANT WILDLIFE LINKAGES ALONG HOUGHTON ROAD IN TUCSON, ARIZONA AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO APPROVE THE AGREEMENT AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

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

Vote: Unanimous

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9. Call to the Public (continued)

There were no requests to speak to the Commission.

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1. (continued) Executive Session

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

Motion: Husted moved and Woodhouse seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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Meeting recessed for lunch at 12:17 p.m.

Meeting reconvened at 1:37 p.m.

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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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10. Consideration of the Unit 12A Habitat Stamp Fund Budget for Calendar Year 2010

Presenter: Ron Sieg, Flagstaff Regional Supervisor

Each year the Commission is asked to approve the budget for the Unit 12A Habitat Stamp Fund for the calendar year. The Kaibab National Forest and the Department jointly develop this budget proposal. Mr. Sieg presented a synopsis of expenditures during calendar year 2009, revenue for calendar year 2009 and planned expenditures for calendar year 2010 as follows:

Calendar Year 2009

Category	Planned Expenditure	Actual Expenditure
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Construction of 3 wildlife waters on Westside	\$150,000	\$149,996.96
Support for Westside project – funded contractor for checkstation	\$28,784.50	\$3,252
Total	\$178,784.50	\$153,248.96

Additional projects were completed using other funding sources:

- 3rd year of Northern Arizona University research on seeding and herbicide
- Collection of local cliffrose seed for future seeding
- 158 acres of pinyon-juniper grinding to improve browse, 16 acres seeded with ATV seeder and grass seed
- 221 acres of shrub seeding in Slide Fire area

Calendar Year 2010

Carryover funds	\$25,535.54
2009 calendar year stamp sales	
• 2,089 stamps @ \$15	\$31,335
Available funds	\$56,870.54

Proposed activities

- Support of ongoing seeding, herbicide, Pinyon-juniper clearing, archeological survey/ Clearance, check station staffing \$56,870.54

Motion: Freeman moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE 12A HABITAT STAMP FUND BUDGET FOR CALENDAR YEAR 2010.

Vote: Unanimous

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11. Informational update on discussions on the House Rock Bison Herd

Presenter: Ron Sieg, Flagstaff Regional Supervisor

Mr. Sieg provided the Commission with an update regarding ongoing discussions between the Department, Grand Canyon National Park, the Kaibab National Forest and Northern Arizona University concerning the House Rock bison herd. The presentation was for informational purposes only and included historical information and a map of the House Rock Wildlife Area. Since the mid-1990s Grand Canyon National Park (Park) has been raising concerns over increased bison use of the Park and potential resource damage. There have been several previous discussions and workgroups between the Department and the Park, including Commission presentations. Over the past year there have been renewed discussions and this informational

presentation was for the purpose of updating the Commission on this ongoing effort to look at bison management options.

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

Meeting reconvened at 2:00 p.m.

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12. 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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Hearings postponed at 2:47 p.m.

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3. (continued) Legislative Engagement and State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

The Commission reopened this agenda item to discuss and clarify Commissioner Husted's motion on SB1200 (Husted moved that the Commission vote to not take a position on the amendment; Passed 3 to 2).

Commissioner Husted stated that the intent of his motion was for the Commission to put themselves in the position of being neutral on SB1200.

Chairperson Martin stated that she understood the intent and that is what she voted on, and further offered that if any Commissioners had a different understanding then the Commission could vote again.

Commissioner Freeman stated that he thought the motion was to be neutral on the amended language and not to reverse the Commission's position on the bill.

The Commission further discussed their perception of the motion and did not see a need to re-vote. It was understood that the motion and vote (3 to 2, Martin, Freeman opposed) put the Commission in a position of neutrality on the bill.

Commissioner Woodhouse stated that he has spoken strongly against the language in SB1200 at every opportunity, and if major changes aren't made at the stakeholders meeting, he will still be opposed, but he wants to wait for the stakeholders meeting and then go from there.

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13. 2009/2010 Director's Goals and Objectives

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

Mr. Hovatter briefed the Commission on the status of 2009 Director's Goals and Objectives and how these goals transition into the 2010 Goals and Objectives. The Commission was provided with a draft copy of Proposed 2010 Director's Goals and Objectives dated March 2, 2010 (attached to these minutes) for review and discussion.

The Commission discussed and agreed that they would wait until the April meeting to vote on the Goals and Objectives and that the Goals and Objectives would be on the agenda for Executive Session.

Mr. Hovatter went through each goal with the Commission. The Commission provided the following input:

Goal #1 - No changes.

Goal #2

Commissioner Husted requested that portions of this goal be rolled into Goal #14 as it relates to law enforcement and wildlife-related recreation access and areas vulnerable to closure due to socio-economic changes, or that the law enforcement aspect be included as part of this goal.

Goals #3 through 9 - No changes.

Goal #10 – Noted to change the acronym “EA” since it already has another meaning.

Goal #11 and #12 – No changes.

Goal #13 -

Chairperson Martin commented that while this goal is a good exercise and should be done, it should be taken off of the Director's Goals and Objectives because it's not a high level priority as the Director's Goals and Objectives should be.

Commissioner Harris suggested that as the Department looks at the Commission's policies, they should select the ones first that occur most frequently and that put the Commission at the highest risk.

Goal #14 – No changes other than the comments made in Goal #2.

Additional Comments/Requests:

Commissioner Husted suggested a regular monthly report from Law Enforcement similar to the other regular monthly reports to the Commission.

Commissioner Harris requested that the online big game application system from 2009 Goal #11 be added as one of the 2010 Goals and Objectives.

Commissioner Freeman suggested adding to Goal #10 that the Department work towards a Customer Relationship Management (CRM) system, through technical touch points with consumers, to develop a better demographic analysis of the Department's customers.

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Meeting recessed for a break at 3:56 p.m.

Meeting reconvened at 4:10 p.m.

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12. (continued) 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. 2010 On-the-Road Commission Events

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

Mr. Hovatter provided the Commission with several alternative approaches and venue options to conduct two on-the-road Commission events in 2010. These alternatives came from a list of events and activities compiled by the Department for Commission consideration, since the regular Commission meetings continue to be in Phoenix, and this would give the Commission the opportunity to get out and reconnect with constituents.

The Commission discussed and agreed that two Commissioners at a time could attend events, and directed the Department to bring back the whole list of events to the next Commission meeting for the Commission to review and select from.

Commissioners Woodhouse and Harris agreed to attend the Yuma County Fair that will take place before the next Commission meeting.

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15. Landowner-Lessee/Sportsman Relations Committee Appointment

Presenter: Mark Weise, Development Branch Chief

The Department's Landowner Relations Program received nominations for three individuals to fill the two vacant sportsman's representative spots on the Landowner-Lessee/Sportsman Relations Committee as follows: Mr. Steven Carmickle, Mr. George Reiners, and Mr. Frank Hayes. All three are avid sportsmen and very interested in access issues. Biographies exhibiting

each nominee’s qualifications were provided to the Commission for consideration prior to this meeting.

Commissioner Husted recommended Frank Hayes.

Motion: Woodhouse moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE MR. STEVEN CARMICKLE AND MR. GEORGE REINERS.

Vote: Aye - Martin, Woodhouse, Freeman
Nay - Husted
Passed 3 to 1
Harris did not vote

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16. Butterfly Access Issue Update

Presenter: Mark Weise, Development Branch Chief

Mr. Weise provided an update to the Commission using a PowerPoint presentation that outlined the issues related to butterfly corners located within checkerboard sections of private and State Trust lands. A butterfly corner is where state land and private land come to a point together creating a question for some as to whether it’s legal to access state land by literally hopping across from one corner point to another.

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1. (continued) Executive Session

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

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

Vote: Unanimous

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Meeting recessed for a break at 4:48 p.m.
Meeting reconvened at 5:22 p.m.

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17. Call to the Public

There were no requests to speak to the Commission.

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18. Director and Chairman's Report

Director Voyles reported the following highlights from his activities since the last Commission meeting:

- Met with Don Budinger and Bill Harris of the Arizona Science Foundation. They are interested in science and technology as it relates to business and industry, and they are interested in the role the Department plays in the quality of life and how that quality of life can build a stronger economic environment
- Participated in the Red Mountain Kid's Fishing Day where the Department assisted challenged kids with fishing. It was a great experience and we'll make sure the Commission gets the opportunity to participate next year
- The first Director's Orders were formally issued identifying Quagga mussel and Zebra mussel as aquatic invasive species and along with that, decontamination requirements for waters that are infested with those species.

Chairperson Martin reported the following activities since the last Commission meeting:

- Had a lunch meeting with Bill McLean regarding the Northern Arizona Shooting Range
- Met with Representative Daniel Patterson at his request to talk about a bill being introduced to change the name of the Department to Wildlife Conservation Service, which the Commission has not discussed or taken a position on. Representative Patterson wanted to make sure the Commission understood that there was nothing negative in the bill and he had no interest in changing the function of the Department, and that he viewed it as a better articulation of the scope of Title 17 responsibilities
- Met with a University of Arizona PhD student who's doing her doctoral thesis on wolves, mostly related to the wolf reintroduction project in Arizona and New Mexico
- Participated in a couple of telephonic meetings and took calls from the public.

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13. Commissioner's Reports

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

Commissioner Woodhouse:

- Worked on State legislative matters almost daily and testified at the Legislature
- Talked with many constituents on issues and concerns they have with bills at the Legislature
- Went to Washington DC and testified on the Tri-State Shooting Range Bill, HB2100
- Participated in the Commission's telephonic meetings
- Attended the Cibola Valley Irrigation District meeting
- Attended the YVRGC meeting
- Talked with several people about the Northern Arizona Shooting Range
- Had several meetings downtown with Representative Weiers
- Worked on the HCR2008 amendment last week.

Commissioner Harris:

- Was officially confirmed by the Senate on February 16th

- Met with the Department for a brief orientation
- Participated in the Commission's telephonic meetings
- Chaired his first Habitat Committee
- Spoke as a Commissioner with the Green Valley Hunt and Fish Club.

Commissioner Freeman:

- Went to the Legislature several times
- Testified on the guide bill, HCR2008, and the Commissioner appointment bill
- Talked with Bill McLean regarding the Northern Arizona Shooting Range
- Spoke with former Commissioner Woodin
- Participated in the telephonic Commission meetings
- Did AM Arizona on AZTV to talk about the Heritage Fund
- Met with the Principal of the Yavapai Ranch to discuss protecting some land up there for wildlife
- Met with Department staff and Jim Odenkirk regarding software for Commission meetings
- Testified in the Senate on the Commissioner bill
- Met with staff about an integrated marketing campaign.

Commissioner Husted:

- Met with the Cattlegrowers about wolves
- Attended the expo at the Cardinal stadium where the Department sold assets. It was a great event and great opportunity for outreach.

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15. Future Agenda Items and Action Items

Deputy Director Broscheid captured the following action/future agenda items from this meeting:

- The Department will brief the Commission on the history associated with the Chino and Upper Verde River
- Coordinate an ADWR presentation to the Commission on the same subject
- The Department will be prepared to convene an out-of-cycle Commission meeting to discuss the Foster Ranch property after the next JCCR meeting
- Provide the legal assessment of the possible role of concessionaires and the management and operation of Department/Commission properties
- The Department will develop and submit for Commission approval the guidelines and procedures for Commission agenda items, emergency Commission meetings, and the role of the Commission's legislative representatives
- A Commission meeting has been scheduled for next Tuesday at 1:00 p.m. following Monday's stakeholders meeting on HB2189
- Pursue the IGA with the Town of Chino Valley for the Chino Valley public shooting facility and present that at a future Commission meeting
- Agenda the 2010 Director's Goals and Objectives at the April meeting for the Commission's final action and approval.

Mr. Hovatter will provide the Commission with an updated list of Department action items from this and prior Commission meetings.

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

Vote: Unanimous

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Meeting adjourned at 5:40 p.m.

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**Game and Fish Litigation Report
Presented at the Commission Meeting
March 5, 2010**

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 held oral argument on December 10, 2009 and has taken the case under advisement.

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. The Court has denied Anderson's motion for a trial de novo. Anderson's counsel withdrew the issue about Commissioner William McLean chairing the bull elk hearing while he was a judge *pro tem* in Pinal County, when the State's brief demonstrated that McLean was not appointed a judge *pro tem* until four days after the hearing. **The Court has also dismissed individual Commissioners from the suit.** All briefs have been filed and we are awaiting a court ruling.

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 filed a response on December 9, 2009 and the Department and Director Voyles had until December 28, 2009 to file a reply, but the Court has granted an extension of time to file until January 18, 2009. A reply in support of the motion to dismiss was filed on January 18, 2010. The parties are awaiting oral argument on the motion to dismiss.

On February 24th, the Center filed a request with the Court to take judicial notice of the Inspector General Report.

(1/11/10)

Lands Update
For the Arizona Game and Fish Commission
February 26, 2010
Phoenix, Arizona

FOREST SERVICE LAND AND TRAVEL MANAGEMENT PLANNING

Apache-Sitgreaves National Forest

The Department provided written comment regarding the Forests' intent to revise the current Forest Plan and prepare an EIS. The Department stressed the vital role that lands administered by the Forest currently play in providing wildlife habitat as well as opportunities for wildlife related recreation in north-eastern Arizona; that public lands, managed under the principle of multiple use form the cornerstone of wildlife habitat and are essential for maintaining Arizona's wildlife heritage and wildlife recreational opportunities into the future; that as Arizona's human population continues to grow throughout the life of the revised forest plan and adjacent lands become increasingly impacted by development it is anticipated that wildlife and the public will become increasingly dependent on lands administered by the Forest.

Coconino National Forest

The Coconino National Forest Travel Management Rule Environmental Assessment is due out in March.

Kaibab National Forest

The Williams District recently released their Environmental Assessment (EA) for the Travel Management Rule (TMR). The Tusayan District plans to release their revised EA (after incorporating an alternative that looked at no motorized game retrieval) in April. The North Kaibab is planning to release their EA sometime this summer.

The Department recently participated in the Kaibab National Forest Land Management Planning process to assess Priority Needs for Change in the mixed conifer vegetation type. Mixed conifer is the vegetation type on all Arizona Forests that does not have broad agreement on how to treat current forest conditions in terms of tree species composition, tree density, and fire frequency. There is agreement, however, that mixed conifer is a highly-valued vegetation type because of its rarity and its importance for wildlife habitat. The Forest is currently splitting the types of mixed conifer into dry (most of the forest), wet, and spruce-fir. The Desired Forest Conditions that were recently released from the Forest's Regional Office indicate a desire to potentially convert dry mixed conifer to ponderosa pine. This would have significant negative impacts for wildlife, particularly the Mexican spotted owl. While the Department recognizes dry mixed conifer is highly-departed from the historic range of variability in terms of tree density and fire risk, the solution is likely more complex than simple type conversion to ponderosa pine.

Prescott National Forest

The Department is closely coordinating with Prescott National Forest in the development of the Forest Plan Revision, Recreation Plan, Bradshaw Mountains Vegetation Management Plan, and ARRA-funded Abandoned Mines reclamation planning process.

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 (4FRI). The 4FRI calls for mechanical tree thinning and fire to restore at least one million acres of northern Arizona forests over 20 years, with restoration costs covered by the wood product industry. In early March, the Department will be participating in a mediated session with a small working group of stakeholders to resolve long-standing issues surrounding a 16-inch tree diameter cap on thinning and come to agreement on how decisions will be made in the collaborative process. The Department has volunteered to serve on the 4FRI Steering Committee for the next year. The Steering Committee also includes representatives from NAU-Ecological Restoration Institute, Grand Canyon Trust, The Nature Conservancy, Greater Flagstaff Forests Partnership, Center for Biological Diversity, Northern Arizona Wood Products Association, Navajo County, and Gila County, with a USFS liaison. Meanwhile, the USFS is on an accelerated planning schedule to conduct a Landscape Scale Assessment (non-NEPA) across 2.4M acres in 6 months. Concurrently, they will be launching planning for roughly an 800,000-acre, site-specific Environmental Impact Statement (EIS) likely to be located in the Flagstaff-Williams area. The Department is participating on working groups for both the Landscape Scale Assessment and the EIS.

Apache-Sitgreaves National Forests

Department personnel held annual coordination meetings with the Springerville and Alpine Ranger Districts. Topics of discussion included the current budget status, personnel changes, hunt recommendations, wildlife habitat project planning, and winter range monitoring.

Coconino National Forest

The Peaks District recently invited the Department to participate in development of an aspen monitoring program for the Hart Prairie Fuels Reduction and Forest Health Project. The Hart Prairie Project is a roughly 12,000-acre, ponderosa-pine thinning project with a large aspen recovery component. Approximately 40% of Coconino National Forest's aspen occurs within this project area, and aspen statewide have been experiencing significant (95%) decline due to a variety of factors including drought, pathogens, and livestock/elk/deer herbivory, among others. The Forest is planning to implement a range of aspen treatments in the project area which will include burning, conifer removal, jackstrawing to preclude ungulate travel, ripping soil, and fencing to encourage aspen recruitment. In an effort to work collaboratively to address aspen decline, the Commission recently approved hunt recommendations that would increase elk permits in Unit 7E for hunt year 2010, after hearing testimony from USFS personnel and sportsmen, and this will include the Hart Prairie project area. The goal of the aspen monitoring program will be to measure the effectiveness of the Forest's aspen treatments within the project area, and potentially compare those results to trends in the Department's elk surveys.

Coronado National Forest

Pena Blanca Lake, which had been drained for over a year to facilitate mercury remediation, recently refilled in one day following a heavy rainstorm in the watershed. Initial estimates suggested it could take up to four years to refill the lake. The Department recently re-stocked the lake with approximately 2,000 rainbow trout on February 9th. The put-and-take trout stocking will provide an opportunity for anglers to fish at the newly renovated lake. We are currently working with the USFS and FWS to complete the necessary compliance documentation to allow for additional fish stocking this spring. Once the aquatic ecosystem is fully re-established, warm water species like bass, sunfish and catfish will be stocked. Access to the lake is currently limited to shore fishing and boats small enough to hand launch, until new boat launching facilities are completed this spring.

Department personnel and many volunteers have completed several days of Gould's turkey trapping in the Huachuca and Chiricahua Mountains. To date approximately 50 turkeys have been captured using rocket nets over baited sites. Captured birds were banded with wing streamers and radio transmitters were placed on 10 turkeys for future monitoring. All turkeys were taken from the capture sites and transported to either South Ash Creek or Deer Creek in the Galiuro Mountains and released the same day. There will be an attempt to capture 15 more birds and release them in the Santa Rita Mountains, to further the Department's goal of establishing self-sustaining Gould's turkey populations throughout all southern Arizona mountain ranges with suitable habitat.

BUREAU OF LAND MANAGEMENT (BLM)

Burro Management

The Department recently drafted a letter for our director's signature, addressed to the state director of the BLM. In it, we requested that the BLM expand the scope of the current burro capture taking place in the Black Mountains from a target of 100 animals, to a minimum of 325 animals. Based on the most recent census data, it is estimated that removing only 100 animals will not bring the Black Mountain Herd Management Area (HMA) into compliance with appropriate management levels (aml). A burro census will also be done in the Black Mountains. Depending on the results of the census, the Arizona BLM may be able to get funding and approval to remove additional burros from Black Mountain Herd Management Area in the fall of 2010. The Yuma Field Office is preparing an Environmental Assessment for the removal of 100 burros in the Cibola-Trigo Herd Management Area, which is scheduled to take place in April or May 2010.

AZ Strip Field Office

The Department may become a cooperating agency with the BLM on the development of a draft Environmental Impact Statement (EIS) for the proposed mineral withdrawal (2-year temporary segregation) on almost 1 million acres of federal lands near the Grand Canyon. Cooperating agency status is pending BLM format changes to an MOU that will be signed by both parties. In addition, the BLM has drafted a data sharing agreement that will be signed by all cooperating agencies within one document. The USGS very recently released a report of its baseline studies they have been undertaking as part of the uranium EIS. The Department is reviewing the study results for: 1) how much uranium is available in the withdrawal area; 2) the occurrence/extent of

post mining waste from historic mining; 3) levels of naturally occurring uranium and possible contamination routes; 4) animal and plant species that may be affected (as well as exposure pathways); and 5) results from a seeps and springs investigation.

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. The draft map for the planning area is posted on the BLM website. The proposed plan/Final EA should be out for review in the near future.

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 will be assisting in route evaluations from March 1 – 5, 2010.

Kingman Field Office

The Department continues to provide technical assistance in BLM Kingman and Lake Havasu City's Route Evaluation associated with their current Travel Management Planning effort.

The Region has received extensive amounts of precipitation in the last few months. As a consequence, there has been much greater than typical annual forage production on BLM-managed ephemeral grazing allotments, and requests for ephemeral grazing permits are being submitted to BLM by lessees. The Department is assisting BLM in permit-related forage inventories on these allotments, to determine if ephemeral growth supports approval of those requests.

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 Record of Decision for the Yuma Field Office Resource Management Plan was signed by the BLM Arizona State Director on July 28, 2009 and the Notice of Availability for the Record of Decision was published in the Federal Register on January 29, 2010, making it effective immediately. 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 final Middle Gila Travel Management Plan is expected to be through state office review and available for public comment in May of this year.

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 remains under BLM State Office and Washington Office administrative review but a proposed final document is expected out for public review before summer.

Grand Canyon-Parashant National Monument / Vermillion Cliffs National Monument

On May 9, 2008, the Records of Decision and Approved Resource Management Plans (RMPs) 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. In *Center for Biological Diversity v. U.S. Bureau of Land Management*, No. CV 09-8011-PCT-PGR (US Dist. Ct. AZ), plaintiff CBD challenges the RMPs, alleging that BLM and FWS have failed to comply with NEPA, FLPMA, and the Endangered ESA by refusing to incorporate actions necessary to protect public land and endangered and threatened species from adverse impacts of excessive off-road vehicle use, livestock grazing, and the use of lead ammunition in their land and wildlife planning for the Monuments. A related case, *Wilderness Society et al. v. BLM, et al.*, No. CV 09-8010-PCT-PGR (US Dist. Ct. AZ) also challenges the RMPs by alleging violations of NEPA, FLPMA, NHPA and presidential proclamations, and seeking an injunction to close primitive roads and trails to motorized use.

The Court has granted the application of the National Rifle Association to participate in the case as an intervener. Safari Club International has filed a motion to file briefs as an amicus curiae. The Arizona Game and Fish Commission has voted to file a motion to appear in the case as amicus.

On January 25, 2010 plaintiff CBD, defendant BLM and Intervener National Rifle Association filed a joint stipulation to continue the February 8, 2010 scheduling conference for 30 days in order to determine whether they will engage in extended settlement negotiations. In response, the Court on January 29 vacated the February 8 scheduling conference, and ordered the parties to file a joint report of the status of their negotiations by March 8. The Court further ordered that if the parties determine that further settlement talks will not occur, they shall request the Court to re-set the scheduling conference.

Agua Fria National Monument

The Record of Decision for the Agua Fria National Monument and Bradshaw-Harquahala RMP is expected to be signed in March. 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 draft Resource Management Plan is scheduled to be released for public review in April 2010.

Las Cienegas National Conservation Area (LCNCA)

The Department continues to monitor the reestablishment of black-tailed prairie dog populations on two sites within the LCNCA. The most recent counts were of 10 prairie-dogs at release site #1 (state trust lands) on February 2, and 9 prairie dogs at site #2 (BLM lands) on February 16. Actual population sizes are higher than what is visible during any survey because much of the population can be underground at any one time. Monthly monitoring will continue to assess status and population changes at each site. Some winter mortality is expected, and reproduction is expected to increase at site #1, and perhaps be documented at site #2. A third release is planned this fall, and during a field visit on February 16th it was determined that release would likely be on one of two previously identified sites on BLM lands within the LCNCA. Clearing of previously cut trees will be required on one of these sites; and any alternative sites would require more substantial clearing of mesquite.

GENERAL UPDATES

AZ Sportsman for Wildlife Conservation Memorandum of Understanding (MOU)

Discussions are underway with Arizona Sportsmen for Wildlife Conservation regarding a mid-March meeting to start layout of locations for the cooperative pinyon-juniper treatments under the National Forest Foundation Grant. This phase will be to use aerial photographs to select approximately fifteen 30-acre plots for further field evaluation when snow levels diminish.

Arizona State Parks – Alamo and Roper Lake

The Department is waiting for State Parks to make final decisions regarding the closure of Alamo Lake and Roper Lake State Parks before making recommendations to the Commission regarding the closures. A meeting including representatives from the Department, State Parks, La Paz County, and the Town of Wickenburg was scheduled for February 22, 2010 to discuss possible solutions to the closure of Alamo Lake. La Paz County has expressed interest in sub-leasing the facility from State Parks or taking over the lease from the Army Corps of Engineers. Because the State Park is on property that is leased from the Army Corps of Engineers (Corps), it will ultimately be up to the Corps to decide how any closure (if that becomes necessary) will be implemented.

On February 23, 2010, representatives from Graham County, City of Safford, State Parks and the Department met in Safford to discuss the closure of Roper Lake State Park. Because the Commission owns this property in fee simple interest, we may be responsible for the property if no solution is reached. The State Legislature is considering bills to allow State Parks to borrow money from the State Conservation Fund or the Growing Smarter Initiative to help with the State Parks situation. However, use of these funds would require a super majority vote since they are voter protected initiatives. Regardless, State Parks has expressed that they prefer to find help keeping the parks open or to “mothball” them temporarily rather than close them for good. Many agencies and municipalities are currently working to find an alternative to closure. At this time the Department is uncertain of the outcomes because of the ongoing negotiations. However, we will continue to keep the Commission apprised as significant developments occur.

Aztec Land and Cattle Company Master Plan

Department personnel attended a public meeting conducted by Aztec Land and Cattle Company, which was intended to inform the public about the company’s efforts to develop a master plan for their 228,000 acre property in Navajo County. Once completed, the master plan will be presented to Navajo County with the intent of it being added to the county’s comprehensive plan. Subsequent to the public meeting, the Department contacted the president of Aztec Land and Cattle Company to set up a meeting to further discuss the company’s plans and to explore options for the Department to provide more meaningful input into the development of the master plan.

City of Flagstaff

The Department in collaboration with Coconino County Community Development continued its exploration of a Conservation Lands System (CLS) to support the Regional Land Use Plan. A list of local wildlife and land use experts for a potential Science Advisory Team has been compiled and will convene soon to gauge the level of community interest and determine to what extent existing maps and related resources can support this effort. The Department will make a presentation about the scope of a CLS for the greater Flagstaff area at the Regional Plan Citizens’ Advisory Committee May meeting.

Maricopa County Dept. of Transportation

The Department continues to participate on the Technical Advisory Committee for the Hidden Waters 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 US 80 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 the Department's 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. Department personnel attended the fourth Technical Advisory Committee meeting on February 3, 2010 and will be providing subsequent comments on the route alternatives.

Maricopa County Flood Control District

The Department participated in the Alternatives Analysis Evaluation and the Values Analysis Team to provide input on flood control alternatives that will promote the natural and beneficial functions of floodways and floodplains for wildlife. There is a high potential to protect wildlife habitat connectivity across Rainbow Valley between the Sierra Estrellas and the Maricopa Mountains if alternatives to protect natural washes and their floodplains are chosen. The Department has had ongoing involvement as a member of the Technical Review Committee. The drainage master plan area also includes a wildlife linkage zone known as the Sierra Estrella to Sonoran Desert Monument Linkage. The linkage zone encompasses a large block of BLM lands across Rainbow Valley. The Department has been actively working with transportation planners, the City of Goodyear and the BLM to implement conservation of this linkage.

Maricopa County Ordinances P-28 and P-27

On February 4th 2010 the Department attended a public workshop held by Maricopa County Air Quality Department on the draft revision of Maricopa County Ordinance P-28. The Department provided comments on the revisions asking for further clarification on the portions affecting access on private lands. In addition the Department confirmed that written comments provided in December had been received. The catalyst for the revisions revolves around the penalties section of the Ordinance. The County had been told by the courts that the courts would not accept Ordinance violations as criminal charges unless there were prior violations. The County reduced first and second time violations from misdemeanors to civil however the construction industry asked for more stringent consequences for those violators that created dust on permitted sites. The Department continues to have concerns surrounding access and that this Ordinance could be a model for future regulations in Counties facing air quality issues throughout the state. The Department is awaiting the next draft of the revision to provide comments. The County anticipates that the revision will go before the County Board of Supervisors in four to five months.

On January 27, 2010 the Maricopa County Board of Supervisors met and passed revisions to the Counties Fugitive Dust Rule 310.01. Rule 310.01 regulates the landowner's responsibility concerning dust control emissions and was the catalyst for Ordinance P-28 which applies strict liability on users creating dust. The changes to this rule provide clarification for land owners and inspectors so that there is more consistent application of the rule.

In late January and early February of 2010 the Arizona Department of Environmental Quality (ADEQ) hosted a series of public meetings to gather public input on the proposed boundary of a

PM₁₀ non-attainment area (NAA) for Pinal County. The Department attended the workshops and reviewed the technical reports providing the reasoning behind the proposed boundary. The proposed boundary encompassed areas that are utilized for small and big game hunting and OHV use. The significance of the NAA is that more stringent regulatory steps are generally used within it to gain attainment. The Department provided written comments to ADEQ concerning the proposed boundary and the science used to determine it. As a result ADEQ and the Department met on February 10th, 2010 to discuss the proposed boundary. The Department provided ADEQ with a suggested new boundary that would encompass the areas with PM₁₀ issues and exclude areas that have significant wildlife recreation opportunities. Once the public comment process is complete ADEQ will forward their recommendation for the NAA boundary to the Governor's office. The Governor's office will then forward the final recommendation to the Environmental Protection Agency for final approval.

The Department will meet with Pinal County Air Quality Director Don Gabrielson on February 24th, 2010 to discuss the proposed NAA boundary, subsequent plan for attainment, and the possible effect on access.

Northern Arizona Shooting Range (NASR)

The Department is waiting for approval from the Joint Committee for Capital Improvement, to proceed with the proposed acquisition of the Foster Ranch property and to complete remaining due diligence investigations including Title reports, ALTA survey, Geotechnical survey, and aerial photography mapping. The Department continues to coordinate with the Coconino National Forest regarding the proposed Willard Springs Land Exchange and pending decisions on the Agreement To Initiate (ATI) the National Environmental Policy Act process. EcoPlan (consultant) has completed the Cochrane Hill archeological survey and is nearing completion of the Winona site survey. Additionally, the Forest will undertake a review of the final ATI provided to the Department on September 18th, 2009.

Renewable Energy Development

Solar

Sonoran Solar

Boulevard Associates, LLC (Boulevard) has applied to the BLM for a Right-of-way (ROW) on approximately 14,000 acres of public lands to construct a concentrated solar thermal (CST) power plant (Sonoran Solar Energy Project) and ancillary linear facilities necessary to operate the plant and connect it to the Arizona transmission grid. Necessary linear facilities for this project would include a 230- or 500-kilovolt (kV) transmission line, water supply facilities, pipelines, well field access roads, a natural gas pipeline, and an access road. The Project would be located in the Little Rainbow Valley, east of State Route (SR) 85, and south of the Buckeye Hills in the town of Buckeye in Maricopa County, Arizona. The Department met with Boulevard Associates and representatives from several nongovernmental conservation organizations to discuss biological impacts and concerns related to the proposed development. The Department has been working closely with Boulevard Associates on a mitigation package that would include research to determine to what extent utility-scale solar developments impact wildlife communities in the Sonoran Desert and to what extent these developments may impact wildlife movement when located in an important wildlife linkage area. The Department also recommends replacement of large stock tank (CCC Tank) that will be removed as a result of the

development. The tank is an important seasonal water source in a very arid region. Nongovernmental organizations provided additional ideas for mitigation. Boulevard Associates will be considering all input to develop a final mitigation package.

Sterling Solar Generating Facility

Department personnel met with project managers of the Sterling Solar Generating Facility and Mohave County Development Services to review and discuss plans for a 1200 MW solar-generating facility north of Interstate 40 and State Route 95. The facility would be owned by Needle Mountain Power, LLC and would be developed on 10,000 acres of private land. Photovoltaic solar technology was chosen to avoid use of ground water and to minimize the need for grading of the project area. There is potential for other companies to test additional solar technologies on site as side projects to the photovoltaic facility. Sterling Solar has been permitted by ADWR to use 8,500 acre feet of water/year, but will likely not use this amount since they will be employing photovoltaic technology which reduces water use by 90%. The facility will transfer power to markets in Arizona, California, and Nevada through existing transmission lines that run through the project site and are federally owned by Western Area Power Administration.

The project area does contain Category 3 desert tortoise habitat. Department personnel explained to the project managers the issues surrounding the petition to list the Sonoran population of desert tortoise and the potential for the population of tortoises that reside west of the Black Mountains to be considered for listing as the Mojave population under the same 12-month finding for the Sonoran population. Biological monitoring will be completed for the project site by Jeffery Harvey, PhD of the Harvey Group.

Wind

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 National Environmental Policy Act for the White Hills Wind Energy Project. The Department is moving forward with the development of a project-specific memorandum of understanding that will formalize its cooperating agency status in the process.

Rosemont Copper Project

The Department continues to participate closely with the Coronado Forest and with the cooperating agencies on the Rosemont Copper Project. The Department is particularly concerned about the potential effect on the hydrology of the area resulting from the hydraulic sink caused by the open pit, specifically any potential affect on flows of Cienega Creek and Sonoita Creek; both of which are perennial waters with high wildlife values including several threatened and endangered species. The Department's Coalmine Spring property is part of the Sonoita Creek watershed which could also be affected.

Transportation

I-17 Widening Project from SR-179 to Flagstaff

Planning continues for the widening project on I-17 which will extend from SR-179 to Flagstaff. ADOT's consultants recently prepared an evaluation matrix regarding proposed wildlife

crossings for the planned area. The matrix includes all Department recommendations. The next step will be to prioritize crossings. Data are coming in from 80 collared elk, which will help determine this prioritization. A Technical Advisory Committee (TAC) is being formed to manage the ongoing design and implementation of the wildlife crossing structures. The TAC will include AGFD, USFS, ADOT, and its consultants. It is expected that this TAC will continue to serve the same function as it relates to the ongoing I-40 project.

SR95 I-40 to Bullhead City Roadway Alignment

Department personnel attended a recent Technical Advisory Committee (TAC) meeting for the proposed SR 95, I-40 to Bullhead City roadway alignment. The consultant provided the Department with a copy of the projects draft environmental documents for internal review. The Department's comments will be included in the revised documents that will be shared with the public in upcoming NEPA compliance related public scoping meetings. No money is currently programmed for further design planning or construction at this time. If funding were to become available immediately, it would likely be 15-20 years at a minimum before construction of this alignment would begin.

Bullhead City Colorado River Bridge

Department personnel participated in a meeting with representatives from the Nevada Federal Highway Administration, Clark County, Bullhead City, and BLM to discuss plans for the proposed Bullhead City Colorado River Bridge. At the meeting, potential impacts to the nearby Colorado River Nature Center, as well as measures to mitigate impacts to that resource were discussed and accepted by the group. The group will be providing the Department with a draft copy of the EA for internal review, comments, and inclusion in the final environmental assessment that will be shared with the public in the upcoming NEPA compliance related public scoping.

Wildlife Linkages/Corridors

Coconino County

The Department, the Arizona Wildlife Linkages Workgroup, and Coconino County are preparing for a second stakeholders workshop to be held in Flagstaff on March 2nd 2010. We have invited a broad range of wildlife experts, planners, and other stakeholders representing federal, state, tribal and municipal agencies, non-profits, and other groups to review our GIS maps of wildlife movement areas and provide input which will inform development of fine-scale corridor models of selected movement areas. Stakeholder input from this workshop will be reflected in a county-wide report of linkage areas and a GIS database. The Department is also collecting habitat suitability data from experts on a number of species found in Coconino County which we will use to define our fine-scale corridor models.

Southeast Arizona Collaborative Grasslands Workgroup

Individuals representing nongovernmental organizations and government agencies met in Sonoita on February 9th to discuss forming a group focused on the conservation (habitat and species), restoration, and connectivity of grasslands in southern Arizona. The new group tentatively calls itself the Southeast Arizona Collaborative Grasslands Workgroup. Representatives include the Department, State Land, The Nature Conservancy, Buenos Aires National Wildlife Refuge, Las Cienegas National Conservation Area/ Bureau of Land Management, Arizona Antelope Foundation, Pima County, Forest Service, Natural Resources

Conservation Services, and Arizona Audubon. Currently the workgroup is soliciting project proposals from participants for submission to National Fish and Wildlife Foundation under the Sky Island Grassland Initiative.

Regional Transportation Authority Wildlife Linkages Working Group

The Regional Transportation Authority is a government entity that manages the \$2.1 billion, 20-year plan, for Pima County approved by voters in 2006. The Department has a voting seat on the working group and participates monthly in reviewing transportation project proposals that benefit wildlife by: 1) restoring regional connectivity between habitat blocks, 2) maintaining existing permeability between habitat blocks, or 3) general research regarding transportation and wildlife. Approximately \$45 million dollars were originally allocated to wildlife projects.

The Department, in cooperation with Arizona Department of Transportation, is submitting a funding proposal for support of two workshops on wildlife connectivity and to integrate the workshop results into geographical information system maps.

Pinal County Wildlife Linkages Workshop

A Wildlife Linkages Workshop is scheduled for Pinal County on May 5th in Florence. Similar workshops have been held with stakeholders in Yavapai, Coconino, and Maricopa Counties. Stakeholders in the Pinal County workshop will refine the results in the 2006 Arizona Missing Linkages Report at the county scale. Specifically, participants will identify (on maps) large blocks of habitat or designated open space, existing and future developments, roads, and other barriers to wildlife movement, and important corridors connecting open spaces.

Pinal County Open Space Summit Steering Committee

The Pinal County Open Space Summit Steering Committee was chartered by the Pinal Partnership (a coalition of community, business, educational, and governmental leaders) with the mission to “improve research, planning, and coordination of private and public efforts related to infrastructure, natural resources and community development in Pinal County.” The Department, Pinal County, State Land, USFWS, Sonoran Institute, and a landowner/developer participate on the committee. Pinal County Open Space Summit Steering Committee is tasked with creating a venue (i.e. summit) for stakeholders to candidly discuss open space issues in Pinal County, develop stakeholder consensus, and produce a “product” (e.g., map) stakeholders can use when considering development issues. Department participation ensures wildlife habitat and local corridors are considered during open space planning.

Northwest Cochise County-Benson Transportation Planning Project

The Department is working with the Arizona Department of Transportation, Cochise County, and the City of Benson in preparing a long-range transportation plan for northwest Cochise County. The objective of the transportation plan is to anticipate future needs due to an increase in traffic volume. Northwest Cochise County study area is approximately 234 square miles, divided by 3 major roadways (i.e., I-10, SR 80, and SR 90), two railroads, San Pedro River, and a few communities (e.g., Benson, St. David). Potential projects, strategies, recommendations, and actions are currently being developed for years 2020 and 2040. Department staff provides input to ensure any planned structures (e.g., roadways, bridges, fences, culverts) minimize impacts on wildlife. The northwest section of Cochise County is of particular interest to the Department because three potential wildlife linkage corridors pass through the planning area.

PROPOSED 2010 DIRECTOR'S GOALS & OBJECTIVES As of 2 MARCH 2010

DIRECTOR'S VISION:

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

GOALS:

***NOTE:** The outcome of legislative decisions on Department funding for FYs 2010 and 2011 could significantly affect the timelines of approved 2010 Director's Goals & Objectives. Should major sweeps of those funds occur, staff energy will likely need to be focused on adjusting operations and/or structure to deal with the shortfalls.

GOAL #1 Continue Department planning process redesign started in 2009. To be fully executable by the end of calendar year 2012. Integrate planning processes to incorporate the present wildlife action plan, strategic plans, operational plans and implementation plans in a coherent system integrally linked to budget and priorities.

- Process Owner: Rick Miller
- Link to Vision: Quality of our knowledge processes
- Source: A continuation of 2009 Goal #1
- Progress Reporting: Agenda'd presentation to Commission in December 2010.

GOAL #2 By 2011, develop the framework for a statewide wildlife-related recreation access plan that includes the development of viable strategies designed to address areas vulnerable to closure due to socio-economic changes. This effort will involve multiple work units collaborating to produce an inventory of critical access points; design and implement an access issues training curriculum related to laws, priorities and planning efforts involving Department staff; and a focus on building partnerships with landowners, and city, county, state and federal land managers and land planning agencies to ensure recreational access into the future.

- Process Owner: Mark Weise
- Link to Vision: Public Passion
- Source: Continuation of 2009 Goal #2
- Progress Reporting: Commission memo reports to Commission in August 2010 and January 2011

GOAL #3 Develop strategies to influence impacts to Arizona's landscapes including a GIS framework plan that guides development of organization, structures, data bases, and systems to enable the routine use of geospatial information in land use/land development decisions, program management, planning, and coordination with city, county, state and federal governments and agencies. Development will be integrated into Department Enterprise Architecture design process.

- Process Owner: Josh Avey
- Link to Vision: Quality of our knowledge processes
- Source: Continuation of 2009 Goals #3, #14 and #15
- Progress Reporting: Updates in April, August and December 2010 Land Update reports to the Commission

Goal #4 Complete development of the shooting sports line of business plan and continue its implementation.

- Process Owner: Jay Cook
- Link to Vision: Public Passion
- Source: Continuation of 2009 Goal #4
- Progress Reporting: Updates included in monthly Commission Meeting Shooting Sports Activities Briefings

Goal #5 Continue development of the Wildlife Recreation Recruiting & Retention Branch. Implement the Wildlife Recreation Branch Action Plan so as to integrate all appropriate Department operations and activities to promote the recruiting and retention of hunters, anglers, watchable wildlife enthusiasts and other wildlife-related recreationists.

- Process Owner: Craig McMullen
- Link to Vision: Public Passion
- Source: Continuation of 2009 Goal #5
- Progress Reporting: Updates included in monthly Information, Education & Wildlife Recreation Activities Commission Briefings

Goal #6 Develop and implement an integrated recruitment, retention, and training process that generates a Department staff capable of fully executing the Department's mission and the Director's vision in the 21st Century. Complete Department training needs assessment and development of core competencies as process drivers.

- Process Owner: Diana Shaffer
- Link to Vision: Quality workforce, Quality of our knowledge processes
- Source: Continuation of 2009 Goal #6
- Progress Reporting: Commission memo reports to Commission in June and December 2010

Goal #7 Through the 2012 income tax season, increase Arizona Income Tax Wildlife Check-off revenue. Includes development of annual marketing plans.

- Process Owner: Craig McMullen (Transitioned from Eric Gardner in December 2009)
- Link to Vision: Public Passion
- Source: Continuation of 2009 Goal #7
- Progress Reporting: Provide Commission Memo report on 2009 income tax season revenue in May 2010 (or as soon as accurate tax stats are available) Provide updates in monthly Information, Education & Wildlife Recreation briefings to the Commission

Goal #8 The Department will continue and expand its dialogue with the public regarding wildlife mortality due to ingested lead and possible voluntary strategies to minimize that mortality over the next 10-15 years. In 2010, the Department will conduct focus groups, assess the input from this effort, develop an outreach plan, and begin its implementation. The Commission understands that any meaningful progress on this issue will only occur with full public participation and cooperation, and successful voluntary or incentive-based programs developed in cooperation the conservation community, the sporting goods industry and state wildlife agencies.

- Process Owner: Mike Senn
- Link to Vision: Public Passion
- Source: Continuation of 2009 Goal #8
- Progress Reporting: Updates to Commission during semi-annual Hunting Issues reports in August 2010 and January 2011

Goal #9 By 2012, develop a mountain lion management plan. Includes design of a framework for a Comprehensive Game Management Plan (of which the mountain lion plan will be a chapter), meetings with stakeholders to identify management and research needs for mountain lions, and continual evaluation of new/emerging mountain lion research.

- Process Owner: Brian Wakeling
- Link to Vision: Quality of our knowledge processes, Public Passion
- Source: New Goal for 2010. 2009 Goal #9 was completed.
- Progress Reporting: Updates to Commission during semi-annual Hunting Issues reports in August 2010 and January 2011

Goal #10 Design and develop a Department Enterprise Architecture (EA) integrating information & communication systems capable of supporting the Department into at least 2028. EA approach must be integrated with Department planning and budget processes and be agile enough to anticipate and embrace emerging technologies/technology solutions across the entire Department HQ-Region HQ network-Field operational space.

- Process Owner: John Bullington
- Link to Vision: Quality of our knowledge processes; Public passion for wildlife.
- Source: New for 2010
- Progress Reporting: Commission memo report To Commission in June 2010. Discussion with Commission during November 2010 Commission Workshop.

Goal #11 By the end of CY 2011, the Department will establish the processes necessary to effectively manage the Department's lands and properties to include: development of a fully functional Department Lands Council, identification of the true cost to resource and operate the current inventory of Department-owned properties/conservation easements, procedures for acquisition of new ones, and proposals for possible divestment of selected ones. Ultimately, the program must be integrated with budget and planning processes to ensure Department lands/properties are identified, acquired, sustained/maintained, developed/expanded and, as appropriate, disposed of, in accordance with a statewide land management strategy.

- Process Owner: Either FOD or WMD lead
- Link to Vision: Quality of our knowledge processes; Commission System
- Source: New for 2010
- Progress Reporting: Commission memo update to Commission in June and October 2010 with an agenda'd presentation to the Commission in August 2011

Goal #12 Continue to effectively manage and protect the existing budget, and seek new funding resources as the State economic situation evolves. Be prepared to adjust to deal with final outcome of 2010 budget process. Simultaneously continue to assess the Department's 21st Century financial resource needs, define requirements, and develop a strategic approach for garnering the necessary resources.

- Process Owner: Bob Broscheid
- Link to Vision: All 4 pillars of the vision
- Source: Continuation of 2009 Goal #12
- Progress Reporting: Review 2011 budget with Commission during June 2010 Commission meeting. Present 2012-2013 budget proposal at August 2011 Commission meeting. Discuss strategic finances with Commission at first 2010 Commission workshop and update to Commission at traditional November 2010 workshop.

***NOTE:** The ongoing State & national economic situation have resulted in a condition of continuous financial reanalysis and budget restructuring, with four "rebuilt" of the 2009 budget and a third "rebuild" of the 2010 budget ongoing.

Goal #13 Make recommendations to the Commission on amending/deleting existing Commission policies and initiating the creation of new ones, if necessary. By the end of calendar year 2011, complete drafts of all amended policies and outlines of all proposed new policies.

- Process Owner: Gary Hovatter
- Link to Vision: Commission System, Quality of our knowledge processes
- Source: Continuation of 2009 Goal #13
- Progress Reporting: Agenda'd presentation on outcome of 2009 staff analysis to Commission at May Commission meeting. Subsequent Commission memo update in August 2010 and discussion with Commission at November 2010 Commission workshop. Amended policy drafts and outlines of proposed new policies to Commission in writing in January 2011 with agenda'd presentation at February 2011 Commission meeting.

Goal #14 By the end of CY 2011, develop a draft plan for growing a full-time commissioned staff and reserve officer Law Enforcement Force capable of dealing decisively with the full spectrum of wildlife and wildlife-related recreation law enforcement challenges of 2028. Analysis to drive this transition will include comprehensive reviews of statutes, policies, processes, training & education, organization & structure, equipment & technology, facilities, and personnel/career management – from recruiting to retirement.

- Process Owner: Gene Elms
- Link to Vision: Quality of our work force
- Source: New for 2010
- Progress Reporting: Initial assessment report to Commission in June 2010.