

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, February 4, 2011
Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director and Staff)

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

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

Chairman Woodhouse called the meeting to order and lead those present through the Pledge of Allegiance. The Commission introduced themselves and Chairman Woodhouse introduced the Director and the Director's staff. This meeting followed an agenda revision #1 dated February 2, 2011.

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Awards and Recognition

Commissioning Ceremony - The following Wildlife Law Enforcement Officers were sworn in by Director Voyles:

- Jimmy Simmons, OHV Law Enforcement Program Manager
- Allison Dutt, Wildlife Manager
- Suzanne Ehret, Wildlife Manager
- Will Lemon, Wildlife ManagerThanks
- Jon McClard, Wildlife Manager
- Matt Pelto, Wildlife Manager
- Mike Richins, Wildlife Manager
- Alen Forney, Law Enforcement Specialist
- Larry Pennington, Law Enforcement Specialist

Chairman Woodhouse requested a moment of silence for Maricopa County Sherriff's Office Helicopter Pilot Loren Leonberger who was recently killed in a helicopter accident in Pima County. All those present stood for a moment of silence in honor of Loren Leonberger.

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1. 2011 Director's Goals and Objectives

Presenter: Bob Broscheid, Deputy Director, WMD and SSD

Mr. Broscheid provided the Commission with a draft proposal for 2011 Director's Goals and Objectives dated February 4, 2011 (attached). This draft was compiled from Commission input at the January Commission meeting and from Department follow-up with individual

Commissioners following that meeting. The Commission will further discuss and refine these goals in a workshop setting in March, which will include any input provided by the Commission at this meeting. The Commission discussed each item and agreed on the following changes:

1. Strategic Planning

No changes.

2. Future Funding and Revenue

Correct typo: "By Dec. 2011 (not 2012), the Department will submit recommendation(s) for securing additional revenue..."

Include focus on increased non-traditional funding streams as well as traditional.

3. Wildlife-related Recreational Access

Include in Regional training the priority of Department relationships with landowners and ranchers, and that the foundation for access are those relationships which require communication and interactions by "boots on the ground" Wildlife Managers in the field.

4. Shooting Sports Program

Clarify and refine the wording on the firing points deliverable showing intent rather than an across the board increase of 3%.

5. Law Enforcement

Add wording to prioritize patrol time and time in the field as opposed to office/computer time.

6. Wildlife Education – Adobe Mountain Education / Rehabilitation Facility

The Department will provide the Commission with an analysis of cost and potential funding at the March 9, 2011 workshop for further discussion.

7. Recruitment and Retention of Hunters and Anglers

No changes.

8. Geographic Information Systems and Capability

No changes, but in the future the Department will consider broadening this into more tools to help the Department manage all wildlife including T&E and game species, and will look into the Line of Business aspects and the potential for gaining revenue. The Commission requested to be a part of these discussions when that time comes.

9. Workforce Development

No changes.

10. Enterprise Architecture

No changes.

11. On-line Hunt Draw

No changes.

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Meeting recessed for a break at 9:30 a.m.
Meeting reconvened at 9:40 a.m.

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1. (continued) 2011 Director's Goals and Objectives

Presenter: Bob Broscheid, Deputy Director, WMD and SSD

12. Game Management – Mountain Lion

Additional discussion is needed at the workshop to discuss what impacts on Department resources this may have before moving forward. Also at the workshop the Department will define the information that will be needed to manage mountain lions in relation to their prey base the same as deer are managed in relation to their forage base.

13. Lead and Wildlife Mortality

Change long-term timeline from 10-15 years to 10 years and evaluate yearly.

14. Commission-owned Lands and Properties

No changes.

15. Expand Black-footed Ferret Population to a Second Recovery Site (Espee Ranch or other viable alternative sites)

The Commission will further discuss this goal as it relates to resources and budget at the workshop. The budget should also reflect the cost of losing the current single population if anything were to happen to it.

16. Simplify Hunt and Fish Regulations

The Department will provide the Commission with a briefing in a workshop setting prior to the September 2011 Commission meeting to discuss some of the reasons for the regulation complications such as sub-units and the stratified seasons, and the history of how those things evolved.

17. Employee Morale

The measure for the deliverable on the agency-wide employee survey will be to exceed the results of the previous year.

Mr. Broscheid summarized that the Department will take from these discussions and prepare for the March workshop where the Commission will have an in-depth discussion on each goal including budget and other resource needs associated with achieving the objectives.

The Commission discussed and agreed on March 9, 2011 at 9:00 a.m. for the Goals and Objectives workshop.

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2. Commission Rules of Practice

Presenter: Bob Broscheid, Deputy Director, WMD and SSD

Mr. Broscheid provided the Commission with a draft document that outlined traditional Commission Practices and Procedures dated February 2011 (attached) for discussion. Chairman Woodhouse requested that this document be drafted and presented at this meeting for discussion and Commission input and ultimately for Commission adoption of some formal rules of practice and procedures. Additionally, this document will provide direction and assistance to the Department in providing information and assistance to the Commission regarding meetings, agendas, and other Commission matters.

Chairman Woodhouse requested this item be on the regular March Commission meeting agenda, but also on the March 9 workshop agenda for further discussion if time permits.

Commissioner Freeman requested a follow-up discussion with the Commission regarding their laptops on the March 9, 2011 workshop agenda.

The Commission discussed the Commission Practices and Procedures document and made the following suggestions:

- On “Commission Chair and Commissioner Committee Assignments”, strike the part that says the Commission will vote. The Chair appoints the assignments and there is no vote
- Regarding “Role of Legislative Commissioners”, clarify emergency situations and articulate what the two Legislative Commissioners are allowed to do
- Regarding “Calling Telephonic Meetings”, articulate how it can legally occur for a majority of the Commission to call a meeting in the case that the Chair is unwilling
- On “Outreach Surrounding Commission Meetings”, clarify the meaning of “unless directed otherwise by the Commission.” Also, articulate who should be notified of a press release before it hits the mainstream media.

The Department will incorporate these suggestions and bring this back at the March 9 workshop.

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Meeting recessed for a break at 10:46 a.m.

Meeting reconvened at 10:56 a.m.

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3. Legislative Engagement and State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles briefed the Commission on the current status of selected state and federal legislative matters. The Department provides the Commission with regular monthly updates and provided informational materials at this meeting (available to the public). The briefing included the following as well as discussion and Commission action:

Arizona State Legislature

- Days of Regular Session: 26
- Bills Posted: 1,248 (Passed: 3; Vetoed: 0; Signed: 1)
- Budget matters continue to be biggest issue for Legislature and for Department
- Deficit: FY2011 - approximately 800 million and FY2012 - approximately 1.2 billion
- Legislature is moving fast; Goal is to end session in 100 days.

State Legislation

SB 1024: Game and Fish Fingerprint Card

- Purpose: Requires certain Department employees and volunteers to obtain fingerprint clearance cards. Mandates the Department to pay related fees
 - Hearing on January 12th – (Ayes: 6; Nays: 0)
 - Assigned to Judiciary Committee - No Scheduled Hearing
- Some concerns regarding provisions related to the “firearms” and “public monies”

HB 2358: Wildlife; Guides; Wasted Meat

- Purpose: Expands the definition of guide and modifies the Commission’s ability to revoke or suspend a license to hunt, fish, or possess wildlife. Amendments:
 - Edible definition (Approved by Commission January 28, 2011): Involving a waste of edible portions as follows: (a) Upland game birds, migratory game birds and wild turkey breast, (b) Deer, elk, pronghorn (antelope), bighorn sheep, bison (buffalo) and peccary (javelina): Hind quarters, front quarter, neck and loins, (c) Game fish: Fillets of fish. Meat damaged due to the method of taking is not considered to be edible
 - Guide definition: “A guide is not a landowner or leasee who, without full fair market compensation, allows access to the landowner’s or leasee’s property and directs and advises a person in taking wildlife”
- Hearing on Jan 31, testimony taken, rescheduled for future date.

Motion: Martin moved and Harris seconded THAT THE COMMISSION VOTE TO SUPPORT THE AMENDMENT TO HB 2358 AS PRESENTED.

Vote: Unanimous

HB 2396: Game and Fish; Trophies; Enforcement

- Purpose: Stipulates that a person is guilty of a Class 6 felony if that person knowingly takes or possesses a trophy animal or endangered wildlife
- Provisions: Defines the term trophy to include any of the following using a nationally or internationally recognized measuring system: Mule Deer Buck with antlers measuring at least 145 inches, not including eye-guard point; Coue's Deer Buck with antlers measuring at least 65 inches, not including eye-guard point; White Tail Deer buck measuring at least 125 inches, not including eye-guard point; Bull Elk with antlers measuring at least 260 inches, including the eye-guard point and the brow tine point; Pronghorn (antelope) measuring at least 67 inches
- The Department will continue to meet with Stakeholders to discuss concerns.

Chairman Woodhouse attended the stakeholders meeting and relayed to the Commission that there was a lot of discussion on what would qualify as a Class 6 felony, with particular issues in defining what is and is not a trophy, however, the matter of requiring a person's civil assessment be paid before that person can apply for another license (following the revocation period) had a lot of support.

Mr. Guiles added that the end result of the stakeholders meeting was that it would be better to take the time needed to make sure the language is right in addressing all the key points discussed at the meeting and to introduce this bill in the next Legislative Session.

Public Comment

George Reiners, YVRGC and AWF addressed the Commission in support of this bill and discussed some of the aspects of the proposed legislation. He did not really expect this to go anywhere this year but wanted to get it on the table.

Commissioner Harris commented that the goal is to go after the poachers and he would like to see more discussions with the stakeholders group with that as the main focus.

Chairman Woodhouse added that the poachers are also the ones that typically don't pay the civil assessments. They are the ones that couldn't care less and they are why we need teeth in this legislation.

Commissioner Harris stated that there are two separate distinct matters here. One is passing a law to deal with the criminal part and the other is the civil assessment. These two processes are not the same and should not be combined.

Commissioner Martin suggested going forward this year with the civil assessment part of the legislation and working on the criminal part for next year.

Commissioner Freeman concurred with Commissioner Martin.

Mr. Guiles stated that he could work on that at the direction of the Commission.

Commissioner Husted asked if the Commission didn't already have the authority to collect the civil assessment prior to issuing another license just like it does with the Hunter Education Course.

Mr. Odenkirk advised that currently in statute the Commission has the authority to bring civil action to recover damages, so they need to get a court order that imposes an obligation to pay in order to restrict a person from obtaining another license. The Commission has no independent legal authority to enforce the civil assessment, so what the Commission is trying to accomplish with this legislation is to create legal significance for the administrative decision to pursue a civil assessment and that by doing so, they can simultaneously impose upon the individual the restriction on their license privileges until they pay the civil assessment.

Motion: Martin moved and Harris seconded THAT THE COMMISSION DIRECT THE DEPARTMENT TO PURSUE THE CREATION OF A BILL THAT WOULD MAKE IT SUCH THAT A WILDLIFE VIOLATOR UNDER REVOCATION WOULD BE UNABLE TO APPLY FOR ANY FUTURE LICENSES TO HUNT, FISH AND TRAP IN THE STATE UNTIL CIVIL ASSESSMENTS HAVE BEEN PAID IN FULL.

Vote: Unanimous

SB 1334: Hunting within City Limits

- Purpose: Political subdivisions are prohibited from enacting any ordinance or regulation limiting the area of a lawful hunting event during open season established by the Game and Fish Commission (addresses issues where cities and towns are annexing large plots of land and then closing them to hunting)
- The Department has met with the sponsor of the bill; amendments are being proposed

Mr. Guiles recommended discussion in Executive Session.

SB 1335: Hunting at Night; Varmints

- Purpose: Jackrabbits, raccoons and predatory animals are added to the list of animals that may be taken at night
- The Department has met with the sponsor of the bill. The Commission currently has this authority and can address it in Rule. The sponsor is okay with the Commission going through the Rulemaking process. If the sponsor is not satisfied after that effort then he can run the bill next year.

This matter will be discussed further in Executive Session.

Mr. Guiles advised that Article 3 is currently open for rulemaking.

The Commission discussed the Rulemaking cycle and issues with the moratorium on rulemaking.

Commissioner Husted suggested moving forward with the Rulemaking process and the Commission was in consensus.

Public Comment

George Reiners, YVRGC and AWF, addressed the Commission in support of SB 1334 and in opposition to SB 1335. Hunting at night is too dangerous especially in southern Arizona near the Mexico border.

Commissioner Husted suggested moving forward with the rulemaking process and suggested that the Commission direct the Department to talk to the sponsor, without making a promise, and say that the Commission will gather public comment and look into it. The sponsor would still have the option to move forward with legislation next year.

The Commission was in consensus.

Mr. Guiles stated that the Commission may need some legislative latitude in terms of allowing the rulemaking process and under what conditions that might move forward. Mr. Guiles will keep the Commission up to date on this issue.

SB 1201: Firearms Omnibus

- Purpose: The state and state agencies are prohibited from enacting any ordinance, rule or tax relating to the transportation, possession, sale, gift, storage, registration or use of firearms or ammunition. It is no longer misconduct involving weapons to carry a deadly weapon in a public establishment or at a public event after a request from the operator to remove the weapon for temporary and secure storage. The state, state agencies, and political subdivisions may limit or prohibit firearms in a public establishment or at a public event that is issued a liquor license at times when alcoholic beverages are available for consumption on the premises, with some exceptions. The limit or prohibition must be done with specified signs and meet other requirements. An employee or official acting on behalf of the state, agency, or political subdivision who knowingly violates this statute is guilty of a class 5 felony, and no public monies may be spent defending a person who is charged with a violation
- Senate Committee on Judiciary - Hearing scheduled for Monday, February 7
- There is an amendment change, but they are willing to make changes that the Department might have.

HB 2102: License Eligibility; Authorized Presence

- Purpose: Requires any individual licensed through a state agency, department, board or commission to provide documentation of citizenship or alien status indicating the individual's lawful presence in the United States.

HB 2220: Racing Facilities; Gaming; Racinos

- Purpose: Racing facilities may obtain a license from the Dept of racing to permit it to hold casino-type games (including poker, blackjack and slots). A percentage of daily gross gaming revenue (the amount is left blank in original) is to be forwarded to the state treasurer for deposit in the General Fund. Because of the net increase in state revenues, this measure requires a 2/3 majority in each chamber for passage (Prop 108)
- Not Assigned to Committee; Does not have leadership support; would impact WCF money the Department receives.

HB 2314: Lake Improvement; Boating Safety; Funds

- Purpose: Authority to administer the Law Enforcement and Boating Safety Fund is given to the Game and Fish Commission, instead of the State Parks Board. Watercraft licensing fund will be non-appropriated
- Department meeting with LEBSF stakeholders.

SB 1483: Off-highway Vehicles; Tax Stamps

- Creates an off-highway vehicle tax stamp which may be obtained instead of a certificate of title for the vehicle. The fee for a tax stamp is \$2. ADOT is authorized to prescribe by rule the design and application procedures for the stamp
- Department meeting with stakeholders; needs improvements

SB 1531: State Parks Board; Director

- The director of the State Parks Board is appointed by the governor instead of the Board.

SB 1229: Recreational Users; Landowner Liability

- Purpose: In statute that indemnifies a landowner from liability from claims by a recreational user of the land, the definition of "recreational user" is expanded to include a person who, without payment of an admission fee, engages in off-highway vehicle, off-road recreational motor vehicle or all-terrain vehicle activity. The purchase of a state trust land recreational permit is not considered payment of an admission fee.

The Department recommends that the Commission support SB 1229.

Public Comment

George Reiners, YVRGC and AWF, addressed the Commission in support SB 1229.

Motion: Martin moved and Freeman seconded THAT THE COMMISSION VOTE TO SUPPORT SB 1229.

Vote: Unanimous

HB 2485: Government Land Replacing Private Land

- Purpose: If a government purchases or condemns privately owned property, the purchaser must either dispose of the property or agree to make voluntary payments in-lieu of property taxes to all taxing jurisdictions in which the property is located.
- Schedule for hearing on February 7 in House Committee on Energy and Natural Resources
- The Department is still looking at some of the provisions included in this bill; may ask for an exemption for the Game and Fish Commission which already has a process in place.

SB 1392: Mexican Gray Wolf; Interstate Compact

- Purpose: On the recommendation of the Game and Fish Commission, the governor may enter an interstate compact providing for the cooperative management of the gray wolf.

SB 1395: Endangered Species Act; Interstate Compact

- Purpose: On the recommendation of the Game and Fish Commission, the governor may enter an interstate compact providing for the cooperative management of wildlife listed as endangered or threatened under the federal Endangered Species Act of 1973.

Mr. Guiles advised the Commission that SB 1392 and SB 1395 were originally scheduled for a hearing on Monday but were moved to Thursday. The Department is still working on these for comments and recommendations to bring back to the Commission. The Commission will likely need to call a telephonic meeting on Tuesday in order to take a position on both of these bills after the Department has the necessary time to look over these bills and develop recommendations.

The Commission was in consensus to hold a telephonic meeting on Tuesday, February 8 at 9:30 a.m. to discuss these two bills.

HB 2622: Recreation Off-highway Vehicles

- Adds a new category in definitions under Title 28 for some of the new OHV models
- The Department is tracking this bill

HB 2623: Landowner Prohibition of Hunting; Posting

- This is in regards to the trespass issue
- The Department has attended stakeholders meetings; there may need to be some modifications
- This bill was just introduced on Tuesday and may also need to be discussed at the Commission's telephonic meeting.

Congressional Update

S 249 and HR 509: Congressional Bills on Gray Wolf

- Purpose: To amend the Endangered Species Act of 1973 to provide that the Act shall not apply to the gray wolf (*canis lupus*)
- Sponsored by Senators Kyl and McCain
- This legislation is in line with the Commission's prior position.

The Department recommended that the Commission take a position on these bills.

Motion: Husted moved and Harris seconded THAT THE COMMISSION VOTE TO SUPPORT S 249 AND HR 509.

Commissioner Freeman stated that he doesn't recall the Commission voting to change the Endangered Species Act and that he sees this as different than what the Commission talked about. He would need more information on the Act and to review the December meeting before taking a position to support this. At the December meeting he thought he was listening to a scientific presentation and not a political presentation. Today, the Commission is dealing with this in the light of politics. He supported the delisting from a science point of view but because he doesn't have all the information he would need to vote aye, he will vote nay.

Commissioner Martin stated that she will vote against this motion because she believes it is bad policy to simply have the ESA not apply to a certain species without the science to back it up. There is a meaningful difference in delisting a species as opposed to having the ESA not apply to a species.

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

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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 Harris seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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Public Meeting reconvened at 12:10 p.m.

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

Presenter: Anthony Guiles, Legislative Liaison

SB 1334: Hunting within City Limits

The Commission recommends that the Department submit an amendment to SB 1334. The amendment would be to add a new section to A.R.S. 17-321 and make some clarifying language changes to 13-3107 and 13-3108.

Motion: Martin moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE AMENDMENTS.

Vote: Unanimous

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Meeting recessed for lunch at 12:15 p.m.

Meeting reconvened at 1:30 p.m.

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4. Shooting Sports Activities Briefing

Presenter: Jay Cook, Shooting Range Branch Chief

Mr. Cook provided the Commission with a Power Point presentation highlighting several items in the Shooting Sports Activities Briefing that was provided to the Commission prior to this meeting and was available to the public. The report included shooting programs and shooting range development statewide and covered activities that occurred since the January 2011 Commission meeting. This briefing is part of the Department's ongoing commitment to provide the Commission with updates on a regular basis.

Mr. Cook's presentation included an update and drawings of conceptual range designs for the Northern Arizona Shooting Range. The Department continues to develop conceptual range designs to incorporate public input and input from shooting range experts. The Department is working towards creating a preferred range design to be presented to the Commission for final approval at the March 2011 Commission meeting.

Chairman Woodhouse expressed concern about muzzles being pointed toward the area of concern related to the issues raised in Flagstaff regarding sound/noise levels, and asked if that would increase what the Department needs to do for sound mitigation.

Mr. Cook stated that those concerns will be addressed and that it is a part of the overall range design. For the venues that point more towards Walnut Canyon and the roadway there are additional measures the Department is looking at through engineering and industry standards. The Department is looking at all the options including blue sky baffling which prevents an accidental discharge from going where it is not intended to go, and those same structures can be used to build in sound mitigation as well. The Department is also looking into other new technologies for sound mitigation.

The Commission discussed with Mr. Cook that the Visitor Center at Walnut Canyon Park is oriented to the northwest of the main shooting range.

Commissioner Freeman made it clear for the record that the Commission is concerned for the entire Monument and not just the Visitor Center.

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5. 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 January 2011 Commission meeting and was provided in fulfillment of the Department's commitment to brief the Commission on a regular basis.

Mr. Gray provided a summery on the 2010 Game Camps and the successful 13th Annual Youth Pheasant Hunt, as well as provided dates for the upcoming Scholastic Clay Target Program

Commissioners Cups (Sporting Clays – March 26, BACTC; Trap - April 23, Tucson Trap and Skeet; and Skeet – May 7, BACTC).

Mr. Gray answered a question by the Commission on how many educational events the Department accommodates or is able to accommodate throughout the year. Every year the Department does about 150-200 fishing clinics and is unable to accommodate somewhere between 35-40 a year. This is based on the number of resources, staffing and time. The Department gets several hundred wildlife education presentation requests and each year the Department cannot get to 200-250 of those for the same reasons. On the fourth grade classrooms presentations, there are 30-40 per year that the Department cannot accommodate, typically because it is the wrong grade level and the presentation is set by fourth grade education standards. Additionally, there are 15-20 events and festivals that the Department cannot accommodate per year.

Commissioner Freeman stated that this came up from a teacher last month at the HPAC meeting. That teacher had the perception that it is really hard to get one of these programs. As discussed in the Director's Goals and Objectives, if the Department were able to provide that on a daily basis with a facility here at the Department Headquarters, the Department could not only accommodate those that cannot get in now, but could also get more folks coming in and free up the resources for more rural parts of the state.

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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 (attached) was provided to the Commission prior to this meeting and was available to the public. 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 January 2011 Commission meeting. This update is in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding decisions and actions on all State and Federal lands in Arizona. There were no additional updates provided at this meeting.

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7. 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 item b was removed for discussion.

a. Request for the Commission to Approve an Existing Right-of-Way with Qwest Corporation for Communication Lines Located on the Robbins Butte Wildlife Area, Maricopa County, Arizona

Presenter: Josh Avey, Habitat Branch Chief

In 1998, the Commission received a Quitclaim Deed from the Bureau of Land Management (BLM) for approximately 610 acres of property that is now part of the Robbins Butte Wildlife Area. That conveyance is subject to a ROW granted to U.S. West Communications Inc. (now Qwest Communications) by the BLM. The ROW was for the installation of communications lines. That ROW expires on February 23, 2011. Qwest Communications desires to continue to use the communication lines and has requested renewal of the ROW with the Commission as the current property owner.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE AN EXISTING RIGHT-OF-WAY WITH QWEST CORPORATION FOR COMMUNICATION LINES LOCATED ON THE ROBBINS BUTTE WILDLIFE AREA, MARICOPA COUNTY, ARIZONA, AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

Motion: Martin moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEM A.

Vote: Unanimous

b. First Amendment to Intergovernmental Agreement between the Arizona Game and Fish Commission and the Town of Marana regarding excluding the Tortolita Preserve from a designated firearm hunting area.

Presenter: Raul Vega, Tucson Regional Supervisor

Mr. Vega briefed the Commission on the Department's request for the Commission to approve the First Amendment to the Intergovernmental Agreement between the Arizona Game and Fish Commission and the Town of Marana to amend a boundary for a designated firearm hunting area to exclude the Tortolita Preserve. A portion of land known as the Tortolita Preserve was included in a designated firearm hunting area when the original intergovernmental agreement was approved between the Arizona Game and Fish Commission and the Town of Marana in the summer of 2010. An amendment to the original intergovernmental agreement is needed to exclude the Tortolita Preserve from firearms discharge to be consistent with the Habitat Preservation Agreement entered into by and among Red Hawk Marana, LLC, Rita Land Corporation and Cottonwood Properties, Inc. and the Town of Marana and the United States Fish and Wildlife Service, which was recorded in the office of the Pima County Recorder on November 3, 2000. The map in the original intergovernmental agreement would be replaced and superseded by a new map to show the amended designated firearm hunting areas which would exclude the Tortolita Preserve.

Commissioner Husted asked about the Tortolita Preserve being excluded from the hunting area.

Raul Vega, Region V Supervisor, pointed out on the map that what the Department was looking at was changing the boundaries on the west side of the Tortolita Preserve.

Leonard Ordway, Assistant Director, Field Operations, assisted in showing on the map where hunting would and would not be allowed.

Commissioner Harris stated that the Department has worked really hard with the Town of Marana to open up a large portion of land that had been closed for a long time and that he would now honor their request to close the area in the Tortolita Preserve that they are requesting.

Motion: Harris moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE ARIZONA GAME AND FISH COMMISSION AND THE TOWN OF MARANA TO EXCLUDE THE TORTOLITA PRESERVE FROM FIREARMS DISCHARGE.

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

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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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8. Request to Amend Commission Order 40: Fish, Open Season and Bag and Possession Limits for Gila Trout at Fry Mesa Reservoir for calendar year 2011 and 2012.

Presenter: Kirk Young, Fisheries Branch Chief

Mr. Young briefed the Commission using a Power Point presentation that included maps and photos. The Department reintroduced Gila trout into Frye Creek in the fall of 2009. Frye Creek is a stream draining the northeast end of the Pinaleno Mountains and drains into Frye Mesa Reservoir near Safford. The U.S. Fish and Wildlife Service (USFWS) recently offered the Department surplus adult Gila trout from their Mora National Fish Hatchery. The Department would like to stock these fish into Frye Mesa Reservoir to provide angling opportunity for this native trout. Further, it is anticipated that Gila trout will successfully establish throughout Frye Creek and immigrate to Frye Reservoir in limited numbers over the next several years, thus establishing additional angler opportunity. In order to provide this angler opportunity, a season for Gila trout must be opened through Commission Order.

The Department's proposed regulation change is to create a daily bag and possession limit of one Gila trout on Frye Mesa Reservoir to allow for limited harvest of Gila trout. Frye Mesa Reservoir is utilized by anglers trying to catch both stocked rainbow trout and stocked brown trout. Limits for these species of trout are six trout in the daily bag and in possession. Currently there is no statewide harvest of Gila trout and this would be the first opportunity for anglers in Arizona to actually fish for and harvest Gila trout.

Motion: Martin moved and Husted seconded THAT THE COMMISSION VOTE TO ADOPT THE AMMENDMENT TO COMMISSION ORDER 40: FISH, ESTABLISHING AN OPEN SEASON AND ONE FISH BAG AND POSSESSION LIMIT FOR GILA TROUT AT FRYE MESA RESERVOIR FOR CALENDAR YEARS 2011 AND 2012.

Vote: Unanimous

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9. Request to Approve a Notice of Emergency Rulemaking for the Adoption of a New Article 11 to Address Issues Associated with Aquatic Invasive Species.

Presenter: Andy Clark, Fisheries Program Manager

Mr. Clark introduced Celeste Cook, the Department's Rulewriter, who briefed the Commission on the processes for rule review and rulemaking, and the three types of rulemaking (regular, exempt and emergency) under the Governor's current moratorium on rulemaking. The Department will ask the Commission to approve a Notice of Emergency Rulemaking for the adoption of a new Article 11 addressing aquatic invasive species. The Governor's office approved the Department's request to pursue rulemaking on August 19, 2010.

Mr. Clark briefed the Commission on the Department's proposal to promulgate emergency rulemaking to address aquatic invasive species. Emergency rulemaking is necessary because quagga and zebra mussels are aquatic invasive species that currently pose a threat to public health and safety in Arizona because of their potential to contaminate state waterways. The purpose of the proposed emergency rulemaking is to establish mandatory conditions for the movement of boats and aquatic equipment to and from waters and locations in this state. These conditions are crucial in helping to prevent the accidental movement of quagga and zebra mussels, as well as other aquatic invasive species, to unaffected water bodies as well as the financial, economic, and ecological costs that will surely accompany them.

The following is an overview of the Department's proposed rule(s):

R12-4-1101 Definitions

- Creating a new rule that provides definitions for terms used within Article 11.

R12-4-1102. Aquatic Invasive Species; Prohibitions; Inspection, Decontamination Protocols

- Creating a new rule that establishes prohibitions designed to prevent the movement aquatic invasive species, protocols to be followed before a person may leave waters where aquatic invasive species are present, inspection requirements, exemptions to the rule, and states where Director's Orders can be obtained.

- Under the emergency rulemaking provisions of A.R.S. § 41-1026, the Agency's proposed emergency rulemaking addressing aquatic invasive species, will be reviewed by the Attorney General and, if approved, will be immediately effective for a period of 180 days. The Department may renew the emergency rulemaking for an additional 180-day period. During this time, the Department must pursue regular rulemaking to permanently establish the provisions of the new Article. The regular rulemaking process will include a public outreach campaign that will give the public the opportunity to provide input to the Department and the Commission on the proposed rule language, including input on the economic impact of the proposed rule.

If approved by the Commission, the Notice of Emergency Rulemaking will be filed with the Office of the Arizona Attorney General by February 18, 2011, for review and if approved will be filed with the Secretary of State for publication in the *Arizona Administrative Register*. The emergency rulemaking will then become effective for a period of 180 days.

Commissioner Freeman asked if this should just be for aquatic invasive species or for other potential invasive species.

Mr. Clark stated that for right now it is only for aquatic but down the road there will be opportunities to change it to invasive species and not just aquatics. It is expected that there will be more invasive species issues that the Department may want to house under this article.

Commissioner Martin clarified that the Commission would need some sort of mandatory authority to manage any invasive species that were not aquatic and that were not designated as wildlife. The Aquatic Invasive Species law (A.R.S. § 17-255.01) is allowing the Commission to manage the aquatics.

Motion: Freeman moved and Husted seconded THAT THE COMMISSION VOTE TO APPROVE A NOTICE OF EMERGENCY RULEMAKING FOR THE ADOPTION OF ARTICLE 11, ADDRESSING ISSUES ASSOCIATED WITH AQUATIC INVASIVE SPECIES.

Vote: Unanimous

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10. Call to the Public

There were no requests to speak at this time.

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11. Law Enforcement Program Briefing

Presenter: Gene Elms, Law Enforcement Branch Chief

Mr. Elms briefed the Commission on activities and developments since the January 2011 meeting relating to the Department's Law Enforcement Program. This briefing was in

fulfillment of the Commission's request to be briefed on a monthly basis regarding activities and developments relating to the Department's Law Enforcement Program. The Commission was provided with a written report (also available to the public) and a Power Point presentation by Mr. Elms which highlighted some law enforcement training activity, wildlife enforcement activity, watercraft and OHV enforcement activities, and partnerships that were developed and fostered in this reporting period.

Mr. Elms provided the Commission with a copy of a brochure titled "Am I an Arizona Resident?" In an effort to help educate constituents a regional Wildlife Manager took the initiative to produce a color brochure that can be left with the license dealers and provided to the public to help them determine their residency status.

* * * * *

13. Request to approve the Article 5 Five-year Review Report, regarding Boating and Water Sports, for submission to the Governor's Regulatory Review Council (G.R.R.C.).

Presenter: Gene Elms, Law Enforcement Branch Chief

Mr. Elms briefed the Commission on the Five-year Review Report for Article 5, regarding Boating and Water Sports, for submission to G.R.R.C. A.R.S. §41-1056 requires each state agency to review all of its rules at least once every five years. G.R.R.C. determines the Five-year Review Report cycle. Submission of this report will not change any of the rules within Article 5. However, if the Department fails to submit the report by the established due date, or make a formal request to postpone the report, the Department's Article 5 rules will expire and no longer be in effect or enforceable.

If approved by the Commission, the Department will submit the report to G.R.R.C. by the February deadline. The Department will not pursue rulemaking for Article 5 until G.R.R.C. has approved the report and the rulemaking moratorium has expired.

The Department proposed the following substantive amendments:

R12-4-502. Application for Watercraft Registration

- Require applicant's physical and mailing address to assist law enforcement.

R12-4-503. Renewal of Watercraft Registration

- Repeal telephonic registration language since the Department no longer offers this service.

R12-4-505. Hull Identification Numbers

- Require a hull identification number to be fully visible and unobstructed to assist law enforcement in identifying registered watercraft.

R12-4-507. Transfer of Ownership of an Abandoned or Unreleased Watercraft

- Allow individuals only acting within the scope of official government duties to order abandoned watercraft removal left on public property/waterway to prevent illegal removal.
- Allow only private property owners to use the abandoned watercraft transfer process.
- Require notarized signatures on abandoned or unreleased watercraft applications.

- Provide a mechanism for government agencies to destroy junk watercraft abandoned on state/federal lands/waterways.

R12-4-511. Personal Flotation Devices

- Require Type IV personal flotation devices to be immediately available.

R12-4-512. Fire Extinguishers Required for Watercraft

- Require fire extinguishers to be readily accessible for immediate and effective use.

R12-4-517. Watercraft Motor and Engine Restrictions

- Add Cibola Lake to the list of waters allowing watercraft powered by electric motor.

R12-4-528. Watercraft Checkpoints

- Allow law enforcement to establish inspection checkpoints for ensuring compliance with aquatic invasive species and wildlife laws, rules, and orders.

Motion: Husted moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE ARTICLE 5 FIVE-YEAR REVIEW REPORT FOR SUBMISSION TO THE GOVERNOR'S REGULATORY REVIEW COUNCIL.

Vote: Unanimous

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14. Request for Commission Approval of the Cooperative Agreement between the Arizona Game and Fish Department and the National Association of State Boating Law Administrators, Inc. (NASBLA)

Presenter: Gene F. Elms, Law Enforcement Branch Chief,

Mr. Elms briefed the Commission on the Department's request to enter into a Cooperative Agreement with NASBLA for the purposes of creating a permanent Western site to host an annual NASBLA Advanced Boating Accident Investigation and Reconstruction Course and housing/storing crashed vessels training aides in the course on the Department Main Phoenix Office Property. The Department and NASBLA recognize the value of continuing education and advanced training for marine law enforcement officers both in the State of Arizona and throughout the nation. Per the terms of the Cooperative Agreement, NASBLA will schedule and provide one Level II Advanced Boating Accident Investigation and Reconstruction course per year and provide initial funding in 2011 and, as funding becomes available on an annual basis, provide ongoing funding for improvements related to permanent housing for the crashed vessels. Per the terms of the Cooperative Agreement, the Department will provide classroom facilities and store NASBLA crashed vessels in a secure area in a preexisting Department compound; and as resources from NASBLA become available, facilitate the development and construction of appropriate covered housing for the crashed vessels.

Motion: Freeman moved and Husted seconded THAT THE COMMISSION VOTE TO APPROVE THE COOPERATIVE AGREEMENT BETWEEN THE ARIZONA GAME AND FISH DEPARTMENT AND THE NATIONAL ASSOCIATION OF STATE BOATING LAW

ADMINISTRATORS, INC. TO CREATE A PERMANENT WESTERN SITE TO HOST AN ANNUAL ADVANCED BOATING ACCIDENT INVESTIGATION AND RECONSTRUCTION COURSE AND HOUSING/STORING CRASHED VESSELS TRAINING AIDES IN THE COURSE ON THE DEPARTMENT MAIN PHOENIX OFFICE PROPERTY.

Vote: Unanimous

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15. Request to approve the Article 7 Five-year Review Report, regarding Heritage Grants, for submission to the Governor's Regulatory Review Council (G.R.R.C.).

Presenter: Eric Gardner, Nongame Branch Chief

Mr. Gardner briefed the Commission the Five-year Review Report for Article 7, regarding Heritage Grants, for submission to G.R.R.C. A.R.S. §41-1056 requires each state agency to review all of its rules at least once every five years. G.R.R.C. determines the Five-year Review Report cycle. Submission of this report will not change any of the rules within Article 7. However, if the Department fails to submit the report by the established due date, or make a formal request to postpone the report, the Department's Article 7 rules will expire and no longer be in effect or enforceable.

If approved by the Commission, the Department will submit the report to G.R.R.C. by the February deadline. The Department will not pursue rulemaking for Article 7 until G.R.R.C. has approved the report and the rulemaking moratorium has expired.

The Department proposed the following substantive amendments:

R12-4-702. General Provisions

- Remove the application deadline date to allow the Department greater latitude in determining when to solicit grant applications.
- Requiring an applicant to demonstrate control and tenure over land on which a proposed project will be located in all three respects to protect the Department's investment in the project.
- Providing Heritage Grant requirements in a logical order to make the rule more concise.

R12-4-704. Through R12-4-708 (Heritage Grant Funds)

- Combining all Heritage Grant Program Fund requirements into one Heritage Grant Program Funds rule to improve clarity and ensure consistency between program funds.

R12-4-709. Grant Applications.

- Removing instructions for proper completion of the Application checklist as this information is provided in other Department Heritage Grant Fund documents.

R12-4-711. Grant-in-Aid Participant Agreements

- Stating that the Department *may* seek recovery of funds if a participant materially breaches a contract to provide the Department with greater latitude when seeking

recovery of grant monies.

R12-4-712. Reporting and Record Requirements

- Clarifying compliance certification and record retention requirements.

Motion: Martin moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE FIVE-YEAR REVIEW REPORT FOR ARTICLE 7 FOR SUBMISSION TO THE GOVERNOR'S REGULATORY REVIEW COUNCIL.

Vote: Unanimous

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16. Request by Mr. Ronnie D. Deloach Asking for Re-instatement of his Deer Bonus Points.

Presenter: John Bullington, Assistant Director, Special Services

Mr. Ronnie D. Deloach requested re-instatement of his bonus points due to mechanical issues with his truck while driving to his deer hunt on November 3, 2010. Current rules only authorize the award of bonus points by the Director for acts that the Department is in error as per R12-4-10(R).

Mr. Bullington informed the Commission that Mr. Deloach was advised that the Commission would address this item at the February 11 Commission meeting which was the wrong date since the meeting date was changed to February 4. However, Mr. Deloach was not planning on attending the Commission meeting.

Motion: Freeman moved and Harris seconded THAT THE COMMISSION VOTE TO MOVE THIS ITEM TO THE MARCH 11-12, 2011 COMMISSION MEETING.

Vote: Unanimous

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16A. Enterprise Architecture

Presenter: John Bullington, Assistant Director, Special Services Division

Commissioner Freeman requested this item be on the agenda for discussion with the Commission. One item of particular interest is the status of the online draw. Currently, the Department is working on an application for the Internet by which a person can apply for the draw, with the draw process remaining the same as it has been. The long term plan is to integrate a draw process using new computer systems coming online with the Department over the next few years. There is a lot of work that has to be done agency wide to determine what those new computer systems will look like. Commissioner Freeman further discussed several other ways the Department might improve on customer services through new computer systems.

Mr. Bullington briefed the Commission. There has been a lot of work going on to prepare for the Enterprise Architecture. The Department has been working to get personnel trained and up to speed while at the same time planning for future systems that are coming on board. In the meantime they are working on the draw, making modifications, getting the right databases set up, and looking at other systems.

The Commission discussed with Mr. Bullington when the public would be able to apply for the draw online. The program will probably be ready this August for the spring application but it will be close. When it rolls out to the public it has got to be error free. At one time the Department talked about doing the draw in-house but they are working with a vendor. The Department will own the software but the vendor will run it. However, the Department will be closely involved with the vendor and will know how the software works and how to maintain it.

The Commission requested to have timely updates as this process progresses.

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17. Call to the Public

There were no requests to speak at this time.

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18. 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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Public Meeting reconvened at 4:40 a.m.

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19. 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 additional updates.

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20. Approval of Minutes and Signing of Minutes

Motion: Husted moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM JANUARY 14-15, 2011.

Vote: Unanimous

The Commission signed the minutes following approval.

* * * * *

21. Director and Chairman's Report

Director Voyles:

- Attended the Shot Show and met with members of the National Shooting Sports Foundation, the NRA and others to talk about business related shooting sports, recruitment and retention, and integrating recruitment efforts with hunter education programs nationwide
- Meeting with Senator Kyl's staff to talk about wolf issues and congressional legislation
- Attended the Junior Pheasant Hunt south of Prescott
- Met with representatives of Farm Bureau, Cattlegrowers, sportsmen's groups and legislators at the capitol to discuss the trespass legislation
- Attended the Safari Club International's annual meeting in Reno in part to attend the Border Governor's Conference mid-winter meeting to prepare for the primary meeting which takes place in September. Met with counterparts there from the southwestern states and was on a panel to talk about federalization of wildlife conservation as it relates to impacting ESA and wolf politics
- Called in for the telephonic Commission Meeting
- Talked with the Department of Corrections Director, Charles Ryan regarding some assistance they will be providing the Department
- Meeting with Clint Lawton and Larry Abbott of Boy Scouts of America about partnership opportunities on a number of fronts.

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

- Worked with Department staff on the formation of the agenda for today's meeting
- Attended the Flagstaff City Council meeting along with Department staff
- Worked on the Director's Goals and Objectives and attended the teleconference meeting
- Went to the Legislature for the Senate Committee on Appropriations and again for the stakeholders meeting on the YVRGC legislation
- Attended the Landowner-lessee/Sportsman Relations Committee
- Attended the House hearing on the wasted game meat and guide bill
- And prepared for this meeting

* * * * *

22. Commissioner's Reports

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

Commissioner Martin:

- Spent time coordinating with Ernie Perkins in Utah who is taking over chairing the sub-committee from WAFWA
- Prepared for and participated in the telephonic Commission meeting
- Prepared for this meeting
- Participated in the Conservationists Committee meeting. The next Conservationists workday is scheduled to be at Horseshoe Ranch.

Commissioner Harris:

- Attended the Audubon Society Tucson Chapter's gala event
- Attended and chaired the HPC meeting
- Participated in two telephone conferences related to the Director's Goals and Objectives; one on shooting sports and one on law enforcement
- Participated in the telephonic Commission meeting
- Attended a hunter safety range day last Saturday in Tucson.

Commissioner Freeman:

- Attended and chaired the HPAC meeting
- Met a couple times with Department staff on the Enterprise Architecture
- Talked with several Department staff members on the Director's Goals and Objectives
- Talked with a lot of constituents about the draw
- Handed out hunt regulations in Chino Valley
- Talked with a neighbor about some fallow deer that someone had and will be trying to get those deer into some kind of program
- Talked with a reporter on the Northern Arizona Shooting Range.

Commissioner Husted:

- Attended a ceremony at State Parks
- Attended the telephonic Commission meeting
- Worked with Department staff regarding the Director's Goals and Objectives

* * * * *

23. Future Agenda Items and Action Items

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

- Set up the Commission workshop agenda for March 9, 2011 for the Director's Goals and Objectives; add an agenda item for a discussion of laptops and computer usage by the Commission; also add the Commission Rules of Practice to the agenda
- Schedule an update on the e-commerce and application for the March and/or April Commission meeting

Commissioner Husted requested that a discussion of Commission meeting locations be added to the March Commission meeting.

Commissioner Harris informed the Commission that on Monday a Gould's turkey capture will occur in Region V and with that capture, the National Wild Turkey Federation is claiming to

have captured their 200,000th bird. He will not be able to attend, but all of the Commissioners are invited and encouraged to attend.

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

Vote: Unanimous

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Meeting recessed for the day at 5:03 p.m.

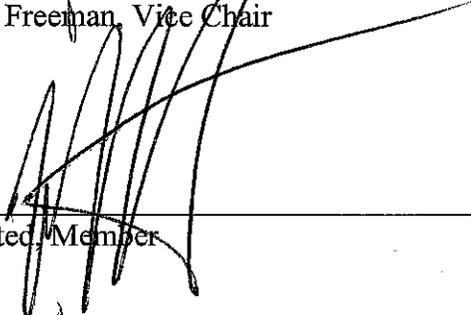
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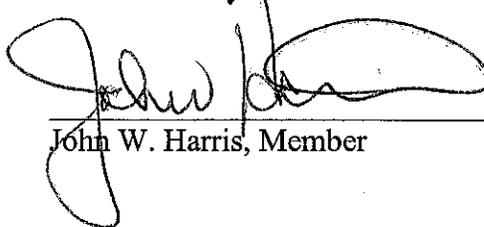
Robert R. Woodhouse, Chair



Norman W. Freeman, Vice Chair



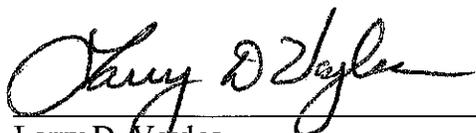
Jack F. Husted, Member



John W. Harris, Member

Jennifer L. Martin, Member

ATTEST:



Larry D. Voyles
Secretary and Director

**Game and Fish Litigation Report
Presented at the Commission Meeting
February 4, 2011**

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.

The Court of Appeals issued an opinion on December 21, 2010. The Court held that wildlife conservation, and the conservation of bighorn sheep in particular, is a purpose of the Kofa Wilderness Area. The Court, however, found that the Service did not sufficiently explain

that redeveloping two water structures in the wilderness area was necessary to restore the bighorn sheep population. The Court expected the Service to evaluate alternative actions to determine whether these alternatives would increase the sheep population without the additional water. The court remanded the case back to the district court for a decision on whether to allow the Service to supplement its decision.

2. *Anderson v. Arizona Game and Fish Department, et al., 2 CA-CV 2010-0098*
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. On March 8, 2010 the Pinal County Superior Court affirmed the Commission's decision. Anderson appealed to the Arizona Court of Appeals. The Court of Appeals, in a decision filed November 8, 2010, reversed in part and affirmed in part. The Court held that A.R.S. §17-340(B) does not grant the Commission authority to impose consecutive sanctions on offenders for repeat offenses. The Court affirmed the Commission's power to impose additional sanctions under A.R.S. §17-340(B)(2) while a person is serving a current term of revocation and to revoke or suspend the license of a person whose license has already been revoked based on a conviction of another covered Title 17 offense. Anderson has filed a petition for review to the Arizona Supreme Court seeking review of the Court of Appeal's ruling that the Commission can further sanction a person whose hunting licenses have already been revoked. The Department filed a response to the petition on January 7, 2011.

3. *Mojave Valley Shooting Range Appeal.* The Hualapai and Fort Mojave Indian Tribes ("Appellants") filed an administrative appeal to the Interior Board of Land Appeals ("IBLA") on March 15, 2010. The appeal seeks review of the BLM's Decision Record to transfer to AGFD 315 acres of public land in the Mojave Valley for construction and operation of a shooting range. The Appellants allege that the Decision Record violates the National Environmental Policy Act ("NEPA"), the National Historic Preservation Act ("NHPA"), and the Native American Graves Protection and Repatriation Act ("NAGPRA").

The Appellants served their Statement of Reasons on the Department on April 16, 2010. On April 30, 2010, AGFD filed a Motion to Intervene in support of the BLM's decision. The Department's Answer to the Appellants' Statement of Reasons is due on May 17, 2010.

The IBLA granted the Department's motion to intervene and extended the time for the Department to file an answer to the appellants' statement of reasons. On June 15, 2010, the Department filed its response brief to the appellants' statement of reasons.

The IBLA issued an opinion on December 7, 2010, affirming the BLM's decision to transfer land to the Department for use as a shooting range. The IBLA found that the BLM did not violate NEPA or the National Historic Preservation Act.

4. *Center for Biological Diversity v. U.S. Bureau of Land Management et al. CV-09-8011-PCT-PGR; The Wilderness Society et al. v. U.S. Bureau of Land Management et al. CV-09-8010-PCT-PGR.* On May 9, 2008, Records of Decision and Approved Resource Management Plans for the Arizona Strip, Vermillion Cliffs National Monument and portions of the Grand Canyon-Parashant National Monument were released to provide guidance for BLM-administered lands in northern Arizona. In *Center for Biological Diversity (CBD) v. U.S. Bureau of Land Management*, No. CV 09-8011-PCT-PGR (US Dist. Ct. AZ), plaintiff CBD

challenges the Plans, alleging that BLM and FWS have failed to comply with the NEPA, FLPMA, and the Endangered Species Act (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. *The Wilderness Society et al. v. BLM, et al.* No. CV 09-8010-PCT-PGR (US Dist. Ct. AZ) also challenges the Plans by alleging violations of the NEPA, FLPMA, NHPA and presidential proclamations for the Vermillion Cliffs and Grand Canyon-Parashant Plans.

The National Rifle Association is an intervener. The Arizona Game and Fish Department has been granted *amicus* status, as has Safari Club. The parties are now engaged in summary judgment motions and responses. AGFD filed an *amicus* brief in the CBD case, which argued that BLM was not legally obligated to analyze the effects of lead ammunition on California condors in the BLM strip district, as the manner and methods of hunting are vested exclusively with the Arizona Game and Fish Commission. CBD and Wilderness Society filed their oppositions to BLM's motions for summary judgment on Jan 7, 2011. BLM will file its reply in support of its MSJ on Feb. 11. Amici AGFD and Safari Club may file short *amicus* reply briefs on Feb. 25. At that point, the case will likely be scheduled for oral argument.

CBD seeks a court order setting aside all Plans as arbitrary and capricious. The Wilderness Society seeks the same result, but only for the Vermillion Cliffs and Grand Canyon-Parashant Plans. Both plaintiffs request a remand to BLM for further proceedings. If the Court finds BLM's actions arbitrary or capricious, the Court will then conduct the "remedy" phase of the case, where the plaintiffs may seek injunctions against motorized use of roads or the use of lead ammunition during the period of time that BLM is revising its RMPs in accordance with the Court's ruling.

Lands Update
For the Arizona Game and Fish Commission
January 28, 2010
Phoenix, Arizona

FOREST SERVICE LAND AND TRAVEL MANAGEMENT PLANNING

Coconino National Forest

Department Staff met with Forest Planners and the US Fish and Wildlife Service (USFWS) to discuss concerns related to Forest Plan Revision, as outlined in the Department comment letter included in last month's Lands Update. Forest Planners were receptive to Department and USFWS concerns and recommendations. Some follow-up meetings have been scheduled to: 1) ensure that wildlife-specific Standards and Guidelines from the 1996 Forest Plan Amendment are adequately addressed in the revised Forest Plan, 2) work toward development of a more comprehensive discussion of old growth forest, 3) identify potential Management Indicator Species for the Plan, and 4) discuss monitoring and adaptive management frameworks. These meetings will take place in March. The Forest intends to have a revised working draft of the Forest Plan available for public review mid-February.

Coronado National Forest

The Department continues to review the final version of the Draft Environmental Impact Statement for the Coronado's new Land Management Plan. No new changes are anticipated to the document before release to the public.

Tonto National Forest

Currently, the Tonto National Forest (TNF) is assembling the Environmental Assessment and the biological assessment for the internal review process. The Department participated in meetings with the District Ranger Offices during the process and anticipates a meeting with the TNF before the release to the public for any additional coordination and input. The Department has the annual coordination meeting with the TNF coming up in March/April.

U.S. FOREST SERVICE

Four Forests Restoration Initiative

The US Forest Service (USFS) has released the Proposed Action for the first 4FRI Environmental Impact Statement (EIS). This first EIS covers 750,000 acres of both the Coconino and Kaibab National Forests primarily in the landscape south and west of Flagstaff and Williams. The USFS is offering a 45 day comment period and 4 public workshops to collect input. The proposed action includes plans for forest restoration, reintroduction of fire, decommissioning of roads (likely those identified in TMR), as well as restoration of dry ephemeral channels, springs, and grasslands. A Draft EIS is expected in fall 2011, and a Record of Decision in spring 2012. Meanwhile, the USFS is developing a Request for Proposals to attract small-diameter wood industries to handle restoration by-products and reduce costs. To date, the USFS has demonstrated significant commitment to collaboration with the 4FRI

Stakeholder Group. In addition to active involvement in the Stakeholder Group, the Department is working directly with the USFS to provide wildlife information as it relates to movement corridors, big game trends and habitat needs, and tassel-eared squirrel habitat use.

BUREAU OF LAND MANAGEMENT (BLM)

AZ Strip Field Office

Uranium Withdrawal EIS

The Department of Interior has given BLM approval to release the Draft EIS to the public. BLM intends to release the Draft EIS in February with a 45-day comment period. As per our cooperating agency status, the Department is currently reviewing the Draft EIS prior to public release. It is now certain that the overall NEPA compliance decision will not be made before expiration of the temporary 2-year withdrawal approved by Secretary Salazar. Implications of this timing issue are not clear at this time.

Kingman Field Office

Department personnel assisted the Kingman Office of the BLM in completion of Route Evaluation efforts for the Black Mountains as part of their Travel Management Planning Effort. Route evaluation will resume with another week of collaborative effort in June within BLM Kingman's planning area. The Department continues to participate with the BLM in the fall monitoring efforts that are taking place on grazing allotments managed by the Kingman BLM Field Office.

Lower Sonoran Field Office

The Department released the administrative Draft Resource Management Plan (RMP/Draft EIS) for the Lower Sonoran Field Office and Sonoran Desert National Monument on July 20, 2010. The Department has reviewed the administrative Draft RMP and provided the BLM with comments. The public Draft RMP was originally scheduled to be released on October 8, 2010, but has now been delayed until January 2011. Additionally, as part of the settlement agreement, the BLM will not open any of the currently-closed roads within the Monument until the completion of the RMP and Record of Decision.

Safford Field Office

After attending four public meetings as a Cooperating Agency with the BLM and TNC regarding the Aravaipa Ecosystem Management Plan (AEMP), the Department submitted comments pertaining to some unresolved access issues within the project area. From the time in which the partners submitted the first AEMP draft until completion of the public review draft, a few of the on-the-ground conditions have changed that were not considered in the AEMP. These include some road closures that do not have public rights-of-way, some additional landowner negotiations, and obtaining some additional public access easements. Therefore, the Department recommended updating the travel management plan within the AEMP to reflect these changes. The period for accepting public comments on the AEMP ended January 15th.

BLM NATIONAL MONUMENTS & CONSERVATION AREAS

Ironwood Forest National Monument (IFNM)

The proposed final Resource Management Plan and Environmental Impact Statement for the Ironwood Forest National Monument has cleared the Washington review and is expected to be released to the public within 75 days. The Department anticipates recreational shooting to be restricted in the new plan and has initiated discussions with BLM regarding the possibility of developing a new shooting range that will serve the same shooting constituency that utilized public lands that are part of the IFNM.

Desert Peak Shooting Range

The Department met with the Tucson Field Office of the Bureau of Land Management to discuss the possibility of developing a shooting range to serve the same shooting constituency currently utilizing lands within the Ironwood Forest National Monument. Desert Peak lies south of the Park Link road which connects Interstate 10 with State Highway 79. The need for the range arose from discussions starting at a shooters roundtable five years ago in response to the potential for shooting on the Ironwood to become prohibited. A need for additional shooting opportunities near west and northwest Tucson was identified. The Department completed several site visits of potential sites located on BLM land slated for disposal near Desert Peak with the BLM.

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 (CBD) 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 the NEPA, FLPMA, and the Endangered Species Act (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 the NEPA, FLPMA, NHPA and presidential proclamations, and is seeking an injunction to close primitive roads and trails to motorized use. The National Rifle Association is an intervener. The Arizona Game and Fish Department and Safari Clubs are amici.

Plaintiffs have filed their motions for summary judgment; the federal government has filed responses and cross-motions for summary judgment. CBD's motion attracted all the attention from intervenor NRA and amicus Safari Club, both of whom focused on the lead ammunition issue. The AGFD amicus brief argued that BLM was not required to analyze the effect of lead ammunition on California condors in the BLM strip district, as the manner and methods of hunting are vested exclusively with the Arizona Game and Fish Commission.

Neither NRA nor amicus Safari Club filed anything in the Wilderness Society case. The Department filed a Notice of Non-Filing in the Wilderness Society case on the grounds that AGFD comments in the Administrative Record did not reflect on the issues raised by Wilderness Society, namely the alleged lack of protection of Monument objects (historical, archeological)

and the claim that the BLM route decision tree, as designed by its contractor, overdesignated routes for vehicular use.

Next events: CBD and Wilderness Society file their oppositions to BLM's motions for summary judgment (MSJ) on Jan 7. BLM files its reply in support of its MSJ on Feb. 11. Amici AGFD and Safari Club may file short amicus reply briefs on Feb. 25. At that point, the case will likely be scheduled for oral argument.

DEPARTMENT OF DEFENSE

Davis-Monthan Air Force Base INRMP

The Department is reviewing a preliminary draft Integrated Natural Resource Management Plan (INRMP) for Davis-Monthan Air Force Base (DM). The Department negotiated a review period of 60 days. DM is located in Tucson and is surrounded by the urban area but has wildlife issues of importance to the Department, including occupied habitat for burrowing owls and corridor habitat for lesser long-nosed bats. Although the Department anticipates extensive comments on the INRMP, DM has indicated this was fully anticipated and indicated that only an improved INRMP can result.

U. S. BUREAU of RECLAMATION

Glen Canyon Dam High Flow Experimental Protocol Environmental Assessment

The Department was invited by the Bureau of Reclamation to serve as a cooperating agency in the preparation of this environmental assessment (EA). The proposed action is to develop a protocol that will evaluate short-duration, high-volume dam releases during sediment enriched conditions for a 10 year period to determine how multiple events can be used to build and maintain sandbars and beaches downstream. The Department has participated in weekly conference calls and provided comments on a cooperators draft of the EA on December 7, 2010. The comments provided expressed the Department's concerns on the unknown impacts that multiple high flows will have on humpback chub and rainbow trout at Lees Ferry. The EA was released for public comment beginning January 18, 2011. Public comments will be accepted until February 14, 2011. The Department is currently reviewing the EA and will provide additional comment.

Nonnative Fish Control Environmental Assessment

The Department was invited by the Bureau of Reclamation to serve as a cooperating agency in the preparation of this environmental assessment (EA). The proposed action is to reduce the number of non-native fish in the Colorado River below Glen Canyon Dam that prey on and compete with endangered fish. The Department has participated on weekly conference calls, attended a structured decision making workshop, and provided comments on a cooperators draft of the EA on January 7, 2011. A public review draft is scheduled to be released on January 28, 2011.

The Department conducted a roundtable meeting with the Lees Ferry Anglers and Guides, and Marble Canyon business on January 28, 2011, and personnel from USFWS, NPS and USBR. The meeting is a continuation of roundtable meetings with these groups to discuss issues

involving the Lees Ferry fishery and other management actions involving the Adaptive Management Workgroup for the operation of Glenn Canyon Dam. Much of the meeting was spent discussing the two EAs referenced above and potential impacts to the anglers, guides and business interests as a result of these proposed actions.

San Carlos Irrigation Project Facilities

The Department provided comments on the scoping for the Environmental Impact Statement on the San Carlos Irrigation Project Facilities. The proposed action includes the potential drying of an important stretch of the Gila River for up to 6 months, lining of canals and disturbance to habitat. The Department is participating on the biological working group to assist in the identification and development of measures to reduce impacts to fish and wildlife resources. Meeting and field visits were conducted in both the upper and lower portions of the project area January 13th and January 19th. The Department continues to communicate wildlife crossing/escape and fencing concerns. The Department will continue working with SCICD to mitigate and recommend options to lessen the negative impacts to wildlife and wildlife habitat.

GENERAL UPDATES

City of Peoria

The Department recently coordinated with the City of Peoria for their open space planning efforts and provided spatial linkage and wildlife information to the GIS planner for consideration in the planning process. The initiation of this data sharing will assist the Department in getting a seat at the table during the planning process and build the relationship necessary for planning in the future.

Community Fishing Pond – Town of Eagar

Department personnel have been working with the Town of Eagar, Apache County, to develop a community fishing pond on Department property in the town. A lease and cooperative agreement are currently being developed, so that the land with the pond can then be leased to the town and maintained/operated by the town. The town is also providing water for the pond through water rights they have from the Little Colorado River. The Department will be constructing the pond. The town had discussed the project at a council meeting in early January and signed a resolution to support a cooperative agreement with the Arizona Game and Fish Commission. Archaeological evaluations of the pond construction site are also being conducted, with close coordination with the State Historical Preservation Office (SHPO). A large archaeological site has been identified on the eastern portion of the property that could influence the project. Additional surveys and coordination with SHPO are planned, and it is possible that the pond location may need to be moved to another portion of the property.

Maricopa County Air Quality Update

Department personnel attended a Maricopa County Board of Supervisors public hearing on January 12, 2011 regarding the revision of Ordinance P-28 and P-27. The board accepted the changes that Department personnel have been working with Maricopa County Air Quality Department staff for over the last two years in regards to access for outdoor recreationists. Essentially, the only change on the floor was to change the P27/P28 violation classifications to a 3 tiered process, whereas the first and second offenses for P27 will range from \$50 for the first civil violation, \$100 for the second and \$250 for the third and any subsequent violation within

three years. The fines in P28 replace the class 3 misdemeanor with civil violations for the first and second offense, \$100 and \$250 respectively and the third or subsequent offense within a three year period will be a class 3 misdemeanor. Additionally, the P27/P28 penalty structures allow the option of community restitution or the OHV safety class in addition to or in lieu of fines. The Department may experience an increase in the number of people needing to take the OHV safety class now.

Pinal County Air Quality Update

The PM 10 boundary designation in Pinal County was reviewed by the Environmental Protection Agency (EPA) and they recommended a much larger boundary than what AZ Department of Environmental Quality (ADEQ) and Pinal County submitted. Upon publishing in the federal register a 30 day comment period will follow and the EPA will then complete an analysis of public comments and make a final PM 10 boundary designation. ADEQ and Pinal County Air Quality Division (PCAQD) submitted comments in support of a smaller area, consistent with the Governor's recommendation and the Department followed suit. After this designation ADEQ and PCAQD will collaboratively work together to put together a State Implementation Plan (SIP) during the 18 months that follow designation. The SIP process will involve stakeholder meetings and the Department intends to attend these meetings.

Proposed Rosemont Copper Project

The Department continues to closely monitor the progress of the Draft Environmental Impact Statement (DEIS) for the proposed Rosemont Copper Mine. At the January 20th Cooperating Agencies Meeting the Department learned that the Coronado National Forest (Forest) will not release the 700-page DEIS until it has been thoroughly vetted internally. The Forest would not provide a date for the release of the DEIS but hinted at a late February or early March pre-public release to the Department and other cooperating agencies.

In response to the Department's request for the release of technical reports, the Forest handed out a DVD containing 350 documents to all Cooperators at the January 20 Cooperators meeting. The Forest stated that 150-200 of these are "new" documents; meaning they had never been posted to the Forest EIS website or otherwise made available to the Cooperators. The Forest stated that the documents are "draft decisional" and should aid the cooperators review of the draft EIS in lieu of a longer review period for that document.

The Forest announced it has a new website manager to maintain its website. The Forest formerly promised innovative communication through new media on the website which was to provide continuous updates, discussion forums, and news to the cooperators. After losing the website manager, none of that was available, news and new reports were not posted, and communication was minimal. The Forest advised that there are yet more documents in draft form "too preliminary" to be made available to the Cooperators. The Forest made a point of telling the Department that its consultant, SWCA, is currently reviewing several biological reports that will soon be available to us (the Department has been requesting access to the biological data). The Forest said that the authors of the technical reports may now be contacted by the Cooperators for questions and discussion outside the Cooperating agency meetings.

The Forest also announced that the internal draft DEIS is still under review by the federal decision agencies (BLM, ACOE) and that no definite date for the DEIS release to Cooperators

can be estimated. They are also soliciting expert analysis from Washington on water and biochemistry issues which is of great interest to the Department.

The new Coronado Forest Supervisor, Jim Upchurch, introduced himself and stated that the Forest is taking its role in this NEPA compliance seriously, and wants to produce a “quality” DEIS. The Forest will still ask for a 30-day internal review period for Cooperators before the DEIS is released to the public.

The Army Corps of Engineers updated the Cooperators on their status with the project and stated that they had delineated “45 acres” of Waters of the U.S. which would require mitigation. This does not include “indirect” impacts of dewatering springs which the Department is concerned with.

Renewable Energy Development

Wind

Chevelon Butte Ranch Potential Wind Generation Facility

Pacific Southwest Wind Power LLC. approached Coconino County with a Conditional Use Permit request to install 5 met towers on the O’Haco Ranch. The total project area for this project consists of 70 private (O’Haco) and AZ State Land Department sections (checkerboarded). The Department is working in conjunction with Coconino County, the landowner, and the developer to address wildlife concerns related to this project.

Dry Lake Phase 2

Construction has been completed for the Dry Lake Phase 2 Wind Generation Facility located seven miles north of Snowflake. There are a total of 31 turbines in this phase bringing the total to 61 turbines (128 megawatts) for the overall wind generation facility.

Mohave Wind Project (White Hills/British Petroleum)

After extensive effort, the MOU enabling the Department to participate as a cooperating agency with BLM and the project proponent in the design planning and construction of the White Wind Energy Facility has been complete. The project is slated to go to construction in upcoming months.

NextEra Energy Resources

The decision by Coconino County Planning and Zoning to approve the Perrin Ranch wind farm project has been appealed by a local citizens’ group, and an appeals hearing has been scheduled for the first week of February which will be attended by Department staff.

ORO Wind Energy Project

The Department has reviewed the Draft Preliminary Site Screening for the proposed ORO Wind Facility, and has provided project guidance to the project proponent and their environmental consultants - SWCA Consultants, Pandion Systems, Inc. and NextEra Energy Resources.

SunZia Transmission Line Project

The Department continues to monitor the proposed SunZia Transmission Line Project. This project proposes a high-capacity transmission line beginning in northeastern New Mexico and terminating near Eloy, Arizona. SunZia will consist of up to two 500KV transmission lines, towers, service roads, and several new substations. Project proponents anticipate an imminent

need to transport energy from proposed new, energy resources such as wind, and solar in the Southwest to the Western power grid. Traditional power generating stations have also been proposed for the area which could utilize the new lines. BLM is responsible for preparing an environmental impact statement (EIS).

Several potential routes have been identified for the project, including one route that would bisect the Galiuro Mountains between the Aravaipa Wilderness and the Galiuro Wilderness, and several potential routes in the San Pedro Valley, the Sulfur Springs Valley, and along the I-10 Corridor. While the Department concedes the need for diversified energy development, we are concerned about direct impacts of the line including habitat fragmentation, as well as indirect and cumulative effects including attracting development of such facilities to important wildlife habitats such as pronghorn habitat in Sulphur Springs Valley which has available groundwater.

Transportation

I-17 to Fain Road Corridor Study

The Department has been invited to participate as a member of the project interdisciplinary team in coordination with Prescott ADOT and project consultants for the I-17 to Fain Road Corridor Study. The purpose of the study is to identify a feasible corridor for a high-speed transportation corridor between I-17 and the Prescott Valley area. The Department will participate, and provide project guidance for all stages of project development including the corridor study, development of the Design Concept Report, NEPA compliance, and the construction design planning process.

Vulture Mountain Cooperative Recreation Management Area (VMCRMA)

The Department is working with the Hassayampa Field Office, Maricopa County Parks, and community stakeholder groups to develop a Master Plan for a Park jointly managed by BLM and Maricopa County Parks. The goal of the VMCRMA is to provide a variety of recreational opportunities for local residents while preserving and enhancing wildlife habitat. The Department is assisting with its development through modeling of potential wildlife linkages and will continue to participate by attending a series of meetings. The Department is currently evaluating the potential impacts to mule deer and other wildlife that could result from a proposed camping area that would be operated by Maricopa County on BLM lands.

Wildlife Linkages/Corridors

Statewide coordination is continuing for the county workshops. The Department has been working on a draft document to be used as the template for reporting on the results of the county-wide linkage assessments. That template is undergoing a final internal review and will be provided to the Arizona Wildlife Linkages Workgroup, which serves as the steering committee for this work, for their input. Specific updates are below:

McDowell Mountain Preserve and the City of Scottsdale

The Department is forming a partnership with the McDowell Mountain Preserve and the City of Scottsdale regarding wildlife linkages planning and research. The City has requested a workshop to be held in February with City and McDowell Sonoran Land Trust officials. They are interested in science based decision making and want to develop a strategy to research/design/monitor wildlife trends related to the preserve. Currently, the Department is working closely with the Preserve to refurbish wildlife waters in the area to keep wildlife and wildlife watching opportunities retained near the urban center. The Department met with the City personnel for the

development of the workshop and is working to finalize the presentations and recommendations for the February date.

Yavapai County Comprehensive Plan

Yavapai County has initiated the development of a new 10 year Comprehensive Plan. As a result of previous collaboration with Yavapai County and Prescott ADOT's "Coordinated Transportation – Land Use Planning Group", the Department has been invited to assist in the development of the environmental component of the Comprehensive Plan thru membership on the Environmental subcommittee that will draft the language for that component of the plan.

ARIZONA GAME AND FISH COMMISSION
February 4, 2011

DRAFT 2011 Director's Goals and Objectives

1. Strategic Planning

At the Dec. 2011 Commission meeting, the Department will present the Draft 2012-2018 Strategic Plan for Commission discussion. Throughout the coming calendar year, the Department will continue to involve the Commission in progress updates and will actively seek continued Commission participation in the preparation of the Draft Strategic Plan.

Deliverables:

- By Dec 2011, the Department will submit a Draft 2018 Strategic Plan for Commission review.

Reporting:

- Provide written updates throughout year.
- Future Commission meeting agenda items or Commission workshops.
- Final closeout report delivered to Commission in December 2011

2. Future Funding and Revenue

By Dec. 2012, the Department will submit recommendation(s) for securing additional revenue in existing funds and potential alternative funding sources. Particular focus should be placed on increasing traditional funding streams. Recommendations will be developed using an analytical and business-model approach.

Deliverables:

- Analysis of viable funding options that includes effective price points for customer demand of hunt/fish license costing alternatives that includes various revenue projections vs. price comparisons.

Reporting:

- Provide Commission written updates throughout year.
- Agenda for future Commission meeting and/or workshop.
- Final report delivered in memo to Commission in December 2011.
- Proposed license fee changes (increases/decreases) will be presented late spring/early summer as Commission request to initiate rule-making.

3. Wildlife-related Recreational Access

By 2012, implement actions that will continue the Department's progress identified in the Access Program Framework that was developed in 2010.

Deliverables:

- Implement Training program for regional staff in methods to promote relationships with private landowners through available programs;
- Coordinate access inventory and mapping efforts using GIS, and;
- Continue to pursue external funding opportunities related to recreational access.

Reporting:

- Provide Commission written quarterly updates throughout year.
- Final closeout report delivered in memo to Commission in December 2011.

4. Shooting Sports Program

Increase and improve shooting sports and shooting range capacity on Commission-owned shooting facilities.

Deliverables:

- Increase firing point/shooting lane capacity on Commission owned shooting facilities by 3% above 2010 baseline (45 firing points).
- Improve 10% of the current commission owned shooting range facility amenities including individual firing ranges, buildings, restrooms, roads, etc. (14 facilities/amenities).

Reporting:

- Progress reported in monthly Commission Shooting Sports update.
- Final report delivered in memo to Commission in December 2011.

5. Law Enforcement

Current Commission direction is to increase and enhance Game and Fish law enforcement field capacity and presence through deployment of the professional Wildlife Manager model. Based on Commission directed law enforcement capacity review completed in 2010, ongoing related activity implementation by the Department, and continuing Commission direction, the Department for 2011 will:

Deliverables:

- Maintain hiring, recruitment and resource assignment process to keep Wildlife Manager Districts full;
- Continue deployment process for new Law Enforcement Specialist positions with goal to have nine positions assigned given current budget, and eventually (within three annual budget cycles) to have 14 positions (i.e. one per Field Supervisor Sector) assigned;
- Direct local regional training and assignment priorities to increase Game and Fish law enforcement field presence and patrol time, and at the same time increase law enforcement related community involvement and relations;
- Complete process rework for Commissioned Reserve Officer Program and begin formal recruitment process for additional Reserves with objective of having a minimum of 10 Reserves (towards the goal of having one per Field Supervisor Sector) trained and deployed during this calendar year with the primary intent to augment law enforcement field presence;
- Recommend resourcing needs to double Commissioned Reserve Officer Program beyond above stated objective.
- Increase recruitment and assignment process for regularly detailed non-commissioned volunteers in Field Operations Division so as to have a minimum of three per Region with intent of assigning them to Sectors (i.e. Field Supervisors or WMIII's) to free up Wildlife Manger time for additional law enforcement presence; and
- Continue to explore additional funding streams and partnerships with other state jurisdictions with intent to increase the Department's full time law enforcement capacity for natural resource protection across the state.

Reporting:

- Monthly LE Briefings to the Commission
- Final report delivered to Commission in December 2011.

6. Wildlife Education- Adobe Mtn. Education/Rehabilitation Facility

Relocate the Adobe Mtn. Wildlife Education and Rehabilitation Facility (Wildlife Center) to the Department Headquarters site by 2013. The purpose of the new facility is to provide a variety of educational programs and venues for the public to learn about wildlife and be introduced to outdoor activities including hunting, fishing, wildlife watching, etc. The new center will also continue to provide immediate triage for sick, injured or orphaned wildlife for transfer to a licensed rehabilitator as well as serve as a holding facility for education and quarantined/seized wildlife.

Deliverables:

- Review and finalize construction plans to ensure compatibility with future Educational Programs.
- Construct main wildlife center building.
- Seek additional or alternative funding opportunities for construction, but project implementation is not contingent on success of external funding.

Reporting:

- Progress reported in monthly IEWR Commission update.
- Final report delivered in memo to Commission in December 2011
(Note: Goal and Objective to continue until completion of project)

7. Recruitment and Retention of Hunters and Anglers

Increase participation in hunting, angling, shooting, archery, and wildlife viewing programs.

Deliverables:

- Increase the number of participants in hunting, angling, shooting, archery, and wildlife viewing recruitment and retention programs.
- Increase the number of recruitment and retention programs conducted by partners.
- Track license sales trends as a potential measure. (license sales trends may not reflect success of programs due to the age of many program participants, but Department will start tracking and report them in the final report)

Reporting:

- Updates included in monthly IEWR Commission briefings.
- Final report delivered in memo to Commission in December 2011.

8. Geographic Information Systems and Capability

Enhance Geographic Information System (GIS) capability to enable the Department to effectively, appropriately and methodically inform and influence the impact of Arizona's development on wildlife and wildlife habitat. The Department will implement Level 3 of the GIS framework outlined in the final report for 2010 Director's Goal and Objectives.

Deliverables:

- Conduct a GIS Enterprise workshop with AGFD GIS and IT experts and managers (facilitated by ESRI – a GIS industry leader) to kick-off the implementation of the GIS framework outlined in the final report for 2010 Director's Goal and Objectives goal #3.

- Conduct a GIS data needs assessment to identify core GIS data sets for the Department and to inform GIS Enterprise implementation.
- Setup GIS development servers to test GIS enterprise technology and to inform Department-wide implementation needs and gaps.
- Identify practical tools and methods for implementing geospatial data and metadata standards and procedures developed during PIP XIV and inform GIS community of findings.
- Setup a GIS knowledgebase for GIS outreach.
- Setup a GIS work request system for AGFD to track and manage GIS tasks.
- Finalize and make available the web based Geospatial Planning Tool and begin outreach efforts to municipal, county, state agencies, and the public which control planning throughout the state

Reporting:

- Provide Commission written updates throughout year.
- Final report delivered in memo to Commission in December 2011.

9. Workforce Development

By Dec. 2012, the Department will finalize a workforce plan that includes the development of core competencies as part of the integrated training needs assessment (TNA).

Deliverables:

- By December 2011, the Department will finalize and implement the core competencies identified in the 2010 training needs assessment agency-wide.

Reporting:

- Written updates provided to the Commission.
- Final report delivered in memo to Commission in December 2011.

10. Enterprise Architecture

By 2012, complete the design of a Department Enterprise Architecture (EA) integrating all Department information, communication, computer/automation, web-based, database management, & GIS systems capable of supporting the Department into at least 2028. Simultaneously, as resourced, seek to aggressively implement appropriate elements of the EA.

Deliverables (by Quarter or "Q"):

- By Q1 2011 – Develop Enterprise Architecture Intranet presence.
- By Q2 2011 – Complete core .Net/C# and Microsoft Sql Server training (Database Engine)
- Q2 2011 – Form team to develop backend for NIC integration.
- Q2 2011 – Form team(s) to discuss and identify new application requirements.
- Q2 2011 – Form team to research Dealer Point of Sales application.
- Q2 2011 – Form team(s) to create data governance, ownership/security.
- Q3 2011 – Form team to research requirements for an AGFD Data Warehouse.
- By Q4 2011 – Complete specialized technology training (Microsoft Entity Framework/WCF/WFF, Sql Integration, Reporting and Analysis Services).
- Q2 - Q4 2011 – Complete online draw backend processing with new Enterprise Application Database.

- Q2 - Q4 2011 – Complete online license sales backend processing with new Enterprise Application Database.
- Q3 – Q4 2011 – Build out of Enterprise Software Lab.
- Q4 – Tangible deliverable.

Reporting:

- Update to Commission during quarterly E-Commerce reports in March, June, September, & December 2011.
- Discuss Goal progress with Commission at Commission workshop and provide the Director updates.
- Final report delivered in memo to Commission in December 2011.

11. On-line Hunt Draw

By 2012, re-initiate the Department's on-line hunt draw application process and capability.

Deliverables:

- By Dec. 2011, the Department will complete the on-line draw application software ready for customer use.
 - o March-Aug 2011: Test, Fix, Re-Test Software.
 - o By July 2011, determine appropriate Hunt-Draw to go Live.
 - o August 2011-Dec 2011, develop full functionality testing to include credit card processing and full load testing.

2011 Back-end processing deliverables:

- By Feb 2011, form team to develop backend processing software.
- By March 2011, finish design of backend processing. Includes updates to existing Sportsman's database and design of the new Enterprise Application Database.
- By Feb 2011, identify addresses standardization vendor to use for data cleansing.
- Mar-Aug 2011, test updating Sportsman's database with Draw Application data.
- Mar-Aug 2011, test integration with NIC web services to retrieve Draw Application data.
- August 2011-Dec 2011, full testing with NIC.

Reporting:

- Update to Commission during quarterly E-Commerce reports in March, June, September, and December 2011.
- Discuss Goal progress with Commission at Commission workshop and provide the Director updates.
- Final report delivered in memo to Commission in December 2011.

12. Game Management- Mountain Lion

Inform the Commission on the best available scientific information about the effects that mountain lion predation has on Arizona's big game populations; the scientific evidence for birth pulses of lions in Arizona; and the trends in lion population numbers, and the techniques that can be used to determine those trends.

Deliverables:

- Provide an assessment based on best available data of the influence of mountain lion birthing frequency by month as it applies to mountain lion management in Arizona

through the hunt guidelines that will be delivered to the Commission in September 2011. The hunt guidelines presentation will include a briefing on monitoring approaches adopted since the Mountain Lion and Bear Conservation Strategies Report was provided to the Commission in March 2009.

- Provide an assessment of zones for mountain lion management, to include zones for standard management and limited population management, within the mountain lion section of the Comprehensive Game Management Plan to be provided to the Commission in January 2012.
- By June 2011, provide the Commission with a draft study proposal with timelines and estimated expenses that will identify the research project needed to understand the effect of predation by mountain lions on big game species in Arizona, which should also provide additional information on mountain lion birthing frequency by month and population trend monitoring.

Reporting: (identified in deliverables above)

13. Lead and Wildlife Mortality

The Department will continue to 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.

Deliverables:

- Develop a "rack card" with a consistent message about the lead issue for distribution to the public inquiring on this issue or at outreach events.
- Expand the "condor non-lead" page in the deer hunting regulations to cover other species (e.g. eagles).
- Explore possible changes to our existing lead reduction program in condor range and the effects on participation/compliance of the Department, such as:
 - o Subsidize the difference in cost between lead and non-lead ammunition;
 - o Discount coupons for non-lead ammunition to varmint small game hunters;
 - o Incentives for carcass retrieval by varmint and small game hunters using lead ammunition.
- Notice in the fall 2012 elk regulations to cover other species.
- Notice in the 2011-2012 hunting and trapping regulations to address use of non-lead ammunition for varmint hunting, especially in condor range.
- Expand the messages we use at outreach events, such as the ISE and Expo, to cover more species issues associated with lead.
- Develop and implement a survey of Unit 9 and 10 tag holders regarding their lead-reduction efforts to gauge voluntary compliance with non-lead ammunition use when we ask for assistance but don't provide ammunition. This can be contrasted with the Unit 12A free-ammunition program.
- Provide additional outreach to our constituents regarding the performance, availability and cost of non-lead ammunition on the Department's web page. Add voluntary reduction efforts information to the appropriate "where to hunt" unit web pages in Region 2 and possibly Region 3 (GMU 10).
- Improve notices in the 2011-2012 fishing regulations to address the use of lead fishing tackle.

Reporting:

- Written updates provided quarterly or as Commission dictates.
- Final report delivered in memo to Commission in December 2011.

14. Commission-owned Lands and Properties

The Department will continue to establish the processes necessary to effectively manage the Department's lands and properties.

Draft Deliverables:

- Develop a manageable, GIS-based inventory of the Commission's property portfolio to simplify, consolidate, and improve tracking (Gantt Task B.3.).
- Identify potential property disposals/divestitures, while formalizing associated evaluation criteria and recommendation processes. Provide evaluation criteria and process recommendations to Executive Staff (Gantt Task D.1.).
- In order to better incorporate community-based processes in Wildlife Area Management Planning, the Department will pilot this approach with the development of the Horseshoe Ranch Wildlife Area Management Plan and one other Wildlife Area Management Plan (Gantt Task C.4.).
- Develop and recommend a process that integrates Lands Council recommendations into budget development processes used by Executive Staff on future fiscal year budgets for all Department properties that serve to accurately identify base budget needs, Capital Improvement needs, enhancement needs by property in priority order (Gantt Task C.3.).

Reporting:

- Written updates provided quarterly or as Commission dictates.
- Final report delivered in memo to Commission in December 2011.

15. Expand Black-footed Ferret Population to a Second Recovery Site (Espee Ranch or other viable alternative sites).

Develop a comprehensive translocation strategy towards establish a second recovery site for Black-footed ferrets using Espee Ranch or another site. By Dec. 2011, the Department will present a draft strategy (including budgets and associated federal permitting needs) to the Commission. The Department will also report on progress on the following actions:

Espee Ranch Alternative:

- Produce map, evaluate size and density data for future ferret releases.
- Continue monitoring with Wildlife Services for plague.
- Petition USGS to identify area as a pilot for oral plague vaccination field testing.
- Develop a plan for relocation of prairie dogs from areas of conflict (e.g. urban expansion) to the Espee Ranch using volunteer labor.

New Site Alternative:

- Statewide survey and mapping to identify sites that would meet FWS criteria.
- Pursue private land owner incentive opportunities if program becomes available through NRCS.

Reporting:

- Written updates provided quarterly or as Commission dictates.

- Final report delivered in memo to Commission in December 2011.

16. Simplify hunt and fish regulations.

Current regulations are very complicated and difficult to understand, especially for new hunters/anglers. This may be impacting future recruitment efforts or deter people from participating.

Deliverables:

- At the September 2011 Commission meeting, the Dept will provide the Commission with potential strategies in which the hunting regulations may be simplified based on public input received through the hunt guidelines process.

Reporting:

- Written updates provided to Commission on progress.
- Final report delivered at the Sept. Commission meeting.

17. Employee Morale

Maintain and Increase Department Employee Morale.

Deliverables:

- The Department will continue to participate in the annual statewide ADOA (typically conducted in spring) and strive to exceed the mean results of the annual statewide ADOA.
- Develop and implement the annual agency-wide employee survey (typically conducted in spring) and facilitate employee participation.

Reporting:

- By Dec. 2011, the Department will present the results of both surveys.

DRAFT

Commission Practice and Procedures – February 2011

Role of the Commission Chair – To provide leadership to the full Commission and as with all Commissioners, be available to provide policy direction and guidance to the Director and Department staff as necessary, both during Commission meetings and for day to day coordination issues with the Department.

Commission Meetings

Agenda Items - Any Commissioner may request an item for any agenda in accordance with open public meeting law. This should be coordinated between the interested Commissioner and the Chair. If an agreement is reached, the Department will then be notified by the Chair or the Commissioner requesting the item and the Department will staff appropriately.

Draft Agendas – The Department provides drafts of upcoming meeting agendas to Commissioners in advance of public notice of the agendas. This usually occurs no sooner than one week prior to posting the agenda publicly.

Commission Action Items – During Commission meetings at the end of each agenda item where direction is provided to the Department by the Commission, the Director will capture, clarify and communicate with the Commission the specifics of that action item (e.g., timing and or deliverables) that are expected by the Commission before the Chair moves on to the next agenda item. This will be done to ensure the Department and Director can accurately meet the Commission's expectations. Review of action items will remain a standing agenda item at each Commission meeting.

Calling Telephonic Meetings – Any Commissioner can request a telephonic Commission meeting in an instance where an item needs full Commission consideration and/or vote prior to the next regularly-scheduled meeting. However, only the chair has the authority to call a meeting unilaterally so other Commissioners would be required to request the Chair to call the meeting. In the case that the Chair is unwilling to do so, a majority of the Commission can call a meeting.

Outreach Surrounding Commission Meetings – The Department will continue to produce pre- and post-meeting outreach to the Department's constituency and media sources for all Commission meetings, unless directed otherwise by the Commission. This outreach can include Commission actions taken, including positions and Department direction voted on by the Commission.

Role of Legislative Commissioners –The two designated legislative Commissioners are responsible to represent the Commission at the Legislature as necessary, including providing testimony, and speaking to members on issues that the Commission has taken formal positions. They will also be responsible to keep the Chair, other Commissioners and the Department

apprised of legislative issues and to work closely with the Department's Legislative Liaison. The Commission will vote publicly during the December Commission to select the two designees for the following year. In emergency situations, the Legislative Commissioners may take action or act of behalf of the full Commission where scheduling a Commission meeting is not possible.

Commission Chair and Commissioner Committee Assignments – The Chair will assign commissioners to committees and the Commission will vote to approve individual Commissioner Committee assignments and also to select the Chair position for the Commission during the January Commission meeting. .

Role of Commissioners as Committee Chairs – Commissioner Committee Chairs are responsible for oversight of the activities of the assigned committees and to provide Committee actions/information back to the full Commission for consideration and discussion by the full Commission.

Political Activity - A.R.S. 17-213 and A.R.S. 41-772 prohibits state employees from taking active part in a political campaign or using his office to influence in any way an election or the results thereof. Although this prohibition does not apply to Commissioners, the Commission is not authorized to use public resources for political activities and cannot request the use of Department resources for political activity. This does not prevent the use of Department resources to provide factual information to the public on legislation, elections, ballot propositions or political campaigns.

Commission Positions – The position of the Commission may change over time on long-term issues addressed by multiple Commissions. There are a plethora of issues that fall into this category. In these cases, the Commission may ask the Department to provide updated historical information on past Commission positions etc. to describe for and assist current Commission members with a historical outlook on particular issues. In these cases, any Commissioner, in coordination with the Chair may direct the Department to provide the information to the full Commission.