

Minutes of the Meeting of the  
Arizona Game and Fish Commission  
Friday, May 13, 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 Robert E. Mansell

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 followed by a moment of silence for two fallen Border Patrol Officers. The Commission introduced themselves and Chairman Woodhouse introduced the Director and the Director's staff. This meeting followed an agenda revision #1 dated May 11, 2011.

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## 1. 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 (also available to the public). The briefing included the following updates:

- The 50th Legislature 1st Regular Session adjourned Sine Die on April 20
- Days of Regular Session: 100; Bills Posted: 1350; Bills Passed: 386; Bills Vetoed: 29; Bills Signed: 357; Mem, Res Posted: 146; Mem, Res Passed: 36

Commission Supported Legislation Signed by the Governor:

- HB 2358: wildlife; guides; wasted meat
- HB 2314: (Now: boating safety; fees; fund)
- HB 2006: firearms within game refuges; shooting ranges
- HB 2623: landowner prohibition of hunting; posting
- HB 2396: game and fish; trophies; enforcement (Omnibus)
  - Game and Fish; trophies; enforcement
  - Fingerprinting division; duties
  - Exemptions from Rulemaking (Emergency Clause) (Rose Canyon Lake; Lawful method of taking wildlife)
- SB 1012: game and fish; rulemaking (Rose Canyon Lake)
- SB 1334: hunting within city limits
- SB 1229: recreational users; landowner liability

**Legislation Opposed by the Commission that Failed:**

- SB 1294: application of aquatic poison
- HB 2114: fish eradication; moratorium; study committee
- HB 2125: Arizona Wildlife Conservation Service

**Other Legislation of Interest:**

- HB 2360: game and fish appointment board (passed)
- SB 1517: transmission lines; siting (failed)
- SB 1335: night hunting; varmints (held)
- SB 1201: firearms omnibus (vetoed)

**Congressional Update:**

HR 1819 was introduced this week. This bill would give state management to gray wolves if they reach a threshold in population. Mr. Guiles will review this bill and then brief the Commission in more detail at the next regular Commission meeting.

SB 526 is the Tri-State land conveyance bill introduced by Senator McCain. This is identical to the one Congressman Franks introduced that the Commission took a position to support. This bill is scheduled for a hearing on Wednesday of next week. The Department recommended that the Commission vote to support this bill.

**Motion:** Harris moved and Mansell seconded THAT THE COMMISSION VOTE TO SUPPORT SB 526, THE TRI-STATE LAND CONVEYANCE BILL.

**Vote:** Unanimous

**Rotenone Advisory Study Committee:**

The Department has formed a Rotenone Advisory Study Committee. The Commission was provided with the charter, a list of member invitees, and the invitation letter from the Director. Herb Guenther, former Director of the Department of Water Resources, agreed to chair the committee.

The Commission asked to re-address this item later in this meeting after they have a chance to read the charter and materials.

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**2. 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 last regular Commission meeting. This briefing is part of the Department's ongoing commitment to provide the Commission with updates on a regular basis.

Commissioner Freeman commented for the record that the Commission needed to keep in mind the resources needed by the Department to keep the shooting range projects going. There are some high profile shooting range projects that have been started and now it looks like there may be some resource issues in getting those deliverables and timelines met. Commissioner Freeman further commended the Department for their efforts and commitment to these projects and for the great job they are doing with limited resources.

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### 3. 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 last regular Commission meeting and was provided in fulfillment of the Department's commitment to brief the Commission on a regular basis.

Mr. Gray provided a Power Point presentation that highlighted 2011 Youth Turkey Camps in Units 1/27, 8/10, 23/3C/4A/4B. There were 231 youth hunters and 535 families. 68 were first timers and 36 turkeys were harvested (15%). The Partners for this event were: NWTF, AES, OE4A, Phoenix Varmint Callers, Xtreme Predator Callers, RMEF, Youth Outdoor Unlimited, and ADA.

Kellie Tharp, Education Branch Chief, provided an update on the Arizona Game and Fish Department Wildlife Education Center using a Power Point presentation. The presentation included the site design and estimated costs presented in three phases as follows:

#### Phase I

- Animal Care Facility: 2,400 sq ft.; \$970,000
- Animal Holding Areas and infrastructure: \$1,070,000
- TOTAL \$2,040,000

#### Phase II

- 8 exhibits: \$775,000
- Classroom and public restrooms: 4,100 sq. ft.; Seats 150; \$765,000
- TOTAL \$1,540,000

#### Phase III

- Amphitheater seats 150; \$90,000

OVERALL TOTAL COST: \$3,670,000

**Progress Update:**

- Seeking external grant opportunities in partnership with Wildlife for Tomorrow
  - Nina Mason Pulliam Grant
- Have established an internal donation account for this project
- Developing an informational site design packet and presentation

The Commission discussed that they would like to reach as many children as possible and asked if the plans could be expanded to accommodate more.

Ms. Tharp will look into the possibilities of expansion and how many children could be reached and report back to the Commission in the next update.

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

Mr. Avey provided one additional update. The Department recently received an announcement for a study seminar regarding the expansion of Walnut Canyon National Monument. This is a follow up from an Omnibus bill that President Obama signed in 2009. There will be a series of three public meetings hosted between the National Park Service, US Forest Service, Coconino County and the City of Flagstaff. These meetings are scheduled for May 23, 24 and 26 in the Flagstaff area. Department staff will attend and will update the Commission at the June Commission meeting. There will be an opportunity to provide comments on the study plan by July 10, 2011.

Commissioner Husted requested a future agenda item to be a detailed discussion regarding all parks and expansions, and for the Commission to discuss and develop a position on federal expansions and the reduction of hunting rights.

Commissioner Freeman expressed two concerns related to items in the Lands Update: 1) He would like to know if the section of the K4 Ranch where the Department is doing a habitat project is also charging a trespass fee for hunting, and if it is he would like to see some kind of incentive worked out; and 2) regarding solar energy he expressed concern that approximately 2000 acres was needed to generate a meager 100 megawatts of power and he wondered where the push back was from people stating that this was not green energy.

Commissioner Husted agreed and would like to see this discussed on a state-wide level for what it is and not just by wildlife folks and hunters for loss of habitat and hunting opportunity.

Chairman Woodhouse agreed and added that the energy being generated through the loss of Arizona's habitat is not even staying in Arizona but is being exported out.

Mr. Avey provided a large map that showed crucial habit throughout Arizona that the Department has been working on to address some of these issues. The Department is working to overlay all existing proposed solar projects on the map and then look at them as they pertain to crucial habitats. By doing this the Department will be able to identify which projects are going to have the greatest impacts.

Commissioner Freeman suggested adding an overlay to the map of how many hunter days are currently generated based on a Unit because that has a direct measurable financial impact on stakeholders and on the Commission.

Chairman Woodhouse suggested scheduling a lengthy discussion on solar projects and the issues as a future agenda item.

Chairman Woodhouse asked about the Rosemont Mine.

Ms. Pollock, Assistant Attorney General, provided an update to the Commission. In June the Forest Service will release an internal draft Environment Impact Statement to the cooperating agencies only. Several Department staff members have been assigned to look at portions of the draft EIS. Unfortunately the cooperating agencies will only have 30 days to review and comment on what will be a 700-page document. Following the review and analysis of cooperating agency comments, the Forest Service will publish the draft EIS in the Federal Register for public review and comment (anticipated to happen by the end of 2011). One of the concerns is that the Forest Service has not given to the Department the biological reports that Rosemont has prepared for Forest Service review. This has been a serious impediment to the Department's ability to review the many complicated aspects of this mine and to the Department's dismay, the Department has learned that it will not be receiving any of these biological reports until after the 30-day review and comment period occurs. Ms. Pollock will provide the Commission with another detailed briefing and update in the near future.

Chairman Woodhouse suggested that Commissioner Mansell take the tour of Rosemont Mine, as the other Commissioners have previously done, before Ms. Pollock's next briefing.

Commissioner Husted requested that the Department look into assisting the Alpine District Ranger to address the wild horse population in Snake Creek and in Heber. The Ranger has been assigned to address the issue but there are no funds. Commissioner Husted would like to know if there is anything the Department can do to assist them.

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Meeting recessed for a break at 9:43 a.m.

Meeting reconvened at 10:07 a.m.

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

**Presenter:** Anthony Guiles, Legislative Liaison

The Commission re-addressed the Rotenone Study Committee. They were pleased with the formation of the committee, the charter and with Herb Guenther as the chair.

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5. Commission Discussion of Recreational Access Issues within Arizona.

**Presenter:** Mike Senn, Assistant Director Wildlife Management

Mr. Senn provided a summary of the Commission workshop held on April 16, 2011 to discuss recent recreational access issues and challenges associated with private, State Trust, and public lands. The discussion was scheduled at least in part based upon the recent decision made by the Commission to close previously planned pronghorn hunts for Game Management Unit 19B due to unexpected and severe access limitations. Department staff facilitated the Commission's workshop discussion and kept records of the notes recorded on flipcharts during the meeting. Subsequent to the workshop, Department staff has distilled those notes and drafted an assessment of the Current Conditions, a Desired Future Condition, and a Problem Statement to help guide the formulation of objectives that could guide Commission direction and the Department in developing actions to respond to these emerging access challenges.

At this point the Department plans to look at what kind of alternatives or what kind of a program might be built using the information gathered from the workshop as the fundamental objectives that will form the value system that the Department will try to build into the program. The Department will also need to look at creating new resources as well as garner public input.

The Department is intending to use the HPC and the Landowner-Lessee Relations meetings as well as the hunt guidelines meetings to gather public input on possible alternatives and will report back to the Commission in August or September following these meetings.

The Commission requested monthly updates on this item.

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6. Request for the Commission to Approve a Memorandum of Understanding with Bat Conservation International to solidify working relationship and facilitate future collaborative efforts to conserve and manage Arizona bats

**Presenter:** Eric Gardner, Chief, Nongame Branch

The purpose of this Memorandum of Understanding is to establish a framework for collaboration and cooperation between the Department and Bat Conservation International (BCI) to conserve and enhance bat populations in Arizona. Conservation and enhancement of bat populations may be accomplished through implementation of the "Arizona Bat Conservation Strategic Plan" and through the continuation of a long-standing relationship between the Department and BCI. This

agreement will allow collaboration, cooperation, exchange of expertise, labor, materials and funding to assist the Department in research on and management of the several bat species in Arizona.

**Motion:** Harris moved and Husted seconded THAT THE COMMISSION VOTE TO APPROVE THE MEMORANDUM OF UNDERSTANDING WITH BAT CONSERVATION INTERNATIONAL FOR THE PURPOSE OF FORMING A BASIS FOR COLLABORATION AND COOPERATION TO CONDUCT RESEARCH AND BETTER MANAGE BAT SPECIES IN ARIZONA, AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

**Vote:** Unanimous

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7. Request for Commission approval of the Article 6 Five-year Review Report, regarding Rules of Practice Before the Commission, for submission to the Governor's Regulatory Review Council (G.R.R.C.).

**Presenter:** Marty Fabritz, Executive Assistant

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 6. 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 6 rules will expire and no longer be in effect or enforceable.

If approved, the Department will submit the report to G.R.R.C. by the required due date. The Department will not pursue rulemaking for Article 6 until G.R.R.C. has approved the report and the rulemaking moratorium has expired.

The Department also proposed the following substantive amendments:

R12-4-601 Petition for Rule or Review of Practice or Policy

- Creating a rule that provides definitions for terms used within Article 6.

R12-4-602 Written Comments on Proposed Rules

- Clarifying that a written comment submitted by an individual on behalf of a group or organization that does not contain required information is placed in the rulemaking record as the view of the individual submitting the comment.

R12-4-609 Commission Orders

- Allowing the Commission to establish special seasons allowing the Department to make orders under emergency conditions. This is proposed to allow the Commission greater flexibility in establishing emergency orders as some emergency conditions must be addressed within less than 20 days.

R12-4-610. Petitions for the Closure of State or Federal Lands to Hunting, Fishing, Trapping, or Operations of Motor Vehicles

R12-4-611. Petition for a Hearing Before the Commission When No Remedy is Provided in Statute, Rule, or Policy

- Requiring a person submitting a petition to use a form furnished by the Department to ensure all petitions contain the applicable information and to reduce the amount of time, spent by Department employees, in correcting petitions that do not meet the requirements established under rule.

**Motion:** Mansell moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE FIVE-YEAR REVIEW REPORT FOR ARTICLE 6 FOR SUBMISSION TO THE GOVERNOR'S REGULATORY REVIEW COUNCIL.

**Vote:** Unanimous

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8. Request to approve the Department's recommendation to submit a request to the Governor's Office for permission to initiate rulemaking to implement House Bill 2396, Game and Fish; Trophies; Enforcement.

**Presenter:** Leonard Ordway, Assistant Director Field Operations

House Bill 2260 was signed by the Governor on May 10, 2010 and continues the statutory moratorium on agency rulemaking activities until June 30, 2011. Section 28(B) outlines reasons agencies may submit an exception request to the Governor's Office to continue rulemaking during the moratorium if rules meet this specified criteria. Section 28(C) specifies that "an agency shall not conduct any informal or formal rulemaking pursuant to this section without the prior written approval of the office of the governor." An agency requesting an exception to the moratorium under Section 28(B) must submit a written request to the Governor's Office, who will determine if an exception may be granted. The written request must clearly identify the exception criteria the rule meets and the date on which the agency's decision making body granted the Department permission to request the exception.

The Department believes the rulemaking meets the criteria prescribed under Section 28(B), which allows agencies to submit requests to initiate rulemaking for an authorization or requirement enacted by the legislature after January 1, 2009. The effective date for House Bill 2396 is April 14, 2011. Rulemaking is necessary to amend methods of take.

If the Commission votes to allow the Department to request an exception, the Rules and Risk Section will submit a letter to the Governor's Office, requesting permission to proceed with rulemaking related to House Bill 2396. If approved, the Department will initiate exempt rulemaking procedures to amend R12-4-304 to implement the rulemaking authorized under Laws 2011, Chapter 113E, Game and Fish; Trophies; Enforcement.

Rulemaking documents will be presented to the Commission for review and approval at some point in the future provided the Governor's office grants the exception request. If the Governor's

Office denies the Department's exception request, the Department will refrain from pursuing rulemaking activities relating to the implementation of the House Bill 2396 until the moratorium lifts, June 30, 2011.

**Motion:** Harris moved and Husted seconded THAT THE COMMISSION VOTE TO APPROVE THIS RECOMMENDATION FOR SUBMISSION TO THE GOVERNOR'S OFFICE, REQUESTING PERMISSION TO INITIATE RULEMAKING TO IMPLEMENT HOUSE BILL 2396.

**Vote:** Unanimous

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9. Request to Approve a Renewal of Emergency Rulemaking for Article 11 Addressing Issues Associated with Aquatic Invasive Species and a Notice of Docket Opening, Notice of Proposed Rulemaking, and Economic Impact Statement adopting Article 11 and amending rules within Article 4 addressing live wildlife and Article 5 addressing boating and water sports.

**Presenter:** Mike Senn, Assistant Director Wildlife Management

The Department proposes to renew the Emergency Rulemaking to address aquatic invasive species. The Commission approved the original Emergency Rulemaking at the February 2011 Commission Meeting. In addition, the Department proposes to make these rules permanent through regular rulemaking. These rules are 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 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 rules:

R12-4-406. Restricted Wildlife

- Referencing the prohibitions established under R12-4-1102.

R12-4-514. Liveries and R12-4-518. Regattas

- Requiring watercraft livery owners and persons operating under a U.S. Coast Guard regatta permit to comply with the requirements established under Article 11.

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, an Agency's proposed emergency rulemaking is effective for a period of 180 days. To ensure the rules are effective until the rules become permanent, the Department must renew the emergency rulemaking for an additional 180-day period. In order to renew the Emergency Rulemaking, the Department must also file a Notice of Docket Opening to formally initiate the rulemaking process and a Notice of Proposed Rulemaking with the Secretary of state's office to permanently establish the provisions of the new Article. The regular rulemaking process includes 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 Department will file the two notices and the Renewal Emergency Rulemaking with the Secretary of State's office for publication in the *Arizona Administrative Register*. The emergency rulemaking will then become effective for an additional 180 days. The Department will accept public comment for 30 days after the Notice of Proposed Rulemaking is published. Once the public comment period has passed, the Department will present the Notice of Final Rulemaking and Economic Impact Statement to the Commission for their consideration.

**Motion:** Freeman moved and Mansell seconded THAT THE COMMISSION VOTE TO APPROVE THE RENEWAL OF THE EMERGENCY RULEMAKING, THE NOTICE OF DOCKET OPENING, NOTICE OF PROPOSED RULEMAKING, AND ECONOMIC IMPACT STATEMENT TO RENEW THE CURRENT EMERGENCY RULEMAKING AND ADOPT ARTICLE 11, ADDRESSING ISSUES ASSOCIATED WITH AQUATIC INVASIVE SPECIES.

**Vote:** Unanimous

The Commission discussed with staff when the moratorium on rulemaking might end. It may be hopeful, but the expectation is that it will expire at the end of June. The Commission discussed whether they should express their concerns with the moratorium at the Governor's Office.

Commissioner Husted requested that the Department provide the Commission with a synopsis of the impediment to the Department that the rulemaking moratorium is causing, including upcoming expiration dates and the Department's statutory responsibilities.

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#### 10. Request to Approve the Notice of Exempt Rulemaking for R12-4-517.

**Presenter:** Leonard Ordway, Assistant Director Field Operations

At the March Commission Meeting, the Commission granted the Department's request to submit an exception letter to the Governor's office. The Department submitted the exception request to the Governor's office on March 17. The Department anticipates receiving approval from the Governor's office at any time. Therefore, the Department is taking proactive measures to ensure

rulemaking for R12-4-517 is completed before the authorization to pursue exempt rulemaking is repealed (Authorization to pursue exempt rulemaking is automatically repealed after April 13, 2012).

The Department proposes to amend R12-4-517 to allow a person who possesses a valid use permit issued by the U.S. Forest Service to operate non-motorized watercraft on Rose Canyon Lake on any Tuesday, Wednesday, or Thursday during the months of June and July from 9:30 a.m. to 4:30 p.m. Mountain Time Zone. In addition, the proposed rule will not exempt the person from complying with all requirements imposed by applicable federal or state laws, rules, regulations, or orders. Currently, the Forest Service has a special closure order for the lake which must be exempted by an authorized permit issued by the Forest in order to allow a person to operate watercraft on Rose Canyon Lake. Subsequent to the approval of the rulemaking, the Department will work with the U.S. Forest Service to facilitate crafting the terms and conditions of the permit and an extensive public outreach and education program.

If the Commission approves the proposed exempt rulemaking language, the Department will submit the Notice of Exempt Rulemaking to the Secretary of State's office once the Governor's office approves the Department's request to pursue rulemaking. The Notice of Exempt Rulemaking will become effective upon publication in the Arizona Administrative Register.

#### Public Comment

Justin Rice, Program Director, Boy Scouts of America, Catalina Council addressed the Commission in support of this request to approve the Notice of Exempt Rulemaking for R12-4-517.

Kevin Herring, Citizen and Catalina Council Board Member, also spoke in support of this request to approve the Notice of Exempt Rulemaking for R12-4-517.

Commissioner Mansell stated that he did not support this at the March meeting because it was very restrictive to a specific group. However, he likes the way the Department wrote the rule and it covers all his expectations, so he will support it.

Commissioner Freeman discussed his concerns about the lakes capacity with Mr. Ordway.

Mr. Ordway stated that the Department will be monitoring angler comments as this moves forward and will work with the Forest Service to continue to monitor and modify on an annual or biannual basis. No issues are anticipated at this point, but eventually there may be a determination of what the maximum capacity is.

**Motion:** Harris moved and Husted seconded THAT THE COMMISSION VOTE TO APPROVE THE FILING OF THE NOTICE OF EXEMPT RULEMAKING TO AMEND R12-4-517, THEREFORE IMPLEMENTING PROVISIONS PRESCRIBED UNDER HOUSE BILL 2396 PENDING GOVERNOR'S OFFICE APPROVAL.

**Vote:** Unanimous

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## 11. Call to the Public

There were no requests from the public to speak.

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## 12. Consent Agenda

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

### a. United States Coast Guard Memorandum of Agreement continuance.

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

The current MOA between the Department of Homeland Security - the United States Coast Guard and the State of Arizona - Arizona Game and Fish Department expired December 31, 2010. Other than amended language to allow biennial reviews in lieu of expiration dates, the MOA is a continuance of the existing MOA and only contains administrative changes related to Department organization and procedures.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE MEMORANDUM OF AGREEMENT CONTINUANCE BETWEEN THE DEPARTMENT OF HOMELAND SECURITY - THE UNITED STATES COAST GUARD AND THE STATE OF ARIZONA - ARIZONA GAME AND FISH DEPARTMENT.

### b. Request for Commission Approval of a Lease Agreement with the State Forester for Office Rental Space at the Commission's Pinetop Regional Office, Navajo County, Arizona.

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

In July 1988, the Commission approved a lease agreement with the Arizona State Land Department, on behalf of the State Forester, for office rental space at our Pinetop Regional Office in Navajo County, Arizona. The agreement has been renewed several times and the current lease expires on July 5, 2011. The State Forester, now with the Arizona State Forestry Division, has advised the Department that they wish to remain in the building and occupy the office for an indeterminate period of time. A lease with the option to terminate at any time would be ideal for both the Department and State Forester as the Department has no immediate or long term plans for use of this small frame building.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE A LEASE AGREEMENT WITH THE STATE FORESTER FOR OFFICE RENTAL SPACE AT THE COMMISSION'S PINETOP REGIONAL OFFICE, NAVAJO 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.

c. Request for the Commission to Approve the Agreement for Right-of-Way with the City of Safford for the Purpose of Installing, operating, and Maintaining an Underground Wastewater Main at Roper Lake, Graham County, Arizona.

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

In 2001, the City of Safford and Commission entered into an Agreement for a right-of-way for the purpose of installing, operating, and maintaining an underground wastewater main from the Federal Corrections Institution to the wastewater plant at the Gila River, through the Arizona Game and Fish Commission's Roper Lake property, Graham County, Arizona. This agreement would serve to renew a ten-year lease for a 100-foot wide right-of-way for the installation of a wastewater main. Fees for the Agreement will be based on an appraisal of the property.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE AGREEMENT FOR RIGHT-OF-WAY WITH THE CITY OF SAFFORD FOR THE PURPOSE TO INSTALLING, OPERATING, AND MAINTAINING AN UNDERGROUND WASTEWATER MAIN AT ROPER LAKE, GRAHAM 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:** Harris moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEMS A, B AND C.

**Vote:** Unanimous

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13. Law Enforcement Program Briefing

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

Mr. Elms provided the Commission with a Law Enforcement Program Briefing (also available to the public) on activities and developments that occurred since the last regular Commission meeting. The report includes law enforcement training activities, wildlife enforcement activities, watercraft and OHV enforcement activities, and partnerships that were developed and fostered in this reporting period. This briefing was in fulfillment of the Commission's request to be briefed on a monthly basis regarding the Department's Law Enforcement Program.

Mr. Elms also provided a Power Point presentation of new recruits that just graduated yesterday in Prescott. Director Voyles attended and spoke at the graduation ceremony. A short video clip of cadets in training at the academy was provided to the Commission.

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Meeting recessed for lunch at 11:33 p.m.

Meeting reconvened at 1:30 p.m.

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16. Executive Session

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

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

**Vote:** Unanimous

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Public Meeting reconvened at 2:00 p.m.

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

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

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

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Meeting recessed for a break at 3:45 p.m.

Meeting reconvened at 3:55 p.m.

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15. Call to the Public

There were no requests from the public to speak.

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18. Call to the Public

There were no requests from the public to speak.

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17. 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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19. Approval of Minutes and Signing of Minutes.

**Motion:** Harris moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM APRIL 11, 2011 AND THE APRIL 16, 2011 WORK SESSION.

**Vote:** Unanimous

The Commission signed the minutes following approval.

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20. Director's and Chairman's Reports

Director Voyles reported the following activities:

- Attended portions of the Intermountain West Joint Venture meetings in Flagstaff
- Met with Steve Spangle to discuss issues related to Section 7 and NEPA compliance
- Was on the selection board for the Council to Advance Hunting and Shooting Sports and conducted CEO selection interviews in Washington DC
- Participated in natural resources damages assessments settlement discussions with the USFWS and the Arizona Department of Environmental Quality
- Attended the Annual Coordination Meeting the Navajo Nation's Wildlife Program and Gloria Tom and her staff in Window Rock
- Met with representatives of IHEA to discuss contract issues and to try and resolve those issues on behalf of a select team of Directors representing WAFWA
- Met with Maria Baier to discuss the next steps regarding Desert Wells
- Attended the Arizona Peace Officers Memorial Service along with Commissioner Harris
- Met with the Chairman of the Hopi Tribe in Kykotsmovi along with Chairman Woodhouse
- Met again with Maria Baier and the Director of Maricopa County Parks RJ Cardin
- Met with Robert Shuler
- Met with Maria Baier and Bryan Martyn to discuss resolutions to issues related to Desert Wells
- Attended the Northern Arizona Regional Training Academy Graduation Ceremony in Prescott

Chairman Woodhouse reported the following activities:

- Talked with several constituents in his part of the state regarding legislative actions
- Talked with staff on today's meeting
- Met with the Hopi Tribal Chairman and their lands person along with the Director and Jay Cook

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21. Commissioners Reports

Commissioner Mansell:

- Went through his training and indoctrination as a new Commissioner
- Attended a bald eagle banding
- Visited Horseshoe Ranch last week
- Visited the Tri-State Shooting Park
- Visited the Foster Ranch site and the Ben Avery
- Expressed appreciation for the level of dedication of Department staff

Commissioner Harris:

- Commended Department staff on its facilities and efforts in wildlife education
- Worked closely with Region V and Joe Sacco to deal with some access issues
- Attended the Law Enforcement Memorial with the Director

Commissioner Freeman:

- Attended the Northern Arizona Regional Training Academy Graduation Ceremony
- Met with the Director regarding Horseshoe Ranch
- Attended the Conservation Committee workshop at Horseshoe Ranch

Commissioner Husted:

- Spent some time on patrol and met with people
- Various Commission duties

\* \* \* \* \*

## 22. Future Agenda Items and Action Items

Mr. Broscheid reported on the following future agenda/action items captured in this meeting:

- Continue discussions with the Commission on the Wildlife Rehabilitation Center and provide a further analysis of cost and approach (assess future visitation numbers, staffing resource needs and a broad volunteer based program)
- Agenda in June a discussion of the National Park Service expansions that are going on with a historical look back on positions that the Commission has taken, and what the impacts are to wildlife and wildlife related recreation (to include current plans for expansion)
- As a separate agenda item, provide an update and discussion of the designation of Scenic and Wild Rivers, Heritage areas, and/or Special Land Designations
- Investigate the use of trespass fees associated with the K4 Ranch in relation to the Department funding improvement projects
- Agenda for briefing/discussion of the history and current status of solar land development in Arizona; status of the permits; the technology regarding solar and wind; the Department's involvement from the siting process to working with land owners; existing ongoing efforts; the direct affects on constituents now and in the future. Somehow cause discussion on a statewide basis to try and put together an energy policy
- Agenda the Young's Farm water application protest by the Department
- Include on the Lands Update the horse populations in the Heber and Snake Creek on the Apache Sitgreaves National Forest, and investigate the issue of funding and how can the Department assist if needed

- Incorporate a briefing/discussion on the recreational access policy as a regular monthly stand alone agenda item
- Provide a briefing to the Commission in the form of a memo on the impediments of the rulemaking moratorium.

\* \* \* \* \*

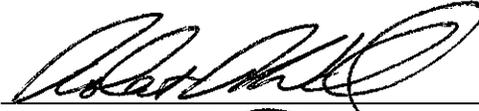
**Motion:** Mansell moved and Harris seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

**Vote:** Unanimous

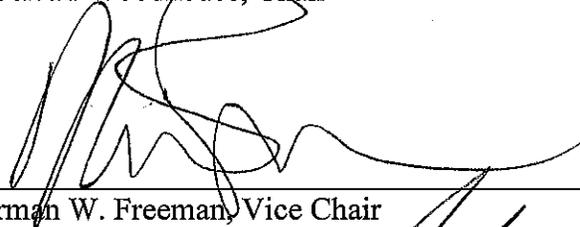
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Meeting adjourned at 4:05 p.m.

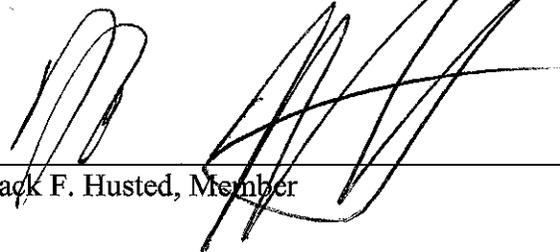
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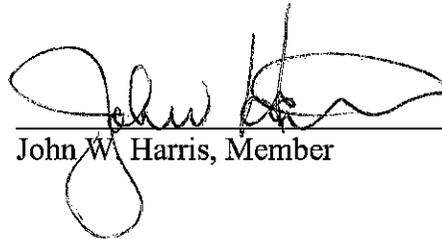
Robert R. Woodhouse, Chair



Norman W. Freeman, Vice Chair



Jack F. Husted, Member

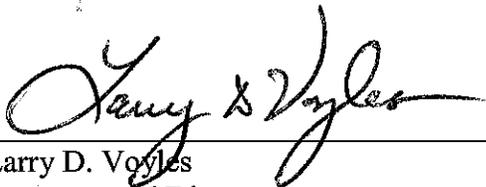


John W. Harris, Member



Robert E. Mansell, Member

ATTEST:



Larry D. Voyles  
Secretary and Director

**Game and Fish Litigation Report**  
**Presented at the Commission Meeting**  
**May 13, 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 15<sup>th</sup>.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The plaintiffs filed a notice of appeal on October 29, 2008. The court entered a time schedule order on November 4, 2008. The plaintiffs (now appellants) 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.

The Safari Club International (intervener) filed a petition for rehearing en banc. On March 1, 2011, the Ninth Circuit issued an order denying the petition. The Ninth Circuit has returned the case to the District Court for further action and Judge Bolton has been assigned the case.

**The Court held a status conference on May 9, 2011, to determine how to proceed with the case. The plaintiffs and the federal defendants advised the court that they are in preliminary settlement discussions. The court will allow the parties sixty days to settle the case. If the parties do not report a settlement by July 8, 2008, the court will set a briefing schedule on what remedy the court should order.**

**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 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 Supreme Court has denied review and the case will be remanded to the Commission for a new hearing for the purpose of imposing a non-consecutive term of revocation (or other sanction as the Commission determines) for the bull elk violation.

**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. 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 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. All briefs have now been filed. To date, the matter has not been calendared for oral argument.

**5. *Lorta v. Arizona Game and Fish Commission et al., CV-11-134.*** Plaintiffs filed an action on February 15, 2011, seeking judicial review of the Commission's license revocation and civil assessment decisions. The case was filed in Santa Cruz County Superior Court. The Commission has until March 16, 2011 to file a responsive pleading. On March 15, 2011, we filed a motion to dismiss on the basis the court lacks subject matter jurisdiction over the civil assessment order and the license revocation decision is moot because the underlying conviction was set aside.

**The plaintiffs filed a response to the motion to dismiss on April 11, 2011, and also filed a motion for summary judgment. On April 21, 2011, we filed a reply in support to the motion to dismiss and a motion to preclude on the grounds that the plaintiffs' response was untimely and the Arizona Rules of Civil Procedure do not permit a motion for**

**summary judgment prior to the filing of an answer.**

**6. *Reed v. Arizona Game and Fish Department and Commission, C20111354.***  
The plaintiffs filed an action on March 3, 2011, seeking judicial review of the Commission's license revocation and civil assessment decisions. The case was filed in Pima County Superior Court. We agreed to waive service of process, and in so doing, we have sixty days to respond to the complaint.

**On May 6, 2011, we filed a partial motion to dismiss the civil assessment claims and a motion to enlarge the time to file an answer.**

**Lands Update**  
For the Arizona Game and Fish Commission  
May 6, 2011  
Phoenix, Arizona

**FOREST SERVICE LAND AND TRAVEL MANAGEMENT PLANNING**

**Coronado National Forest**

The Draft Environmental Impact Statement (DEIS) for the Coronado's Land Management Plan is under Washington review and is expected to be released in June or July of 2011. The plan will be open for public comment for 45 days with a decision on the Plan in December of 2012. The Forest informed the Department that public comment on the "working draft" plan weighed heavily around the issue of planning for climate change. The other most significant item of public comment was the designation of "motorized recreation" areas. The Department expects these areas to be reduced in area in the forthcoming draft.

**Kaibab National Forest**

The Forest is currently incorporating comments from the public scoping of their draft Land Management Plan which has been out for about a year. The Kaibab has been very receptive to Department comments and we continue to work diligently with the Forest on components of the plan. It is estimated that the draft Environmental Impact Statement (DEIS) will be available for review in May. There will then be a Washington office briefing mid-late summer, and finally the DEIS Notice of Availability will be published September 2011. The Forest has reported that the most significant issues raised in public comments (driven primarily by environmental groups) were: 1) The proposed plan does not sufficiently protect existing and provide for future old growth, 2) Areas of high conservation value should not be managed for timber or biomass; and 3) Wilderness Analysis process too narrowly defines "substantially unaltered", which limits wilderness. With respect to the wilderness analysis, the Kaibab has been very receptive to our comments about wilderness and how any future designations can make wildlife management difficult.

The next step for the Department is to work with the forest on review of their Management Indicator Species (MIS) selection report. The Forest, under the 1982 rule, must designate Management Indicator Species. It is our understanding that they have selected mostly forest songbirds, but that pronghorn have also been chosen as an indicator of grassland habitat. In addition, the Department will be meeting with the Forests to discuss their species viability analysis that will be used to assess other forest wildlife that are not selected as MIS.

In recent discussions with the Forest regarding their working draft, the Department expressed concern that the plan was overemphasizing the northern goshawk in its vegetation management guidance instead of placing emphasis on habitat diversity for a broader range of wildlife including those dependent on old growth forest conditions. In the most recent working draft, the Forest has shifted its emphasis toward habitat diversity and has moved all references specific to the northern goshawk out of the general desired conditions for the Forest and into the wildlife section of the plan. We see this as a great improvement in the Forest Plan, we appreciate the

Kaibab's willingness to work with the Department on these issues, and we are hopeful other Forests in Arizona will follow this lead.

The North Kaibab Ranger District is planning to release their draft Travel Management Rule (TMR) in May. The District is incorporating USFS Regional Office comments. Barring appeals, they are scheduled for decision by the end of September 2011.

The Tusayan Ranger District is currently working through 2 appeals on their TMR decision. One appeal is by the Center for Biological Diversity and the other is by an individual. They are scheduling to be through the appeals process by late summer.

The Williams District completed its appeal process last summer and is ready to implement their TMR. They are working on their public information campaign, appropriate maps, and details for how to roll out implementation which they hope will occur by Memorial Day weekend. The Forest plans to meet with Department staff for details on the roll out of plan within the next few weeks.

### **Tonto National Forest (TNF)**

The Department participated in the annual coordination meeting with the TNF March 24th. The TNF is not participating in the revision of their land management plan until the proposed ruling is implemented (2-5 years). Preliminary work that has been done for that process will be reviewed and determined if usable at the time the process is then initiated. The Department met with the TNF planner to discuss the opportunity to collaborate on wildlife management and wildlife related recreation issues before the public comment period opens. We continue to work through their travel management planning process and are currently reviewing the latest revision of the route map. The biological assessment for the travel management plan is still under development. The Department anticipates the draft environmental assessment to be out this summer and will continue to provide comment. The Department remains concerned with loss of access, closures of OHV areas, loss of designated camping sites and an increase in overall routes.

## **U.S. FOREST SERVICE**

### **Four Forests Restoration Initiative (4FRI)**

The first Environmental Impact Statement (EIS) for 4FRI covers 750,000 acres of both the Coconino and Kaibab National Forests primarily in the landscape south and west of Flagstaff and Williams. The proposed action includes plans for forest restoration, reintroduction of fire, decommissioning of roads (likely those identified in Travel Management Rule), as well as restoration of dry ephemeral channels, springs, and grasslands. The Forests have granted the Department Cooperating Agency status for this planning process, and Department Staff have participated in many USFS 4FRI Team meetings. Our work with the 4FRI Team to date has been focused primarily on assigning appropriate tree thinning treatments within wildlife movement corridors for both grassland-dwelling species as well as closed-canopy forest-dwelling species. We are also working closely with the Wildlife Biologist on the 4FRI Team to compile trend and habitat-relationship information for several Management Indicator Species that will be evaluated in the EIS Effects Analysis. The species for which the Department is providing information include Abert's squirrel, mule deer, elk, turkey, and pronghorn. The Department also continues to participate in the 4FRI Stakeholders Group. Also of note, the Department has begun working collaboratively with Arizona Wildlife Federation and the

Arizona Wildlife Conservation Council on a potential project that would decommission roads, restore stream channels, remove invasive plants, and modify fences within the Woody Ridge Wildlife Corridor at the same time the Forests are conducting 4FRI treatments. This project would represent one of the first, on-the-ground implementations of the comprehensive restoration objectives identified in the 4FRI initiative.

A Memorandum of Understanding (MOU) was signed between the USFS and several 4FRI stakeholders. This MOU establishes a collaborative relationship between the US Forest Service and multiple stakeholders who agree to work together on the Four Forests Restoration Initiative. The Department is not a signatory to the MOU, but is planning to write a letter of support for the MOU.

### **Apache-Sitgreaves National Forests**

The Department provided written comment to the Clifton Ranger District on the new scoping summary and revised proposed action for the Copperas grazing allotment, Greenlee County. The Department had previously provided written comment in response to the original scoping summary in July 2008. At that time, the Department had expressed its support for the proposed action based on a number of included management elements and design criteria, which the Department agreed with the Interdisciplinary Team (ID), would result in improved riparian and upland habitat conditions. A number of those key management elements and design criteria were not included in the revised proposed action, or had been significantly altered. The Department requested clarification as to the rationale for these changes, and urged retention of the 2008 proposed action as an action alternative to be analyzed further.

The Department provided written comment to the Lakeside Ranger District on the Proposed Action for the Lakeside Ranger District Conveyance. The action alternatives would provide for the subdivision and sale of three parcels of Forest Service land totaling 110.7 acres, which includes the current Lakeside Ranger Station and Campground off of White Mountain Boulevard, in the Town of Pinetop-Lakeside. Funds generated from the sale would facilitate construction of a new administrative site at one of three alternative sites near the junction of Porter Mountain and Penrod Roads. Due to the location of the three parcels of Forest Service Land within or adjacent to currently developed areas, and their relatively low value to wildlife, the Department did not anticipate any significant impact to wildlife associated with the proposed subdivision and sale of the parcels. Although the construction of the new administrative site on currently undeveloped lands would have some negative impacts on wildlife and wildlife recreation, the Department expressed its support for Alternative 4, which, of the three action alternatives would result in the least impact to wildlife and wildlife recreational opportunities.

### **Kaibab National Forest**

The Department is currently drafting comments on the Kaibab Aspen Management plan. The project aims are a variety of treatments including fencing, jackstrawing, fire, etc. Although the original intent was to scope treatment of the entire south zone's aspen stands, the Forest has decided to cut back this plan drastically, due to funding and other priorities, to approximately 400 acres. The Department is supportive of aspen management on the South Zone of the Kaibab but recommends that larger scale treatments go forward in the future.

The Forest is currently scoping the Bill Williams Mountain Restoration Project. The proposed action aims to improve forested conditions on approximately 15,200 acres on and around Bill Williams Mountain near Williams. The Department is requesting active engagement in this

project as we expect this project to have important wildlife implications. The Department supports appropriate treatments on Bill Williams as the fuel loads are quite high and without treatment non-natural fire is likely.

For the first time in many years, the Forest is releasing cows back onto the Anita-Cameron grazing allotment which is within Game Management Unit 9. This is the location of the Tusayan Wildlife Water Pipeline that the Department worked cooperatively to develop with wildlife conservation organizations and completed in 2009. The Department is working with the Coconino Sportsman to repair the many water development fences that are currently in disrepair or were removed in the absence of livestock. The Department is also seeking partnership with Rocky Mountain Elk Foundation and Arizona Elk Society to construct missing fences.

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

### **AZ Strip Field Office**

#### DRAFT Uranium Withdrawal Environmental Impact Statement (DEIS)

The DEIS became available for public review and comment on February 18. BLM is the lead on the DEIS with cooperation from U.S. Forest Service, the U.S. Geological Survey, U.S. Fish and Wildlife Service, the National Park Service, AZ Native American tribes, and other state and local agencies. The Department submitted comments which were due May 4<sup>th</sup>, 2011. The comment letter discussed possible impacts to wildlife and reflected the Commission's position from March 30, 2011. Due to the sensitivity of this issue, the Department made it clear that the Commission's position is not one of anti-mining, but instead takes a careful approach which allows 20 years to assess and monitor the potential direct, indirect, and cumulative effects of uranium mining on wildlife. The signed letter is attached.

The Department continues to work cooperatively with the BLM to complete renovation of several important wildlife water catchments in 13A and 13B. Most renovation work will address dilapidated fences and non-functioning catchment aprons.

Department Staff participated in a field trip with BLM staff to view current cheatgrass conditions within the Mohave Desert, particularly in areas burned during the large-scale fires of 2005 and 2006. Cheatgrass is a non-native annual grass that has recently invaded the Arizona Strip portion of the Mohave Desert and is increasing fire frequency and causing significant loss of blackbrush and Joshua Tree plant communities. Scientists believe blackbrush communities take centuries to recover, whereas the fire return interval in areas invaded by cheatgrass can be as short as every 1-2 years. After the last two years of high precipitation in the Mohave, cheatgrass production is high and local area managers are growing increasingly concerned over high-risk fire conditions this summer.

The Department worked cooperatively with the Arizona Desert Bighorn Sheep Society and the BLM to repair berms at Soap Creek Tank #2. Repair work started on April 5 and was completed on April 11. Soap Creek is an important water for bighorn sheep and will be used in the future as a site for northern leopard frog reintroduction.

The Department attended a meeting of the Mohave Desert Initiative on April 27. The Mohave Desert Initiative is a collaboration among the BLM, Department, USFWS, and others to identify

land management strategies that improve ecological conditions in the Mohave desert on the Arizona Strip. The meeting addressed desert tortoise, grazing, fire, and cheatgrass invasion.

### **Kingman District**

Department personnel continue to partner with the Kingman BLM in spring forage monitoring efforts on an assortment of allotments that will be undergoing rangeland health evaluations in the near future.

### **Lower Sonoran Field Office**

Western Watersheds Project filed suit in August of 2008 to challenge livestock grazing within the Sonoran Desert National Monument. The settlement stipulates that the BLM will complete a Resource Management Plan (RMP) by December 15, 2011. As such, the BLM is currently drafting a RMP for the Monument and the entire Lower Sonoran Field Office. The RMP will include a determination of whether or not livestock grazing is compatible with the protection of objects identified in the 2001 Presidential Proclamation that established the Monument. Until the management plan is completed, the settlement also mandates that sections of the Monument currently closed to motorized traffic and off-highway vehicle use shall remain closed. BLM released the administrative Draft RMP/Draft EIS on July 20, 2010. However, the scheduled release for the public draft of the RMP continues to be postponed and is uncertain at this time.

### **Phoenix Office**

The North Lake Pleasant Area Recreational Management Plan has been initiated with public meetings scheduled in May and June to communicate the proposal and gain feedback. The Department remains a part of the Partner's group associated with the planning efforts for Lake Pleasant and has provided input throughout the process

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

### **Ironwood Forest National Monument (IFNM)**

The proposed final Resource Management Plan (Plan) and Environmental Impact Statement for the Ironwood Forest National Monument had cleared the Washington review and was expected to be released to the public early this year. However, the Tucson Field Office has notified the Department that BLM's new Wild lands Policy will have to be implemented on the Monument which has sent the plan back to the Tucson Field Office for further review. The final release of the Plan has therefore been delayed until the Wild lands analysis has been completed as directed by the Secretary. The Field Office anticipates this analysis will be done by the end of September. 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. The Tucson Field Office was unable to schedule a field trip in April as planned due to scheduling conflicts with National Rifle Association Conferences.

### **Grand Canyon-Parashant National Monument / Vermillion Cliffs National Monument**

The Department participated in bullfrog eradication at Pakoon Springs as part of a collaborative project to restore spring and wetland habitat for a potential relict leopard frog reintroduction.

## **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 open for a 60-day public comment period which closed March 18, 2011. The Department provided additional comments on the public draft. A second public draft was scheduled to be released in April but has been delayed.

### **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 was released on January 28, 2011 and closed on March 18, 2011. The Department provided additional comments on the public draft. A second public draft was scheduled to be released in April but has been delayed.

## **GENERAL UPDATES**

### **Basin Well Sheep Catchment (Willow Springs Allotment)**

Department and BLM personnel recently conducted a field trip and began discussions to determine the feasibility of developing a perennial water source for desert bighorn sheep in the Southern portion of Game Management Unit (GMU) 15CS. Alternatives being considered for the site include a standard wildlife water catchment built to Department standards, or piping water from Basin Well to a tank and trough proximate to important lambing grounds for desert bighorn sheep.

### **Central Arizona Grasslands Strategy**

#### Yolo Ranch

Following completion of cultural surveys on the Yolo Ranch and coordination with a Natural Resources Conservation Service (NRCS) archeologist, the cultural resources report has been submitted to the State Historic Preservation Office (SHPO) - allowing the next phase of juniper treatment to begin on the Ranch. Personnel met with the Yolo Ranch contractors on location to identify and exclude cultural resource sites from the project work area. The Landowner Incentive Program agreement required for the next phase of the Yolo project has been completed. Juniper eradication efforts will soon resume.

#### K4 Ranch (Mud Tank Wash Grassland Enhancement Project)

Despite having to postpone a Habitat Partnership Committee (HPC) funded juniper eradication effort on the K4 Ranch, grassland restoration efforts in the area will move forward. Department

personnel were able to come to an agreement with a landowner partner adjacent to the original Mud Tank Grassland Enhancement project area. That partner (*The Bar Triangle Ranch*) has treatable land contiguous with the previous project footprint, enabling grassland restoration goals for the Williamson Valley corridor to be realized despite the initial project setback. Funding for this project has been secured from a USFWS “Partners in Wildlife” grant, as well as from the HPC. A Habitat Stewardship Agreement is pending.

#### Spider Ranch (Smith Mesa Habitat Improvement Project)

The Department is moving forward with the development of a Yavapai County Resource Advisory Council (RAC) Grant application to fund the Smith Mesa Habitat Improvement project, located on the Spider Ranch. Surveys were recently conducted on the Ranch to identify locations for grassland enhancement, making use of USFWS “Partners” and/or Landowner Incentive Program funding. Department personnel conducted a site-visit with a contractor to procure a cost-bid projection on the 160 acres associated with the project. The owner of the ranch has agreed to participate financially, providing a requisite 36% cash match for the project.

#### **City of Flagstaff**

The City of Flagstaff Open Space Commission is pursuing potential acquisition of Picture Canyon, a mile-long stretch of the Rio de Flag in east Flagstaff that is an important riparian corridor for migratory birds and provides habitat for other wildlife such as mule deer, elk, turkey, bald eagle, and bats. Picture Canyon is State Trust land, and as such the City will be pursuing an Arizona Preserve Initiative Growing Smarter Grant and working cooperatively with the Arizona State Land Department on a potential auction of reclassified conservation lands. The City is seeking partnership and support from the Department.

#### **City of Yuma**

The Department is working with the City of Yuma on the development of the City’s 2012 General Plan. The General Plan is a policy document and guide providing comprehensive direction for the growth and development of the City of Yuma. The plan is intended to be both long range and visionary and to provide guidance for actions to be taken in the next ten to twenty years. The Department is working to help incorporate wildlife-friendly development guidelines that consider wildlife populations and linkages/corridors, native habitats, open space, and wildlife-oriented recreation.

#### **Iron Basin Mule Deer Habitat Improvement Planning**

Following an earlier meeting and field trip involving the Department, the BLM, and a representative of the Mule Deer Foundation, BLM and Department personnel continue to work on the development of a mule deer habitat improvement plan for the Iron Basin area in northern GMU 15. The plan will utilize broadcast burning and mechanized treatments to return a decadent chaparral woodland community to an earlier seral stage, and improve the vigor of key browse species for the benefit of mule deer populations.

#### **Morgan Peak Exploration**

The Department has provided comments on the proposed exploratory drilling project. The concerns included noise, access restrictions, and future watershed impacts. The Department will continue to track the project as significant impacts could result if extraction activities result.

**Pima County Natural Resources, Parks, and Recreation**

Department personnel met with representatives from Pima County Natural Resources, Parks, and Recreation to evaluate the County acquired Sands Ranch immediately east of the Las Cienegas National Riparian Conservation Area as a potential future release site for the black-tailed prairie dog. At the request of a local landowner, Department personnel also met with a rancher in the Sulfur Springs valley to evaluate his private property and state grazing lease as potential future release sites.

**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. An internal working draft of the Rosemont Copper Project Draft Environmental Impact Statement (DEIS) is currently under internal review by the Forest Service’s Southwestern Regional Office and Washington Office. The Department, as well as other Cooperating Agencies and tribes, will be given an internal working draft of the DEIS for review after the Forest addresses the Regional and Washington Office review findings. The Forest has denied the Department’s request for a 90 day review period and has stated they will release the DEIS for publication and public distribution 30 days after release to the Department and other Cooperating Agencies.

Immediately following the Notice of Availability in the Federal Register of the DEIS, the clock will start on a public comment period of 90 days. Public meetings will be held during the comment period to share information and receive written and oral comments. Public opportunities to comment on the DEIS will be noticed through the Federal Register, the media, and the project website.

On April 15<sup>th</sup> the Department learned from a news release by the Coronado National Forest (Forest) that they have posted an updated timeline for the Rosemont Copper Project on their website on the “Schedule for Proposed Actions” (SOPA), a timeline of Forest activities which the Department was previously unaware of. It can be viewed at <http://www.fs.fed.us/sopa/components/reports/sopa-110305-2011-04.html#4> . The schedule posted for Rosemont is pasted below:

Project Name	Project Purpose	Planning Status	Decision	Expected Implementation	Project Contact
Rosemont Copper Mine Construction and Operation EIS	- Minerals and Geology	In Progress: NOI in Federal Register 03/13/2008 Est. DEIS NOA in Federal Register 08/2011	Expected:01/2012	04/2012	Beverley Everson 520-388-8300 comments-southwestern-coronado@fs.fed.us

	<b>Description:</b> Forest proposes to approve plan of operation for open-pit copper mine on private land with processing and other facilities on National Forest. Mine Plan of Operations submitted for approval in summer 2007. <b>Web Link:</b> <a href="http://www.fs.fed.us/r3/coronado/rosemont">http://www.fs.fed.us/r3/coronado/rosemont</a>
	<b>Location:</b> UNIT - Nogales Ranger District. STATE - Arizona. COUNTY - Pima. LEGAL - in Townships 18 and 19, Ranges 15 and 16, Gila/Salt River Meridian. Santa Rita Mountains, 30 miles southeast of Tucson, AZ.

The schedule clearly shows that the DEIS is expected to post to the Federal Register in August of this year. This means the Department should expect to receive the DEIS no later than July.

The Forest states that the Rosemont schedule is largely dependent on time needed for (internal reviews which are ongoing) to incorporate comments. The SOPA will be updated every January, April, July and October and contains “the best available information at the time”, and that “information contained within the SOPA is subject to change.” The Forest has cancelled all Cooperating Agency meetings until the DEIS is released.

At a recent coordination meeting with the Forest, the Department asked about the status of various biological reports that were either removed from the website, or never posted, and which the Department would like to have access to. Several reports were reportedly in draft form and the Department was told in February that these would be made available when they were finalized. As the DEIS is complete, the Department expects that the reports should either be complete or the data will be made available for Department review in draft form. The Department has requested the status on these reports.

### **Redhawk Copper Project**

The Department became aware of a potential new large underground mine in the Copper Creek area lying at the north end of the Galiuro Mountains, south of the Aravaipa Canyon Wilderness. Copper Creek, a perennial tributary to the San Pedro River is a historic mining district that has been mined at a small scale since territorial days with the earliest activity documented in 1863. The creek and surrounding area has been impacted by unremediated small-scale mining activity over the last century and a half, but no large-scale mining activity has occurred. In addition to potential impacts on wildlife, the proposed mine could block the only vehicular sportsman access to the south rim of Aravaipa Canyon.

The Department is working with Pinal County and the State Land Department to determine potential alternative access to the area and to assess existing rights of way claimed by the county for the public. Historically, the town of Copper Creek supported enough residents to have a post office and Pinal County has claimed the route under RS2477 as a public road. The State Land Department has not yet accepted this claim and the mine proponent has received a 150 foot right-of-way on top of the existing Copper Creek Road. The proponent has also applied for another 150 foot right-of-way to access the property across State Trust Land which is one of two routes crossing the proponent’s property to access the south rim of the Aravaipa.

Due to the area’s reduced protective status (State Land) between large blocks of protected habitat, the area has been the subject of intense interest for multiple infrastructure projects seeking passage from east to west including the I-10 Bypass and the SunZia Transmission Line

Project. This remote area between the Aravaipa and Galiuro Wildernesses is a crucial habitat linkage for many species including Desert Bighorn Sheep.

## **Renewable Energy Development**

### ***Wind***

#### NextEra Energy Resources

The Department continues to work with NextEra Energy, its environmental consultants SWCA and Pandion Systems, and US Fish and Wildlife Service (USFWS) biologists to develop an Avian and Bat Protection Plan (ABPP) for the 100 megawatt Perrin Ranch wind facility north of Williams. The ABPP that has been drafted by NextEra offers options for avoidance, minimization, and mitigation for wildlife including curtailment and shutdown of turbines, as well as the development of a wildlife fund to be used for future wind energy research among other wildlife protection ideas. The Department has been working closely with both the local Ecological Services biologists from USFWS and the Migratory bird lead out of Albuquerque in order to provide input for an ABPP that protects wildlife from population level impacts from wind development. Development of this ABPP, in close coordination with AGFD and USFWS, was one of the conditions attached to the approval of NextEra's conditional use permit for the wind facility by the Board of Supervisors.

Due to a federal nexus associated with the Perrin Ranch Wind Project, Western Area Power is in the process of drafting an Environmental Assessment (EA) for the proposed project. The Department expects the EA to be out in May.

#### Yavapai Wind Energy Project

Department personnel recently participated in a project kickoff meeting with SWCA Environmental Consultants and NextEra Energy to discuss a proposed utility scale wind energy facility on the Yavapai Ranch in GMU 17A. The project proponent indicated that in addition to wind energy development, there will also be photovoltaic array for solar energy production as well. Of importance at this meeting, was an announcement by the project proponent that pre-construction biological surveys, construction plans and site-selection will comply fully with AGFD and USFWS renewable energy guidelines. Also participating in the meeting were representatives from the Flagstaff US Fish & Wildlife Services Ecological Services Office.

### ***Solar***

#### Quartzsite Solar Energy

The Department continues to work with Quartzsite Solar Energy LLC and the BLM Yuma Field Office on the proposed Quartzsite Solar Energy Project in La Paz County. Department personnel also attended two public meetings considering a land use plan amendment to allow the use of public land for the project. The proposed project may require an amendment to the Yuma Resource Management Plan (RMP), changing the designation of the area from a Visual Resource Management Class III to IV. A Notice of Intent announcing the proposed amendment was published in the *Federal Register* on March 30, 2011. The public scoping period of 30 days ended on April 29, 2011.

Quartzsite Solar Energy LLC, a subsidiary of Solar Reserve LLC, has submitted an application to the BLM requesting a right-of-way to construct, maintain and operate an electrical generating facility with a capacity of up to 100 megawatts, using concentrated solar thermal tower technology. An array of mirrors would focus light on receivers at the top of a 653-foot

tower. The focused energy would be used to heat salt to a molten state, which would in turn heat steam to power a turbine. The project would require approximately 1,450 acres of BLM-managed land. The proposed site is about 10 miles north of Quartzsite and about 1 mile east of State Route 95.

#### Hyder Valley Solar

The Department continues to work with the BLM and Pacific Solar Investments, Inc. on the proposed Hyder Valley Solar Energy Project. Pacific Solar Investments, Inc. has requested a right-of-way from the BLM to construct and operate a concentrated solar thermal project on 2,750 acres of land about 85 miles southwest of Phoenix, in the Hyder Valley, north of Interstate 8. BLM is in the process of preparing an environmental impact statement (EIS). A draft EIS is anticipated to be released in 2011.

#### Sonoran Solar

The BLM and project proponent, Nextera, have reinitiated project planning for this commercial scale solar energy development. Previously, Nextera proposed a concentrated solar thermal power plant using parabolic trough solar thermal technology to generate up to 375MW on an approximate 3700 acre federal land footprint. However, there was significant public concern with water demand for that technology. Nextera is now considering photovoltaic (PV) technology to generate up to 300 MW on just under 2000 acres of federal land (BLM). This alternative will use the least amount of ground water and public land. The BLM plans to send out a newsletter instead of preparing a supplemental DEIS to the April 2010 DEIS to include the new alternative. The Washington Office has agreed to this strategy as long as the newsletter sufficiently covers the alternative and an additional 30 day comment period after release of the final EIS. PV will be analyzed as a subalternative to the low-water alternative in the 2010 DEIS. Nextera has requested that the Department provide a “refreshed” mitigation proposal with considerations for a phased approach to project implementation between 2013 and 2015. The BLM has asked the Department to continue working with Nextera on developing wildlife mitigation and to provide the ID Team with all mitigation proposals once updated. The Department recently met with BLM to further the mitigation discussion and come up with preferred recommendations.

#### BLM Programmatic EIS

The Department is compiling comments on the PEIS for submission. The Department is in support of the 3<sup>rd</sup> alternative for a solar energy zone program that applies the same new program administration and authorization of policies and design features to utility scale solar energy development, but restricts applications to only up to 677,400 acres in a six-state study. For perspective, over 1 million acres have been identified within the Restoration Design Energy Project Process that identifies areas in the state appropriate for this development. The alternative supported with the process mentioned above would help to ensure projects are in appropriate areas of low conflict with natural resources. The Department will additionally be providing comment on the Restoration Design Energy Project EIS that will identify areas/sites in the state appropriate for renewable energy development.

#### **Sportfish Stocking EA**

Department personnel met with the White Mountain Bass Club on April 11 to discuss upcoming fisheries projects and to inform the group about the draft Sportfish Stocking Environmental Assessment. The different alternatives were discussed, including the likely impacts to fisheries

management in the White Mountains and throughout the state, potential effects to local economies, and Department funding associated with sportfish stocking and management.

Department personnel participated in a meeting with the Show Low Creek Watershed Group on April 12, presenting information on the draft Sportfish Stocking Environmental Assessment. The different alternatives were discussed, including the likely impacts to fisheries management in the White Mountains and throughout the state, potential effects to local economies, and Department funding associated with sportfish stocking and management. A legislative bill regarding rotenone and antimycin was also discussed, and its likely impact on projects proposed to remove Northern pike from Rainbow Lake.

Department personnel participated in a meeting with the White Mountain Natural Resources Working Group on April 21, presenting information on the OHV sticker program and the draft Sportfish Stocking Environmental Assessment.

### **SunZia Draft Environmental Impact Statement**

The Department has not received an update on the SunZia Transmission Line project which is proposed between Las Cruces New Mexico and the Eloy area. Several routes have been proposed including routes through the San Pedro, Aravaipa, and Sulfur Springs Valleys. The Department has significant concerns with the proposed routes and has recommended the inclusion of an alternative following the Interstate 10 corridor through metro Tucson. This route apparently conflicts with military activities associated with Fort Huachuca. The Department recently met to discuss wildlife impacts of the project with The Cascabel Working Group which has extensively researched impacts of the various routes especially in regards to the San Pedro River Valley and the Aravaipa Valley. The Group provided the Department with two reports on these areas.

### **Sycamore Mesa (BLM) & Agua Fria Antelope Habitat Improvement Project (PNF)**

Progress continues on the GMU 21 juniper thinning project. This fiscal year a total of 367 acres will be treated with the \$85,000 budget for an average cost of \$232/acre. All treatments are within units on the Prescott National Forest. The Forest has completed follow-up pile burning on approximately 236 acres of the 367 total. The contractor is currently completing the last 131 acres which will most likely be burned next fall. Overall, 2893 acres out of a proposed 5654 will be treated representing 51% of the target acres for restoration work. The BLM is also conducting juniper thinning and prescribed pile burning on lands south and adjacent to the current project area, further expanding the restoration work towards the common goal of reducing juniper densities within grassland and pronghorn movement corridors. The Department continues to conduct site visits to monitor the contract work.

### **Transportation**

#### **SR 77 Widening Project, Show Low to Taylor**

Department personnel, along with personnel from ADOT and Navajo County conducted a site visit of the SR 77 project area. The objective of the site visit was to document potential locations for wildlife crossing structures (underpasses and overpasses) that could help reduce the number of wildlife-vehicle collisions along SR 77 and facilitate increased permeability for local wildlife populations.

### North South Corridor Study

The purpose of the study is to provide a connection between US 60 and I-10 through identifying and evaluating routes. The Department has provided initial comments that identified connectivity and permeability, fragmentation, degradation, access and invasive species concerns. The Department continues to participate in the stakeholder meetings and anticipates providing comments on the screening of corridors and alignment alternatives due out in spring or summer. The next meeting is scheduled for early May depending on the availability of the screening model.

### Hidden Waters Parkway

The Parkway was identified in the I-10/Hassayampa Valley Roadwork Framework study as a necessary high capacity roadway to serve the future developments west of the White Tank Mountains. The study area includes the northern section of the Hidden Waters Parkway from I-10 north to the future alignment of SR 74. The Department continues to participate in the technical review committee and is currently reviewing the environmental overview for the study. Comments are due May 17<sup>th</sup>. The Department will continue to provide concerns with connectivity and permeability, fragmentation, degradation, access and invasive species.

### **Wildcat Silver Mine Project**

The Department received a scoping notice from the Coronado National Forest (Forest) regarding a request by Arizona Minerals Inc. a.k.a. Wildcat Silver (proponent) for approval of a Plan of Operations (PoO) to implement a minerals exploration program on National Forest land at their Hardshell Mine project site in the Patagonia Mountains. The project area is located within the Sierra Vista Ranger District in Santa Cruz County about six miles southeast of the town of Patagonia.

### **Wildlife Areas**

#### Horseshoe Ranch

The Department is developing the management plan for the wildlife area, is initiating the process of hiring a manager, coordinating internally, and planning for the initiation of the coordinated resource planning process for the associated allotments. In preparation for the coordinated resource planning process, the Department met with representatives from the BLM, Tonto National Forest, Sonoita Valley Planning Partnership, and Empire Ranch at Las Cienegas National Conservation Area. The purpose of the meeting was to share information on the process, answer questions about the stakeholder involvement, tracking results of management actions, and lessons learned. The Department continues to wait for the BLM revisions on the MOU. The Arizona Wildlife Conservationist Committee meeting and workday took place on April 29 – May 1 and included modifications to the Copper Creek/Horseshoe allotment fence for pronghorn specifications.

#### Upper Verde River Wildlife Area

The Yavapai County Resource Advisory Committee (RAC) met in late March to review 40 grant applications. The fifteen member committee recommended 14 projects for a total \$590,649. RAC Grant funding in the amount of \$74,687.00 was approved for a Riparian Habitat Improvement project on the Upper Verde River Wildlife Area. The project, submitted by the Department, is part of a collaborative effort with The Nature Conservancy (TNC), and will remove riparian invasive plants and non-essential fencing from the Upper Verde River Wildlife Area and TNC's Verde Springs Preserve. The project will accomplish the following objectives; 1) 7.4 miles of stream/river restored/improved, 2) 202 acres of forest health

improved, 3) 1120 acres of wildlife habitat restored/improved, 4) 202 acres of noxious weeds controlled, 5) 0.8 Jobs generated in full time equivalents (FTE) to nearest tenth. One FTE is 40 hours per week x 52 weeks.

### **Wildlife Linkages/Corridors**

Statewide coordination is continuing for the county workshops. Following internal review, the Department released a final report in early March detailing the results of the Coconino County wildlife linkage stakeholder workshops. This document will serve as the template for other county-specific linkage reports. Specific updates are below:

#### Apache-Navajo Counties

Departmental personnel conducted the second Apache-Navajo Counties Wildlife Linkages Workshop in Pinetop on April 4, 2011. This was the final of two workshops designed to gather stakeholder input on wildlife movement corridors, important habitat areas, and potential threats to corridors and/or habitat. About 30 people attended the workshop and included individuals from Navajo County, Hopi Tribe, White Mountain Land Trust, Apache-Sitgreaves National Forest, White Mountain Conservation League, Audubon and The Nature Conservancy.

#### City of Surprise General Plan amendment

The City proposes a 2011 major general plan amendment (GPA) to update the General Plan with a wildlife linkage map and a wildlife linkage corridor guideline. This amendment is a City initiative to incorporate Department recommendations for maintaining habitat linkages to surrounding undeveloped landscapes for the benefit of wildlife in the White Tanks Mountains as the City grows in the future. The guideline illustrates preservation of floodways with buffers and adjacent development buffers with wildlife friendly regulations. The City has conducted two public scoping meetings that were sparsely attended. The amendment will go to the Planning and Zoning Commission in May and a final hearing in June. The Department is providing technical support to City planning staff towards this effort. The State Land Department has responded with a letter to the City stating it is not opposed to establishing wildlife linkage corridors, but has concerns regarding the width/total area proposed, requests additional disclosure in the major GPA and further definition of the types of wildlife linkages and proposed wildlife friendly regulations.

#### City of Scottsdale/McDowell Mountain Preserve

The Department continues to work with the McDowell Mountain Preserve and the City of Scottsdale regarding wildlife linkages planning and research. The Department and the City have developed a Memorandum of Understanding to allow for the development and implementation of a collaborative partnership for programs and projects, along with meeting the desire of both parties to accommodate for management of outdoor recreation commensurate with protecting fish and wildlife resources while also allowing for traditional uses. The Department is working on an agreement with the City for proposed projects to inform wildlife permeability and connectivity in the area to assist the City in decision making and planning for the Preserve.

#### Maricopa County

Department staff is currently finalizing the spatial information from the stakeholder's workshop and has begun drafting the mid scale county report. We anticipate completion of the final report this summer. The Department has initiated efforts to share this information with the cities in the county for incorporation into their land use and open space planning efforts.

### Pima County Wildlife Linkages Assessment

The Pima County Wildlife Linkages Assessment workshop is scheduled for May 17th at the Ellie Town Center in Tucson. We are expecting approximately 100 attendees to this workshop, which is put on with the support of other local partner agencies in addition to AGFD. This effort is different from other county efforts in that funding was received from the Regional Transportation Authority of Pima County to create the mid-scale report and several detailed fine-scale corridor reports for the County over the eighteen months of the grant, with a scheduled completion of August, 2012. Department staff are in the process of finalizing the selection of a full-time, grant-funded employee to handle the bulk of this work.

### **Yuma County**

The Department is working with Yuma County and other stakeholders on the development of the Yuma Regional Development Plan. The Yuma Regional Development Plan represents the combined efforts of the Cities of San Luis, Somerton, and Yuma, the Town of Wellton, Yuma County, Marine Corps Air Station, and the U.S. Army Yuma Proving Ground to achieve a common set of land use development policies for the future economic growth and development of lands within the incorporated and unincorporated areas in Yuma County. The Department is working to help incorporate wildlife-friendly development guidelines that consider wildlife populations and linkages/corridors, native habitats, open space, and wildlife-oriented recreation.