

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, August 1, 2014
Saturday, August 2, 2014
Double Tree by Hilton Hotel, Kaibab Room
1175 West Route 66
Flagstaff, Arizona 86001

PRESENT: (Commission)

(Director and Staff)

Chairman Robert E. Mansell
Vice Chairman Kurt R. Davis
Commissioner Edward "Pat" Madden
Commissioner James R. Ammons
Commissioner John W. Harris

Director Larry D. Voyles
Deputy Director Ty E. Gray
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Linda Pollock

Chairman Mansell called the meeting to order at 8:00 a.m. and led those present through the Pledge of Allegiance following an Honor Guard Presentation of Colors. The Commission and Director Voyles introduced themselves and Director Voyles introduced his staff. This meeting followed an agenda revision #1 dated July 30, 2014.

Chairman Mansell requested a moment of silence in honor and remembrance of the service and sacrifice of the 19 Granite Mountain Hotshots who were killed in last year's Yarnell Hill fire.

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1. Awards and Recognition

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

- Brian Aragon, Wildlife Manager, assigned to 475 District, Yuma Region
- Jesse Baker, Wildlife Manager, assigned to 376 District, Kingman Region
- Tim Carlson, Wildlife Manager, assigned to 275 District, Flagstaff Region
- Brittany Oleson, Wildlife Manager, assigned to 374 District, Kingman Region
- Nathan Ragan, Wildlife Manager, assigned to 375 District, Kingman Region
- Noah Silva, Wildlife Manager, assigned to 386 District, Kingman Region
- Brian Scott Miller, Prescott Law Enforcement Specialist, Kingman Region

Chairman Mansell announced that the Arizona Game and Fish Commission was presented with the WAFWA Commission of the Year Award at the recent WAFWA (Western Association of Fish and Wildlife Agencies) annual conference. Chairman Mansell recognized Commissioner Harris because he was the Chairman at the time of the award selections.

Commissioner Harris stated that the award was only possible because of all the effort and hard work of the Arizona Game and Fish Department staff. The Commission sets policies, but the success of those policies is only because of implementation by Department staff, so this award goes to each member of the Department.

Director Voyles announced two additional WAFWA awards received by the Department: Deputy Director Ty Gray received special recognition for his level of commitment and service to coordinated conservation efforts across the western states and Steve Rosenstock received WAFWA's Professional of the Year Award.

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2. Call to the Public

There were no requests to speak to the Commission.

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3. Consent Agenda

The following items were grouped together and noticed as consent agenda items to expedite action on routine matters, and/or they were previously presented to the Commission as a "first read" item. 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 there were no requests to pull any items for discussion.

a. Shooting Sports Activities Briefing

Presenter: Marty Fabritz, Shooting Sports Branch Chief

The Commission was provided with a written Shooting Sports Activities Briefing prior to this meeting (also available to the public) related to shooting sports including shooting programs and shooting range development statewide. The briefing covered activities and events that have occurred since the last regular Commission meeting. The briefing was placed on the consent agenda for approval or to be pulled from the consent agenda for questions and/or discussion.

b. Information, Education and Wildlife Recreation Activities Briefing

Presenter: Anthony A. Guiles, Assistant Director, Information and Education Division

The Commission was provided with a written Information, Education and Wildlife Recreation Activities briefing prior to this meeting (also available to the public) of Department activities and events related to Information, Education and Wildlife Recreation Programs. The briefing covers activities and events that have occurred since the last Commission meeting, including the proposed Wildlife Center project. The briefing was placed on the consent agenda for approval or to be pulled from the consent agenda for questions and/or discussion.

c. Law Enforcement Program Briefing

Presenter: Gene F. Elms, Law Enforcement Branch Chief

The Commission was provided with a written Law Enforcement Program Briefing prior to this meeting of Department activities and developments relating to the Department's Law Enforcement Program. The briefing covers activities and events that have occurred since the last Commission meeting. The briefing was placed on the consent agenda for approval or to be pulled from the consent agenda for questions and/or discussion.

d. Lands and Habitat Program Update

Presenter: Dr. Joyce Francis, Habitat Branch Chief

The Commission was provided with a written Lands and Habitat Program Update (attached) prior to this meeting (also available to the public) of Department activities and events related to the implementation of land and resource management plans and projects on private, state and federal lands in Arizona and other matters related thereto. The update covers activities and events that have occurred since the last Commission meeting. The update was placed on the consent agenda for approval or to be pulled from the consent agenda for questions and/or discussion.

e. Approval of a Special Use Permit with Coconino National Forest

Presenter: Joyce Francis, Habitat Branch Chief

The Arizona Game and Fish Department has operated the Sterling Springs Hatchery on the Coconino National Forest (Service) since 1955. This use is authorized through a Special Use Permit (SUP) issued by the Service. The current SUP has expired, and it is necessary to renew the Permit.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE RENEWAL OF A NATIONAL FOREST SERVICE SPECIAL USE PERMIT FOR THE CONTINUED OPERATION OF STERLING SPRINGS HATCHERY, AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

f. Approval of Memorandum of Understanding with the City of Show Low, Arizona State Parks and Apache-Sitgreaves National Forest Related to Fool Hollow Recreation Area.

Presenter: Chris Bagnoli, Pinetop Regional Supervisor

The Arizona Game and Fish Department desires to work with the City of Show Low, Arizona State Parks and Apache-Sitgreaves National Forest to cooperatively manage Fool Hollow Lake Recreation Area. The Commission has been a partner in several agreements for this purpose since 1991. The Memorandum of Understanding (MOU) provides a framework for the cooperative management of Fool Hollow Recreation Area on Forest Service and Department lands. This MOU commits the Department to: cooperate with the City of Show Low, Arizona State Parks and Apache-Sitgreaves National Forest in the construction, reconstruction, operation, maintenance and management of the Fool Hollow Lake Recreation Area for the recreating public.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE RENEWAL OF A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF SHOW LOW, ARIZONA STATE PARKS AND APACHE-SITGREAVES NATIONAL FOREST AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

g. Approval of a Road Use Agreement at Lower San Pedro River Wildlife Area

Presenter: Joyce Francis, Habitat Branch Chief

The previous owner of the Commission's Lower San Pedro River Wildlife Area (Triangle Bar Ranch) had an agreement allowing an adjacent landowner access through the property on an existing dirt road during high river flows. Without this alternative access, the adjacent landowner would be unable to access or leave his property during these conditions. The Department would like to continue this arrangement by entering into a road use agreement with the adjacent landowner. Conditions of the agreement would allow the adjacent landowner use of this road only during high flow events, and would be for a period of 20 years.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE AGREEMENT WITH THE ADJACENT LANDOWNER FOR ACCESS THROUGH THE LOWER SAN PEDRO RIVER WILDLIFE AREA DURING HIGH FLOW EVENTS, AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

h. Approval of a Memorandum of Understanding (MOU) with the City of Yuma related to the Arizona Boating Access Program.

Presenter: Mark Weise, Development Branch Chief

Based on inter-agency coordination between the Department and the City of Yuma (City), there is a mutual desire to expand opportunities for the City to participate in the Department's Federal Aid F-19-D Project (Arizona Boating Access Program). The City is specifically interested in improving watercraft access to the Colorado River, including opportunities for the construction, improvement or maintenance of public boating access facilities.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE A MEMO OF UNDERSTANDING WITH THE CITY OF YUMA AS PRESENTED.

i. Approval of a Memorandum of Understanding (MOU) with the Town of Clarkdale related to the Arizona Boating Access Program

Presenter: Mark Weise, Development Branch Chief

Based on inter-agency coordination between the Department and the Town of Clarkdale (Town), there is a mutual desire to expand opportunities for the Town to participate in the Department's Federal Aid F-19-D Project (Arizona Boating Access Program). The Town is specifically interested in improving paddlecraft access to the Verde River, including opportunities for the construction, improvement or maintenance of public boating access facilities.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE A MEMO OF UNDERSTANDING WITH THE TOWN OF CLARKDALE AS PRESENTED.

j. Approval of Intergovernmental Agreements between the Arizona Game and Fish Commission and the Cities of Gilbert and Avondale for the Community Fishing Program

Presenter: Chris Cantrell, Chief of Fisheries

In January 2014, the Urban Fishing Program was rebranded and renamed to the Community Fishing Program. In addition, the Program expanded from 21 to 36 waters. Angler participation has steadily increased in this program since inception 29 years ago. The program has historically operated under a self-supporting concept whereby license sales and municipal partnership fee revenues met or exceeded program expenses. Although the license structure changed in 2014, the importance of these waters to reaching and connecting with urban communities remains vital. The Community Fishing Program has charted a course to increase participation from approximately 65,000 anglers to 200,000 anglers over the next 15 years. This Program generates the partnerships with municipalities to provide opportunities for inter-city residents to engage in recreational fishing. The motto of the program has been "If the people can't get to the fish, we'll bring the fish to the people".

The Department recommends THAT THE COMMISSION VOTE TO AUTHORIZE THE DEPARTMENT TO FINALIZE NEGOTIATIONS, EXECUTE, AND AMEND AS NECESSARY INTERGOVERNMENTAL AGREEMENTS AND ANY FUTURE SUB-AGREEMENTS BETWEEN THE DEPARTMENT AND THE CITIES OF GILBERT, AND AVONDALE TO IMPLEMENT THE COMMUNITY FISHING PROGRAM FOR A PERIOD OF FOUR YEARS, COMMENCING APPROXIMATELY SEPTEMBER 1, 2014 THROUGH JUNE 30, 2018 ON COMMUNITY FISHING WATERS, AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO APPROVE THE AGREEMENTS AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

k. Approval of a Cooperative Agreement among the Arizona Game and Fish Commission, Nevada Department of Transportation and the Nevada Department of Wildlife Related to Wildlife Studies

Presenter: Tim Wade, Chief, Wildlife Contracts Branch

The Nevada Department of Transportation and the Nevada Department of Wildlife wish to utilize the expertise of the Department to minimize impacts of the proposed Boulder City Bypass on their resident desert bighorn sheep population. The proposed Bypass is immediately across the Colorado River from Arizona's Black Mountain desert bighorn sheep population, and speculation persists that the populations may be contiguous, or at least genetically connected. All costs of the Department's involvement will be paid for by the State of Nevada under appropriate Collection Agreements.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE A COOPERATIVE AGREEMENT AMONG THE ARIZONA GAME AND FISH

COMMISSION, NEVADA DEPARTMENT OF TRANSPORTATION AND THE NEVADA DIVISION OF WILDLIFE.

Motion: Davis moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEMS A, B, C, D, E, F, G, H, I, J AND K.

Vote: Unanimous

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4. Legislative Engagement and State and Federal Legislation

Presenter: Jorge Canaca, Legislative Liaison

Mr. Canaca 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:

State Legislation

The Department is monitoring the legislative races for statewide offices and local government, including the race for Governor and Secretary of State.

Interim Activity Engagement:

- The Department's Legislative Team is calling for internal legislative proposals. The Team will review proposals in August and present vetted proposals to the Commission at the September Commission meeting; September 4 is the Governor's deadline for draft legislation
- Legislative tours have been scheduled for Sipe Wildlife Area on August 11-13 and Marble Canyon/Lees Ferry on August 20-22; Potential topics of discussion will be Mexican gray wolf, GCNP bison, wildfires and wildlife impacts, hunter access, and shooting sports.

Federal Legislation

S. 2363 Bipartisan Sportsmen's Act

- Bipartisan Sportsmen's Acts amendments fall victim to Senate gridlock
- McCain Amendments: National Fish Hatchery System, Mitigation Activities and NPS Wildlife Management; Opportunities to add amendments in Conference Committee or in the House of Representatives still exist; Senator McCain has reiterated his commitment to these issues.

H.R. 5026 Fish Hatchery Protection Act (Gosar)

- Addresses the Willow Beach Hatchery closure by placing a 10-year moratorium on USFWS closing any national fish hatchery without the express consent of Congress
- Chairman Mansell testified before the House Natural Resources Committee, Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs

- The measure was fast tracked and received a full committee markup on July 30; Passed Committee 25-17 on a roll call vote.

Mr. Canaca noted that during the hearing on H.R. 5026, Congressman Gosar asked USFWS Deputy Director Guertin what their plan would be if the pipeline was fixed at the Willow Beach Fish Hatchery. Deputy Director Guertin responded that if the pipeline was fixed, they would reconstitute the trout propagation program. Mr. Canaca commented that to get that kind of commitment at a testimony and on the record was a big accomplishment.

Chairman Mansell stated that it was an honor to represent the Commission at the hearing and pointed out two things: 1) The decision by USFWS to close the hatchery was done without any public comment or discussion with stakeholders and that is against the law, and 2) the USFWS admitted that they did not do any economic analysis on the closing of the hatchery and they are required to do that by statute. Chairman Mansell is sure that it made a difference for the Department to go to the hearing and press the issue.

Motion: Madden moved and Davis seconded THAT THE COMMISSION VOTE TO FORMALLY SUPPORT H.R. 5026 FISH HATCHERY PROTECTION ACT.

Commissioner Davis commented that the Department has done some excellent work in representing the Department and the State of Arizona.

Commissioner Harris agreed with Commissioner Davis and added that this really solidifies what the Department and Commission does and the far-reaching impact that we have and not just for Arizona, but for economics in all the western states.

Chairman Mansell mentioned the amendment by Senator McCain regarding bison and that it didn't go anywhere, and reminded the Department that around January this year, the Commission gave the Department direction to seek whatever legislative means necessary to achieve these goals and to protect and promote the State's authority to manage wildlife. The Commission would like the Department to continue to do those things to promote wildlife.

Vote: Unanimous

Public Lands Renewable Energy Development Act (Wildlife and recreational access mitigation through leasing revenues):

- In March 2013, the Commission supported H.R. 596 (Rep. Gosar), (promotes renewable energy on public lands)
- HR 596 received a hearing July 29th in a subcommittee of House Natural Resources (Governor's office testified in support)
- The Senate version S. 279 (Sen. Tester) also received a hearing the same day in a subcommittee of the Energy and Natural Resources Committee.

FY 2015 National Defense Authorization Act

- H.R. 4309 Sikes Act Amendments, supported by the Commission April 2014; Gosar amendment specifies the monies off-installation must be in compliance with an approved Integrated Natural Resources Management Plan (INRMP); INRMP's must be approved by the State

- Provisions of HR 4309 included in House NDAA; Commitments from Senators McCain and Flake to potentially include in Senate NDAA.

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Chairman Mansell requested and Executive Session for legal advice regarding agenda items 5 and 5A.

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: Harris moved and Madden seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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Meeting recessed for a break at 9:38 a.m.

Meeting reconvened at 9:49 a.m.

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5. Customer Portal Project

Presenter: Doug Cummings, Branch Chief, Information Systems

Mr. Cummings presented an update using a PowerPoint presentation on the development of the Customer Portal (website with Customer Login capabilities with improved customer access to information, products and services). The briefing included an update on progress since the June Commission meeting on the Portal framework development and an updated schedule for implementation by January 2015.

Scott Lavin, Wildlife Recreation Branch Chief, was prepared to provide an update on bundled services, however, the Commission requested to dispense with this briefing.

Motion: Davis moved and Madden seconded THAT THE COMMISSION VOTE TO DISPENSE WITH THE BRIEFING ON BUNDLED SERVICES DUE TO DISCUSSION AND ADVICE FROM LEGAL COUNSEL IN EXECUTIVE SESSION AND TO REQUEST THIS BRIEFING LATER IF NEEDED AFTER AGENDA ITEM 5A.

Vote: Unanimous

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5A. Request to Approve Out-of-Cycle Final Rulemaking for a Membership Program Tag Surrender, Tag Transfer, Bonus Point Reinstatement, and Issuance and Use of Tags

Presenter: Jennifer Stewart, Rules and Risk Branch Chief

Chairman Mansell stated that he believed the Commission wanted to dispense with this presentation, however, first, he had a request to speak from the public.

Public Comment

Blaine Bickford, representing himself, expressed his opposition to bundled services, especially with surrendered tag potential and transfer tag potential, that will become an elitist membership program for money only. This will destroy recruitment and retention by even discussing this topic. The Commission needs to terminate this idea.

Commissioner Davis stated that there have been a lot of sportsmen that have approached the Commission about tag surrender and having the ability to do that because of unforeseen events such as illness or death. The Commission has tried to be responsive to that issue, but there is cost associated with any program. The concept of the membership was built on the concept of being able to voluntarily fund conservation without raising license and tag fees. The intention is in no way an attempt to create an elite class of hunters or organization, it is actually the reverse of that, which is to ensure the lowest cost for tags and license fees so that all of us can still access the field.

Mr. Bickford stated that he is not against the concept of tag surrender or transfer, but strongly objects that it only be through a membership program through the Portal.

The Commission discussed that they support the concept of tag surrender and tag transfer, but there may be some unintended consequences and it may need further review to make sure there are safeguards in place and that new problems are not created. There is always some turbulence when changes take place, but this needs to take place as smoothly as possible.

Motion: Davis moved and Madden seconded THAT THE COMMISSION VOTE TO REMOVE THE TAG TRANSFER / BUNDLED SERVICES COMPONENT, AND MOVE THAT INTO ARTICLE 1 RULEMAKING FOR IMPLEMENTATION IN 2016, AND THAT THE COMMISSION DIRECT THE DEPARTMENT TO COME BACK WITH RECOMMENDATIONS THAT DEAL WITH UNINTENDED CONSEQUENCES, AND ALSO DIRECT THE DEPARTMENT TO COME BACK WITH THE FORMATION, DISCUSSION AND RECOMMENDATIONS RELATED TO A CONSERVATION BONUS POINT FOR DISCUSSION PURPOSES RELATED TO OUR VOLUNTEER SYSTEMS (THAT WOULD BECOME BONUS POINT REFORM DONE THROUGH ARTICLE 1).

Jim Odenkirk clarified with the Commission that the motion would be to remove from the out-of-cycle rulemaking those provisions dealing with a tag surrender option. There would still be other provisions in the out-of-cycle rulemaking such as the definition of proof of purchase relating to tag definition, provisions with regard to people who appeal the issue of denial of bonus points. So if the motion is approved it would require a notice of supplemental rulemaking that removes those provisions identified and an additional notice of the remaining items that would move forward as an out-of-cycle rulemaking.

The Commission agreed with Mr. Odenkirk's clarification.

Commissioner Harris asked Ms. Stewart to define the timeline with these changes.

Ms. Stewart stated that the current timeline for Article 1 involved providing a preview of Department recommendations in December, and then to bring it back to the Commission in early 2015 to request approval of a proposed rulemaking package. It would then go out for public comment and the final rulemaking would be presented to the Commission and then submitted to GRRC. It would probably go into effect sometime in fall of 2015. The question is whether to substantively change the out-of-cycle package today and try to move forward with two separate rule packages or to incorporate all concepts into Article 1 with a 2016 implementation date.

Commissioner Davis restated his motion and Madden accepted the restatement.

Restated motion: Davis moved and Madden seconded THAT THE COMMISSION VOTE TO MOVE EVERYTHING FROM THE OUT-OF-CYCLE RULEMAKING INTO THE ARTICLE 1 RULEMAKING FOR IMPLEMENTATION IN 2016, INCLUDING AN APPLICATION FOR GROUPS TO SEEK DONATED TAGS TO DISTRIBUTE; AND THAT THE COMMISSION DIRECT THE DEPARTMENT TO COME BACK WITH RECOMMENDATIONS THAT DEAL WITH UNINTENDED CONSEQUENCES, AND ALSO DIRECT THE DEPARTMENT TO COME BACK WITH THE FORMATION, DISCUSSION AND RECOMMENDATIONS RELATED TO A CONSERVATION BONUS POINT FOR DISCUSSION PURPOSES RELATED TO OUR VOLUNTEER SYSTEMS (THAT WOULD BECOME BONUS POINT REFORM DONE THROUGH ARTICLE 1).

The Department will bring this back to the Commission at the September Commission meeting if needed.

Commissioner Madden stated for the record that he supports the Portal and bundled services concept.

Vote: Unanimous

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6. 2014 Building Owners and Managers Association (BOMA) International, The Outstanding Building of the Year (TOBY) Award (Government Building Category - Arizona Game and Fish Headquarters Facility).

Presenter: Mark Weise, Development Branch Chief

Mr. Weise, along with Chief Engineer Fred Bloom and David Krumwiede with Lincoln Properties, presented the Commission with an overview of the Department's Headquarter Facility Platinum LEED certification and an overview of the 2014 BOMA TOBY award. The Arizona Game and Fish Department's Headquarter Facility is among only fourteen buildings from around the world to earn an International BOMA "The Outstanding Building of the Year" award at this year's BOMA conference recently held in Orlando. The TOBY awards are directed by the Building Owners and Managers Association and are the industry's most prestigious honor for excellence in building quality and management. Competitors for this year's international

award came from as far away as Beijing. This win follows recent local and regional wins for the Department's Headquarters Facility in the Government Building category.

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7. Request to Approve Proposed Rulemaking Amending Article 4 Rules Addressing Live Wildlife.

Presenter: Pat Crouch, FOR6 Field Supervisor

Mr. Crouch briefed the Commission on a Notice of Rulemaking Docket Opening, Notice of Proposed Rulemaking, and Economic Impact Statement amending rules within Article 4, addressing live wildlife. A full presentation was provided at the May Commission meeting where the Commission provided input which has been implemented. The Department proposes to amend rules within Article 4 addressing live wildlife to enact amendments developed during the preceding Five-year Review Report approved by the Commission at the September 2013 meeting and by the Governor's Regulatory Review Council at their December 2013 meeting. The Commission was provided with the proposed Article 4 rulemaking prior to this meeting for review and consideration. In addition to nonsubstantive amendments made to ensure conformity with the Arizona Administrative Procedures Act and the Secretary of State's rulemaking format and style requirements; the following highlights are the Department's proposed rule amendments:

For all special license rules:

- Clarify that a special license: does not exempt the licensee from all applicable laws and rules or allow any activities using federally-protected wildlife, unless the licensee possesses authorization from U.S. agency. The licensee is responsible for compliance with all applicable laws and rules
- Expand the time-frame for denying a license for conviction of illegal holding/possession of wildlife violation from 3 to 5 years
- Require a license holder to ensure wildlife is accompanied by a health certificate.

R12-4-401. Definitions

- Amend or update several definitions to increase consistency within Article 4 rules
- Define adoption, aversion training, educational institution, health certificate, noncommercial use, nonhuman primate, person, research facility, species of greatest concern, taxa, unique identifier, and wildlife disease
- Reference IT IS.

R12-4-402. Live Wildlife; Unlawful Acts

- Establish the Department's authority to euthanize acquired/seized wildlife
- R12-4-404. Possession of Live Wildlife Taken Under an Arizona Hunting or Fishing License
- Allow the use of reptiles for aversion training. This activity is currently allowed, but is not addressed in rule.

R12-4-406. Restricted Live Wildlife

- Delist hedgehogs to allow their use as pets
- List all federally listed threatened/endangered species and all MBTA migratory birds as restricted wildlife to prevent persons from unknowingly violating federal regulations
- List apple snails, Chinese mystery snails, false dark mussels, non-human primates, paddlefish, red shiner, sturgeon, five species of tilapia, transgenic wildlife, and wildlife listed under AIS Director's Order #1 as restricted wildlife as they pose a significant threat to native wildlife/habitat or human health and safety. Restricted wildlife may not be possessed unless authorized by the Department.

R12-4-407. Exemptions from Special License Requirements for Restricted Wildlife

- Allow a person to set-up a temporary exhibit using wildlife and allow use of wildlife for commercial photography while simultaneously protecting the public health and safety
- Require a person to dispose of wildlife that dies while in transport as directed by the Department.

R12-4-409. General Provisions and Penalties for Special Licenses

- Expand options the Department may use when a licensee fails to comply with laws and rules and allow a licensee whose renewal is denied to possess wildlife until the final day on which a judicial review may be requested to allow due process.

R12-4-410. Aquatic Wildlife Stocking License

- Establish a protocol for disease control to increase consistency between rules
- Establish the Department's authority to perform inspections.

R12-4-414. Game Bird Shooting Preserve License

- Combine R12-4-414, R12-4-415, R12-4-416, and R12-4-419 into one rule addressing game birds. This requires repealing R12-4-415, R12-4-416, and R12-4-419.

R12-4-420. Zoo License

- Prohibit transfers of restricted wildlife from zoos to private game farms in an effort to protect wildlife resources and prevent unregulated commercial breeding.

R12-4-421. Wildlife Service License

- Prohibit the possession of wildlife carcasses/parts as this is not consistent with the rule's intent.

R12-4-422. Sport Falconry License

- Expand restrictions placed on apprentices regarding the possession of federally-listed/endangered species to include subspecies and prohibit the transfer of permit-tag, nonpermit-tag, and quota regulated raptor species to out-of-state falconers within one-year of capture.

R12-4-423. Wildlife Rehabilitation License

- Require a licensee to contact the Department if they receive and/or treat a special status species
- Allow the Department to deny a license to a person who intentionally causes an animal to imprint on humans.

R12-4-424. White Amur Stocking and Holding License

- Require applicants to further examine the potential for adverse impacts on existing wildlife species in a licensed area
- Establish a protocol for disease control and Department's ability to perform inspections.

R12-4-425. Restricted Live Wildlife Lawfully Possessed without License or Permit Before the Effective Date of Article 4 or Any Subsequent Amendments

- Require a person who possesses (now restricted) wildlife prior to its listing under R12-4-406 to notify the Department of the animal(s) and its unique identifier(s)
- Establish that the transfer of wildlife held under this rule nullifies the exemption
- Restrict propagation and remove language implying offspring are exempt from reporting requirements.

R12-4-426. Possession of Primates

- Restrict the possession of primates to zoo licensees, research facilities, and persons exempt under R12-4-425
- Add other zoonotic diseases to clarify the various testing requirements
- Require persons to transport primates in a secure cage, crate, or carrier to reduce the risk of escape and threat to public health, safety, and welfare.

R12-4-428. Captivity Standards

- Require the licensee to provide an enclosure that promotes the psychological well-being of captive animals and veterinary care even when the animal will be kept for less than 1-year.

R12-4-430. Importation, Handling, and Possession of Cervids

- Expand disease testing options to reduce the burden and costs to the regulated community and the Department.

A addition to the proposed rulemaking that was touched on at the May Commission meeting is the restriction of propagation of captive desert tortoises for management and potential impacts to the native tortoises. The Department would like to add this to the rule.

If approved by the Commission and in accordance with the exemption authorized under item #4 of Executive Order 2012-03 State Regulatory Review, Moratorium and Streamlining to Promote Job Creation and Retention, the Department will submit this rulemaking to the Secretary of State's office for publication in the *Arizona Administrative Register*. 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 Final Rulemaking to the Commission for their consideration.

Motion: Harris moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE THE ARTICLE 4 RULEMAKING PACKAGE ADDRESSING LIVE WILDLIFE.

Vote: Unanimous

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8. Request to Allow Article 9 Rules, Addressing Arizona Wildlife Conservation Fund Grants, to Expire Under A.R.S. § 41-1056(J).

Presenter: Sherry Crouch, Funds and Planning Branch Chief

Ms. Crouch briefed the Commission the Department's request to allow Article 9 Rules, addressing Arizona Wildlife Conservation Fund Grants, to expire under A.R.S. § 41-1056(J). Under A.R.S. § 41-1056, an agency is required to conduct an internal review of all of its rules. If an agency fails to submit a five-year review report (5YRR) before the due date, the rules scheduled for review will expire and are no longer enforceable. The Governor's Regulatory Review Council (G.R.R.C.) establishes the 5YRR schedule and the scheduled due date for the Article 9 report is March 2015. Since April 30, 2005 (Article 9 effective date), the Department has solicited Article 9 grants twice:

- In 2007, the Department solicited grant applications, and in 2008 the Department awarded \$260,000 for ten projects.
- In 2008, the Department solicited grant applications and in 2009 the Department awarded \$300,000 for nine projects.

Since 2009, the Department has used Arizona Wildlife Conservation fund (WCF) monies to further Department projects and does not foresee issuing any grants under this Article in the future.

Subsequent discussions with Department personnel and Executive staff resulted in the recommendation to allow the Article 9 rules to expire as authorized under A.R.S. § 41-1056(J) because the Department uses monies held in the Arizona wildlife conservation fund for Department projects and does not foresee soliciting grants under this Article in the future. In the event the Department is in a position to award grants from the WCF in the future, the Department may do so without having to pursue rulemaking as A.R.S. 41, Chapter 24 Solicitation and Award of Grants prescribe competitive grant solicitation requirements and procedures that allow any state agency to solicit and award grants.

If approved by the Commission, upon receipt of the Five-year review report due date notification from G.R.R.C., the Department will send a letter to the Council Chair notifying G.R.R.C. of the Commission's intent to allow the Article 9 rules to expire, as authorized under A.R.S. § 41-1056(J).

The Commission was in consensus to place this item on the consent agenda for the next regular Commission meeting.

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10. New Commission Policy on Recreational Shooting upon Arizona's Public Lands

Presenter: Marty Fabritz, Shooting Sports Branch Chief

Mr. Fabritz briefed the Commission on a new Commission policy, which sets forth the Commission's position on the importance of maintaining all wildlife-related outdoor recreational opportunities including recreational shooting. At the May, 2014, Commission meeting, staff was directed to draft a policy which sets forth the Commission's support and position on the importance of maintaining all wildlife-related outdoor recreational opportunities.

Commissioner Davis commented and wanted to make it clear that where the policy states the Department will actively advocate means the Department will use all means necessary including legal, congressional, and legislative, to pursue and preserve recreational shooting on Arizona's public lands.

The Commission was in consensus to place this item on the consent agenda for the next regular Commission meeting.

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Meeting recessed for a break at 10:54 a.m.

Meeting reconvened at 11:11 a.m.

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10A. Enhancing telecommunications at Ben Avery Shooting Facility

Presenter: Joyce Francis, Habitat Branch Chief

Ms. Francis briefed the Commission on the Department's request to enhance cell phone coverage and other telecommunications at Ben Avery Shooting Facility which will require rezoning a 300 foot radius around an existing tower. Verizon Wireless has requested authorization to use the tower located behind the Arizona Department of Transportation building on the Ben Avery Shooting Facility to install telecommunications equipment. This installation will provide enhanced service to their customers and to the Department's Headquarters and Ben Avery Shooting Facilities. The area around the tower is currently zoned SP-1 which includes Farming, Residential, and Government activities. Use of the tower by Verizon will require an area 300 feet in radius around the tower to be rezoned to C-2 Commercial according to City of Phoenix zoning laws. The rezone will not affect the Commission's continued use of the property as a shooting range, nor will it cause any disruption in range activities. At this time the Department is requesting the Commission to approve authorizing Verizon Wireless to pursue the rezone through the City of Phoenix. Verizon will be responsible for the costs associated with this action. Additionally, a license for use of the tower (including use fee) and associated easement for the placement of underground utilities will be presented to the Commission for approval at a future meeting.

Motion: Madden moved and Harris seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO PROCEED WITH THE REZONING AT THE BEN AVERY SHOOTING FACILITY FOR THE PURPOSE OF ENHANCED TELECOMMUNICATIONS AS PRESENTED.

Vote: Unanimous

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11. Approval of a Memorandum of Understanding with the National Park Service (NPS) to establish cooperating agency status for a Bison Management Plan and Environmental Impact Statement at Grand Canyon National Park, Arizona

Presenter: Craig McMullen, Flagstaff Regional Supervisor

Mr. McMullen provided the Commission with a PowerPoint presentation on a proposed Memorandum of Understanding (MOU) granting the Department cooperating agency status in the preparation of a Bison Management Plan and Environmental Impact Statement at Grand Canyon National Park, Arizona. In 2008, Grand Canyon National Park, the Department, and U.S. Forest Service (USFS) formed a workgroup to address cooperative management of bison from the House Rock Wildlife Area that have increased in number and now range widely on adjacent National Park Service (NPS) and USFS lands. The NPS has initiated preparation of an Environmental Impact Statement and management plan for bison within Grand Canyon National Park. The NPS recognizes the special expertise and jurisdiction AGFD has in managing bison outside the park, and has invited the Department to be a cooperating agency in the EIS process, pursuant to Council on Environmental Quality (CEQ) regulations, 40 C.F.R. Part 1500-1508, Executive Order 13352 on cooperative conservation, and the Department of the Interior (DOI) NEPA regulations (43 C.F.R. §§ 46.225, 46.330).

Mr. McMullen's presentation highlighted several elements of the MOU as follows:

Purpose of the MOU:

- Provide a framework for cooperation and coordination between the Parties to successfully complete the NEPA
- Describe the general roles and responsibilities of each Party, as the lead or cooperating agency
- Ensure that the working relationship between the Parties meets the purposes and intent of NEPA

The National Park Service and the Arizona Game and Fish Department agree to:

- Commit to maintaining the confidentiality of documents and deliberations during the period prior to the public release
- Participate in this planning process in good faith and make every effort to resolve any perceived areas of conflict

The NPS agrees to:

- Hold joint meetings, keep cooperators apprised
- Give meaningful consideration to cooperating agency input so relevant information can be changed or incorporated before documents go public
- Use cooperating agency analyses and proposals to maximum extent possible
- Share substantive public comment with cooperating agency
- Provide cooperating agency information from decision file upon request

Department agrees to:

- Identify issues to be addressed in NEPA documents

- Collect and/or assemble necessary resource, environmental, social, economic, and institutional data
- Develop and analyze alternatives; Review drafts of NEPA documents
- Provide written evaluations of the effects of implementing each alternative

Term of MOU:

- Executed as of last date of signature and in effect until NEPA process completed, unless extended by mutual agreement
- Amendments: As mutually agreed upon

Chairman Mansell asked about the cost of the NEPA and if NPS was paying for most of it.

Mr. Mullen stated that NPS is paying the entire cost of the NEPA.

Commissioner Davis confirmed with Mr. McMullen that this MOU does not prevent the Department from considering other courses of action such as congressional action to resolve the bison issues.

The Commission was in consensus to place this item on the consent agenda for the next regular Commission meeting.

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12. Approval of a License Agreement at Horseshoe Ranch

Presenter: Jay Cook, Mesa Regional Supervisor

Mr. Cook provided a PowerPoint presentation and briefing the Department's request to enter into a License Agreement with Northern Arizona University for approximately three acres at Horseshoe Ranch. The purpose of the agreement is for the creation of Fremont cottonwood trees and native upland grass/forb/shrub plant community under story on the upper terrace of the Agua Fria River on the property; on land previously used for agricultural crops. The habitat restoration will be done with research design and objectives (experimental garden) established through grant obligation with the National Science Foundation (NSF) for the *Macrosystems: Landscape Genetics of Fremont Cottonwoods* project for a 5-year research period; and in fulfillment of the property management goals set forth in the Horseshoe Ranch Property Operational Plan. Over time, other native plants may be incorporated into the garden; and the garden could support threatened/endangered species; and serve as a cutting orchard for future in-channel restoration activities in the Agua Fria watershed and on the Ranch. This site would be one of three experimental gardens in a larger regional-scale research project to investigate the impacts of climate change and exotic species invasions on Fremont cottonwood, a foundation species for Southwestern native riparian habitats. The goal of the research is to identify superior source populations and genotypes that will be best suited to adapt to climate change and exotic species invasions; and to develop riparian conservation management strategies and restoration practices that will be shared with resource managers through participation with the newly NSF-funded Southwest Experimental Garden Array (SEGA).

Tom Whitham and Kevin Grady from Northern Arizona University, addressed the Commission

in support of the license agreement at Horseshoe Ranch.

Motion: Madden moved and Ammons seconded THAT THE COMMISSION VOTE TO PLACE THIS LICENSE AGREEMENT WITH NORTHERN ARIZONA UNIVERSITY ON THE CONSENT AGENDA FOR THE NEXT REGULAR COMMISSION MEETING.

Vote: Unanimous

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13. Briefing on the Intermountain West Corridor Project

Presenter: Joyce Francis, Habitat Branch Chief

Ms. Francis provided an update for informational purposes only using a PowerPoint presentation that included maps on the I-11 and Intermountain West Corridor Project and the Department's engagement, role, and data development. The intermountain west corridor (IWC) is envisioned to be an important part of a higher level planning effort for a multimodal transportation corridor (CANAMEX) connecting Mexico, the United States, and Canada. The corridor will contain a continuous 4 lane roadway. In the same or parallel right of way it could also contain a combination of freight and passenger rail, other transit, pipeline, and or energy and transmission lines. The section of that corridor connecting Phoenix, Arizona to Las Vegas, Nevada is the priority section; it has been designated by Congress as the future Interstate 11 (I-11) but has not yet been funded. At the moment Arizona Department of Transportation's (ADOT) focus, and the Department's, is on the I-11 segment. However, the Department is aware that the southern section, connecting Phoenix to Tucson is also planned. The Department is watching those developments closely.

The construction of a multimodal corridor of this magnitude, essentially bisecting the State, could have major effects on wildlife. Those effects include but are not limited to: habitat fragmentation, destruction of habitat, genetic isolation, barriers to resources such as food or water, and direct mortality. It will also have the potential to drive future development further affecting wildlife resources. Realizing the magnitude of the challenge, the Department was quick to form a working team and approached ADOT very early in the planning process. The Department actively engaged in the Level 1 and Level 2 planning for the I-11 segment. Through that early engagement, the Department was able to suggest changes to the evaluation criteria to more fully incorporate wildlife concerns. That work concluded in July of 2014.

The Department has stayed engaged both internally and with ADOT during the Level 1 and 2 analyses; The Department recently commented on ADOT's technical reports that constitute the final stage (Phase III) of the Level 2 analysis. These Phase III reports included a Draft Corridor Concept Report, a Draft Segments of Independent Utility (SIU) Implementation Program, a Draft Business Case, a Draft Southern Arizona Future Connectivity Corridor Feasibility Assessment Report, and an updated version of the Draft Level 2 Evaluation Results Summary. ADOT is now in the process of incorporating review comments into these reports and will be issuing final versions of these Phase III documents in the coming weeks.

The SIUs identified in the Implementation Program are defined as having “logical termini and substantial independent utility”. Generally, they represent functional phases for a phased construction approach (for example, the stretch of US 93 between Wickenburg and I-40). ADOT has indicated that they may proceed with NEPA on individual SIUs as funding permits. The Department and others have expressed concerns that this approach would result in a weak analysis. Specifically, the results from one SIU could predetermine the results in an adjacent one. The appropriate analysis should occur for all alternatives at once. There is considerable uncertainty as to what ADOT’s next actions will be, or when they will occur.

Internally, Department staff has reconvened a number of times to continue work on developing the data and tools necessary to inform our work with ADOT into the future. Department staff met on June 16, 2014 to regroup and structure ourselves to more efficiently work towards specific goals. The FOWC Wildlife Contract Research Supervisor and the Habitat program managers from Regions 3, 4, 5, and 6 will be responsible for interacting with ADOT, and providing technical advice to ensure wildlife concerns are considered throughout the planning process. They will work with the Project Evaluation Program (PEP), GIS and Heritage Data Management Systems (HDMS) program managers to develop the methodologies and identify the data needed to analyze impacts from specific route segments. The PEP program manager will coordinate with the legislative liaison and Information & Education Branch as needed. Other members from this team, specifically the GIS and HDMS program managers, will also be members of a parallel team that will be tasked with developing the data and tools needed to fully analyze wildlife impacts and mitigation strategies for the IWC. They will be coordinating with FOD for data development and SSIS for technical support for the tools. The data and tools developed will further inform all of the Department’s project evaluations into the future.

At this moment, there are few opportunities to engage with ADOT while they finish their internal process. The Department is concentrating on being ready to charter a formal team when the NEPA process begins. In the meantime, the Department is working to develop the tools and data that will allow us to fully analyze impacts and develop mitigation recommendations.

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14. Approval of a License Agreement at Powers Butte Wildlife Area Related to a Warning Siren for Palo Verde Nuclear Power Plant, Maricopa County, Arizona.

Presenter: Joyce Francis, Habitat Branch Chief

Ms. Francis briefed the Commission using a PowerPoint presentation on a request for approval of a License Agreement with Arizona Public Service. Arizona Public Service (APS) has requested an agreement for the purpose of installation, operation, and maintenance of a warning siren for the Palo Verde nuclear power plant, at Powers Butte Wildlife Area. This Agreement would serve to grant APS a fifty-year term to install a 10’ x 10’ pad on the property to erect a warning siren, including road access for the operation and maintenance of the siren structure, computer box, solar collector, and related infrastructure on the pad. The Department has determined that the warning siren is important for public safety and will not compromise the value of the Wildlife Area. This License Agreement is consistent and compatible with the operation of Powers Butte Wildlife Area. APS will pay the Department a single time fee of \$2,400.

Motion: Madden moved and Ammons seconded THAT THE COMMISSION VOTE TO APPROVE A LICENSE AGREEMENT WITH ARIZONA PUBLIC SERVICE FOR THE PURPOSE OF INSTALLATION, OPERATION, AND MAINTENANCE OF A WARNING SIREN FOR THE PALO VERDE NUCLEAR POWER PLANT AT POWERS BUTTE WILDLIFE AREA AS PRESENTED.

Vote: Unanimous

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14A. Memorandum of Understanding (MOU) with the U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, and USDA Forest Service for Planning and Implementation of the West Fork Black River Aquatic Species Protection Project

Presenter: Chris Cantrell, Chief of Fisheries

Mr. Cantrell briefed the Commission using a PowerPoint presentation on a Memorandum of Understanding (MOU) to allow the Department to cooperate with partners on the planning and implementation of the West Fork Black River Aquatic Species Protection Project for Apache Trout and Loach Minnow conservation. The Department and the U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, and USDA Forest Service agree to work cooperatively where mutually beneficial to meet common objectives for the West Fork Black River Aquatic Species Protection Project, which includes the construction of a fish barrier to promote Apache Trout and Loach Minnow conservation. This MOU provides a framework for the relationship with regard to future activities.

The Commission was in consensus to place this item on the consent agenda for the next regular Commission meeting.

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17. Commission Meeting Travel Considerations

Presenter: Ty Gray, Deputy Director

Mr. Gray discussed with the Commission the Commission meeting travel cost considerations and guidelines. The Commission has been committed to conducting its regular Commission meetings throughout the state, including the Phoenix Headquarters office in order to better serve all of Arizona, enhance public trust and build relationships and partnerships with constituents. This commitment was reaffirmed at the June 2014 Commission meeting where the Commission voted unanimously to continue holding their regular meetings throughout the state including some at the Phoenix Headquarters Office in 2015. As part of this, the Department will regularly work with the Commission to consider ways to help limit travel costs associated with Commission meetings while still meeting their public trust responsibilities and providing service to all of Arizona.

Conducting Commission meetings throughout the state was referenced in the Arizona Auditor General's December 2013 Performance Audit Report of the Arizona Game and Fish

Commission, Department and Director. That report included the following recommendation:
1.3 The Department should work with the Commission to regularly consider ways to help limit travel costs associated with its commission meetings. As part of implementing the recommendation, the following guidance was discussed with the Commission to assist in determining attendance at Commission meetings and related travel logistics (NOTE: Many of these guidelines have already been implemented):

- Executive Staff members (or their acting's) will attend all regular Commission meetings
- Presenters will be in attendance (in-person) for their respective item(s) with the following exceptions:
 - Consent items that likely will not be pulled based on Commission feedback
 - Minor agenda items that can be handled by Assistant Director or other attending presenter (regular updates, consent items, etc.)
- Law Enforcement Officers will attend revocation hearings via teleconferencing from their Regional Office unless case circumstances dictate otherwise
- Staff attending to present or provide support for single/few items on same day will consider feasibility of traveling to and from the meetings in the same day
- Non-presenting Support Staff will attend via webcast/teleconferencing unless circumstances dictate otherwise (i.e. budget, hunt recommendations)
- The assigned Public Information Officer will monitor and take meeting notes via webcast from Phoenix
- Non-hosting Regional Supervisors will view the Commission meetings and Community Forums via webcast/teleconference
- Staff interested in particular agenda items but are not presenting or providing support will view the meeting via webcast unless circumstances dictate otherwise
- Interested staff positioned in the Region or Headquarters where the meeting is being hosted are encouraged to attend in person
- Hosting Regional Supervisors will determine/recommend whether to conduct Community Forums or alternative activities (i.e. field trip)
- Staff are directed to utilize the most cost effective methods for travel as feasible and appropriate (i.e. car-pooling, etc.)
- The Director's Office in coordination with Regional staff and local Commissioner (if applicable) will evaluate meeting and hotel room accommodations based on cost and functionality.

The Commission was in agreement with the guidelines.

Commissioner Harris noted that he did not want the Commission to lose sight of the fact that some of these things are essential to the management of wildlife in Arizona and in keeping contact with constituents.

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Meeting recessed for lunch at 12:01 a.m.

Meeting reconvened at 1:30 p.m.

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18. Executive Session

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

Motion: Harris moved and Madden seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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15. 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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16. Appeal of LAGOS Wildlife Holding License Denial

Presenter: Linda Pollock, Assistant Attorney General

Ms. Pollock presented the Commission with the written Decision by the Administrative Law Judge of the Office of Administrative Hearings (OAH). Ms. Pollock provided a PowerPoint presentation with information and photos related to the case. The following information and summary was provided:

Following a request for hearing by LAGOS, Betsy, dba Pinal Wildlife Rescue, after the Department denied her application for a 2014 Wildlife Holding License, the Department prepared and served in March 2014 a Notice of Hearing alleging 15 counts of failure to provide adequate care of wildlife in her possession and failure to maintain a wildlife log. The Notice of Hearing requested that the Commission deny LAGOS a 2014 Wildlife Holding License, and further deny a Wildlife Holding License or a Wildlife Rehabilitation License for a period of five years. The Commission voted to have the hearing conducted by the Arizona Office of Administrative Hearings, which was held on April 17 and June 5, 2014. In her 23-page Decision, the Administrative Law Judge found that the Department had proven the allegations; that LAGOS was not qualified to hold a Wildlife Holding License and that the Department had properly denied her application. The Decision recommends that the Commission revoke LAGOS' Wildlife Holding License and deny or refuse to renew any future applications for a period not to exceed two years.

The Department recommends that the Commission vote to deny LAGOS the right to apply for a Wildlife Holding License or a Wildlife Rehabilitation License for a period of five years instead of the two years as recommended in the OAH Decision.

The Commission took a few minutes to read a letter submitted by fax from Betsy Lagos (attached).

Commissioner Harris confirmed with Ms. Pollock that the maximum revocation period could be five years.

Public Comment

Valerie Motyka, Volunteer for Pinal Wildlife Rescue, addressed the Commission on behalf of Betsy Lagos and Pinal Wildlife Rescue. New enclosures have been built and the birds were in the process of being moved and many were in the new enclosures at the time they were confiscated by Game and Fish. There is now no rescue facility in the area without Pinal Wildlife Rescue and there is an abundant need for this facility. Ms. Motyka provided the Commission with photos of the new enclosures and letters of support from various groups and individuals. Ms. Motyka asked that the volunteers be allowed to assist in transport and triage.

Commissioner Davis discussed with Ms. Pollock that the Commission needs to cite the reasons if it rejects or modifies the OAH Decision and asked Ms. Pollock to describe those reasons.

Ms. Pollock stated that the Department submits that Ms. Lagos would not comply with Department regulations for the standards of care for wildlife for the entire time that Ms. Lagos held her licenses. Since 2009, she would not respond to Department requests, she would not tell the Department when she received new animals, she would not make the effort to license the animals that she had, and she would always hold animals beyond possession limits. And despite the Department's repeated interventions over a period of four years to try to bring her into compliance, nothing changed. The animals in her possession were in an appalling state at the October 2013 inspection. One had to be euthanized and the others required veterinary care at the Department's expense. It was Ms. Lagos' responsibility to care for the animals and the injured animals in her possession. She was repeatedly admonished to keep a log of the animals in her possession and the care that they had received, and she repeatedly failed to produce a log of her activities over the four to five years that she was a license holder.

Commissioner Davis discussed with Ms. Pollock that the animals were removed from both the new enclosures and the old enclosures, so the animals were still being held in nonconforming facilities.

Chairman Mansell commented that over a long period of time, the Department tried to communicate and provide support and guidance, which was not accepted.

Ms. Pollock stated that Chairman Mansell is correct and that the Department offered into evidence over 75 exhibits at the hearing and the majority was communications between the Department and Ms. Lagos in which the Department was trying to bring her into compliance.

Chairman Mansell stated that he would make the following motion based on those items.

Motion: Mansell moved and Harris seconded THAT THE COMMISSION VOTE TO ACCEPT DECISION NO. 14A-0034-AH-AZGFD, APPEAL OF BETSY LAGOS, DBA PINAL WILDIFE RESCUE, REVOKING LAGOS' WILDLIFE HOLDING LICENSE, AND TO MODIFY THE DECISION DENYING ANY

FUTURE APPLICATIONS OF BETSY LAGOS OR PINAL WILDLIFE RESCUE FOR A WILDLIFE HOLDING LICENSE OR A WILDLIFE REHABILITATION LICENSE FOR A PERIOD OF FIVE YEARS.

Vote: Aye - Mansell, Madden, Ammons, Harris
Nay - Davis
Passed 4 to 1

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16A. Hearing on Appeal of a Pioneer License Denial

Presenter: Jim Hinkle, Assistant Director, Field Operations Division

Mr. Hinkle presented this item on behalf of Yuma Regional Supervisor Pat Barber in an effort to comply with the travel guidelines as presented in agenda item #17. Mr. Hinkle briefed the Commission on an appeal by Martin Raebel regarding the Department's denial of his application for a Pioneer License. In a letter dated June 23, 2014, the Department denied an application from Martin Raebel for a Pioneer License in Arizona. Arizona Revised Statute § 17-336 (A.1) states that the Department may issue a complimentary license to an individual who is seventy years of age or older and who has been a resident of this state for 25 or more consecutive years immediately preceding application for the license. Commission Rule R12-4-201 (C) states the Department shall deny a Pioneer License if an applicant is not eligible, and because records indicate Mr. Raebel was a resident of Colorado between 1996 and 2000, he does not meet the eligibility requirement of being an Arizona resident for 25 consecutive years immediately preceding his application, therefore his application was denied. On June 26, 2014, Mr. Raebel submitted a letter to the Region IV office asking that his application be reconsidered. In subsequent discussion it became apparent Mr. Raebel wishes that his appeal be heard by the Commission. In accordance with Title 41 and Commission Rule, the appeal is brought before the Commission. The Commission has been provided with Mr. Raebel's letter of appeal for review and consideration.

The Commission discussed that the law is clear and that it applies to them as well as everyone else.

Motion: Davis moved and Harris seconded THAT THE COMMISSION VOTE TO DENY MR. RAEBEL'S APPEAL OF THE DEPARTMENT'S DECISION TO DENY HIS APPLICATION FOR A PIONEER LICENSE.

Vote: Unanimous

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Meeting recessed for a break at 3:00 p.m.

Meeting reconvened at 3:09 p.m.

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16B. Mexican Wolf Briefing

Presenter: Jim deVos, Assistant Director, Wildlife Management Division

Mr. deVos provided a PowerPoint presentation and briefing on the recently released Mexican Wolf proposed 10(j) rule and the associated draft Environmental Impact Statement (DEIS), including the impact the proposed rule may have on the existing wolf program. The U.S. Fish and Wildlife Service (Service) published a proposed 10(j) rule and an associated Environmental Impact Statement. A review of the document indicates that essentially all of the key elements that were identified in the Arizona Cooperator's Alternative submitted to the Service on April 15, 2014 were not included in the proposed documents released by the Service. This presentation highlighted the difference between the Cooperator's Alternative and the proposed rule and included maps of the current and proposed 10(j) wolf recovery areas.

Mr. deVos summarized that the Cooperator's Alternative was a balanced approach to wolf management and in managing wildlife populations that wolves depend on. The Cooperator's Alternative identified a population limit, it identified management actions that could be taken, and it identified a location that was substantially larger than it is today. It was based on all currently available information and broad scientific input. The Cooperator's Alternative provided for manageability and success in wolf repatriation. There are a number of difficulties with the Service's proposal, not the least of which is that it makes it essentially impossible for the state to effectively protect state trust resources given the fact that there is no limit and wolves will be allowed to roam and reestablish in areas where the ungulate populations will be at risk by the presence of wolves.

Public Comment

The following members of the public addressed the Commission in support of Mexican wolf recovery and in opposition to the Cooperator's Alternative:

- Sam Phalon, Grand Canyon Wolf Recovery Project
- Emily Renn, Grand Canyon Wolf Recovery Project
- Deborah DeWolfe, representing herself, did not speak but submitted a Speaker Card in support of Mexican wolf recovery and in opposition to the Cooperator's Alternative
- Roxane George, representing herself
- Kay Bordwell, representing herself

Chairman Mansell commented that the Arizona Game and Fish Commission and Department has been engaged in the wolf program for over twenty years, and it is his belief that the Commission and Department has been the backbone of any success to date. The Department is the reason that there are currently any wolves in Arizona and not the USFWS.

Commissioner Davis commented that it is apparent that the USFWS's definition of cooperation is to not accept a single alternative from the cooperators. Also, with the absence of a target number, this provides for no accountability and no way to discern whether we have been successful or not. And, if appropriate, that number would also be built off of a necessary number in the 90% of the historical range that does not exist in this country.

Commissioner Harris asked about Texas being removed in the Cooperator's Alternative even though Texas was part of the historical range. His concern is that if a wolf roams into the historic range in Texas that they may become a fully endangered species.

Mr. deVos stated that there were lengthy discussions with Texas at the WAFWA conference and Texas is beginning to be concerned due to the expansion of the 10(j) to the eastern boundary of New Mexico; however, at this point they are still unwilling to seek 10(j) protections.

Commissioner Harris further discussed with Mr. deVos that 90% of the Mexican wolf historical range and range with suitable habitat is within Mexico.

Chairman Mansell read a statement into the record (attached) that contains comments and directions for the Department and if the Commission agrees he would like to make it into a motion.

Chairman Harris added that he would like to include in the motion that the Director continue to work with Texas on trying to include that in the process in the future.

Motion: Harris moved and Ammons seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO CONTINUE TO WORK WITH THE FISH AND WILDLIFE SERVICE TO DEVELOP A RULE THAT INCLUDES THE PROTECTION TO STATE TRUST SPECIES AND KEY ELEMENTS OF THE ARIZONA COOPERATOR'S ALTERNATIVE; IT IS ALSO RECOGNIZED THAT MEXICAN WOLF REINTRODUCTION IN THE AMERICAN SOUTHWEST IS A STEP TO RECOVERY AND THAT FULL RECOVERY CAN NOT BE ACCOMPLISHED IN ARIZONA AND NEW MEXICO ALONE; FURTHER, THE DEPARTMENT WILL PROVIDE AN UPDATE ON THESE NEGOTIATIONS AT EACH REGULARLY SCHEDULED COMMISSION MEETING; CONCURRENT WITH THE NEGOTIATIONS, IT IS IMPORTANT THAT THE DEPARTMENT DEVELOP A FULL RANGE OF OPTIONS FOR THE COMMISSION TO CONSIDER AND APPROVE AT A FUTURE MEETING INCLUDING BUT NOT LIMITED TO, CONGRESSIONAL INVOLVEMENT, LITIGATION STRATEGIES, OR WITHDRAWAL FROM ALL ASPECTS OF MEXICAN WOLF REINTRODUCTION IF A 10(J) RULE THAT IS ACCEPTABLE TO THE DEPARTMENT CANNOT BE DEVELOPED; AND FURTHER DIRECT THE DIRECTOR TO CONTINUE TO WORK WITH TEXAS ON TRYING TO INCLUDE THEM IN THIS PROCESS.

Vote: Unanimous

Director Voyles commented that he has heard time and again that some folks believe that the desire for manageability equates to a desire to kill wolves. He wanted to note that the Department has put in long hard hours by dedicated people on the ground working day and night to help this program be a success. It has struggled for a long time, but we have seen double-digit percentages of increases in populations in the last three years and we continue to see improvements. One of the essential pieces is social acceptance. The lack of social acceptance manifests itself in the unlawful killing of wolves, which has been one of the biggest impediments to this project. Building social acceptance is an effort to reduce that happening, so that we can be more successful with wolves persisting on the landscape. So statements made that we want the killing of wolves is wrong and not true in any way, shape or form.

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18. Executive Session

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

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

Vote: Unanimous

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Motion: Harris moved and Madden seconded THAT THE COMMISSION MOVE AGENDA ITEMS #19, 20, 21 AND 22 TO SATURDAY.

Vote: Unanimous

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Meeting recessed for the day at 5:30 p.m.

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Meeting reconvened Saturday at 8:00 a.m.

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Chairman Mansell called the meeting back to order and led those present through the Pledge of Allegiance, followed by introductions. Chairman Mansell announced that agenda item #1, the community forum, is an informal meeting for presentations and discussions with regional staff and the public.

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1. Flagstaff Community Forum

Presenter: Craig McMullen, Flagstaff Regional Supervisor

Mr. McMullen facilitated an informal forum and discussion of current and future matters involving the Arizona Game and Fish Department and the northern Arizona community. The community forum included presentations from outside agencies on partnerships, projects and future matters with focus on northern Arizona. Topics presented and discussed included the following:

- Adaptive Sport Fish Management at Lee's Ferry by John Hamill with the Theodore Roosevelt Conservation Partnership
- California Condor Recovery Program by Chris Parish with The Peregrine Fund

- Willow Bend Environmental Education Center Update and Overview by Russell Tweed, Director, Willow Bend Environmental Education Center
- Hopi Cooperative Hunt Program by Darren Talayumptewa, Hopi Department of Natural Resources
- Bureau of Land Management Cooperative Projects and Travel Management Update- Lorraine Christian, Field Manager, Strip District.

The Commission expressed their appreciation for the community members that participated in this forum and for the presentations. There were no additional topics raised or discussed.

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Meeting recessed for a break at 10:25 a.m.

Meeting reconvened at 10:40 a.m.

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(Agenda items 19, 20, 21 and 22 were moved from Friday's agenda to Saturday)

19. Litigation Report

There were no comments or questions on the Litigation Report (attached).

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20. Approval of Minutes and Signing of Minutes (From Friday's agenda)

Motion: Harris moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM JUNE 13-14, 2014.

Vote: Unanimous

The Commission signed the minutes following approval.

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21. Director's and Chairman's Reports

Chairman Mansell requested that this regular agenda item be changed to Director's Comments.

Director Voyles commented on the following:

- At the Wildlife and Hunter Heritage Conservation Council with the Western States Sheriff's Association in attendance, the Western States Sheriff's Association passed a resolution relative to travel management and their desire to have closer coordination with the USFWS. This has resulted in an increase in coordination with the Forest Service as well as the Arizona Game and Fish Department and other wildlife agencies. Sheriff's around the west provide the bulk of the law enforcement capacity for travel management enforcement on the National Forests. The National Sheriff's Association is now engaging in a similar role

- At a retreat with the leadership of the USFWS and the leadership of the Association of Fish and Wildlife Agencies, there was an agreement to a renewed commitment to work more closely and diligently on our relationships. This was with the understanding that we will have issues, but will have to decide whether to let those issues define the relationship. Additionally, USFWS Director Dan Ashe did a video to all employees of the USFWS in which he made a statement that when a State agency approaches them with a desire to accomplish something relative to our shared conservation responsibility, the default response should be to say yes to the State agency if at all possible
- In a meeting with Kevin Kinsall at the Governor's Office and Henry Darwin with ADEQ, the possibility of joint administration was discussed in terms of trustees for the purposes of administration of natural resources damage assessment claims. This is currently vested solely with the ADEQ Director and discussion was in regards to sharing that responsibility with the various Directors of agencies that have trust responsibilities related to those natural resources. The Governor is taking this under consideration
- In a meeting relative to the Save Recreational Shooting initiative and the Sonoran National Monument, the Director of Operations for NRA flew in to meet with Tread Lightly, Director Voyles and others to express that the NRA is extremely interested in engaging and supporting to make sure that this effort to maintain dispersed recreational shooting on public land is continued
- As Director Voyles draws near to assuming the role of President of the Association of Fish and Wildlife Agencies (AFWA), one of the agendas that he has for AFWA is to do a better job of telling the American public what state wildlife agencies are and what they do for wildlife in America. He has begun to gather some statistics and shared some of those with the Commission as follows: 1) The number of officers employed by Arizona Game and Fish, not including reserve officers is 136 (Arizona is the second largest state agency employer of fully sworn officers); 2) The number of biologists employed by the Department is 247; 110 of these have advanced degrees; 21 have Phd's or doctorates; and 3) The amount of land that the Department administers is 330,613 acres; 23,000 acres of surface waters; total acquisition costs of lands is \$42 million; and the capital building costs total is about \$38.5 million. When you roll in water catchment improvements and habitat improvements, you are looking at approximately 400 million dollars worth of capital and real assets. This is the organization that the Commission is leading and what that contributes in total to conservation in the State of Arizona by a state wildlife agency. With that the Arizona Game and Fish Department administers the conservation efforts for over 800 species of wildlife.

Chairman Mansell made the following comments:

- He thanked Craig McMullen and his team as well as the community presenters for the successful and informative community forum
- He attended the Congressional Hearing and testified before the House Natural Resource Committee. At that hearing, the USFWS admitted that they did not following the law in closing the Willow Beach Fish Hatchery by failing to seek any public comments or stakeholder comments. They also admitted to failing to look at any economic impact that this closure would have. After admitting these two things, the USFWS said they would fix the pipe and put trout back on the station.

- In his wolf statement from yesterday, Chairman Mansell believes this gives clear direction to Department staff where the Commission wants to proceed in Mexican wolf reintroduction.

* * * * *

22. Commissioners' Reports

Commissioner Madden reported the following:

- Attended the Landowner/Lessee Sportsmen Relationship Committee in conjunction with the Cattlegrowers Association; ethical access was a major topic of discussion as well as connectively related to the Mexican wolf in Mexico and border issues
- Attended the HAHWG summer meeting in Flagstaff
- Attended a Flagstaff City Council meeting with Craig McMullen where Walnut Canyon was requesting to establish a 36,000 acre conservation area around Walnut Canyon; He and Craig McMullen were able to speak on this item about concerns related to access; there were several others there to speak on concerns as well.

Commissioner Harris reported the following:

- Attended the HAHWG meeting as well
- Will be attending the HPC meeting next Saturday
- Will be attending the HPAC meeting the following Saturday

Commissioner Ammons reported the following:

- Expressed appreciation for Craig McMullen and his work with the Flagstaff community

* * * * *

2. Consideration of Proposed Commission Order 21 and 22 for the 2014–2015 Hunting Season.

Presenter: Anis Aoude, Small Game Management Supervisor

Mr. Aoude presented the Commission with a PowerPoint presentation and briefly reviewed the Department's recommended changes for Commission Order 21 (waterfowl) and Commission Order 22 (snipe), establishing seasons and season dates, bag and possession limits, and open areas for 2014–2015. A detailed description of Department proposals were provided to the Commission prior to this meeting for review and consideration and were available for public review at Department offices and online. The information provided included the following:

Commission Order 21 – Waterfowl

Ducks: Robust waterfowl populations are forecast this year due to good carryover from last year and favorable water conditions on the prairies and in most of the Intermountain West. Production of mallards in the coastal regions of the Pacific Flyway remains strong. Because of this, the prescription for the Pacific Flyway is a Liberal season.

Season frameworks for the Pacific Flyway are:

1. Liberal, 107 day season, 7 bird bag limit;
2. Moderate, 86 day season, 7 bird bag limit;
3. Restrictive, 86 day season, 4 bird bag limit.

Management plans for pintail, canvasback, redhead, and scaup prescribe bag limits and seasons for those species separate from the above frameworks. Despite good conditions overall for ducks, the long-term average population size for these 4 species remains below the goals outlined in their management plans. There is a minor change in frameworks from last year; canvasback is reduced from 2 birds daily to one. No change to the rest, pintail and redheads will have a 2 bird daily bag limit. Scaup will have a 3 bird daily bag limit and an 86 day season.

Geese: The Department recommends increasing dark goose daily bag limits in Arizona from 3 to 4 birds. This is currently allowed under the existing framework. Most of the states in the Pacific Flyway currently have a 4 bird bag limit for dark geese. Banding information shows that most of the dark geese harvested in Arizona are produced in Utah and that population is increasing. The possible increase in harvest should have no negative impact on that goose population.

The Department recommends a Liberal package for Arizona, with restricted bags for pintail, canvasback, redhead, scaup, and hen mallard ducks. The Department also recommends increasing the dark goose daily bag and possession limit to 4 and 12, respectively. The waterfowl season has different opening and closing dates for the mountain and desert zones. Federal frameworks do not allow the general waterfowl season to extend beyond January 25; However, junior hunts may occur into February.

Liberal Package:

	<u>Mountain Zone</u>	<u>Desert Zone</u>
Juniors-Only	Sep 27– Sep 28, 2014	Jan 31 – Feb 1, 2015
Falconry-Only	Sep 29 – Oct 2, 2014	Jan 26 – Jan 29, 2015
General Waterfowl	Oct 3, 2014 – Jan 11, 2015	Oct. 17, 2014 – Jan 25, 2015
Scaup	Oct 18, 2014 – Jan 11, 2015	Nov 1, 2014 – Jan 25, 2015

The Mountain and Desert Zones in Arizona are defined by unit within the Federal Register as follows: Desert (South) Zone: Those portions of Units 6 and 8 in Yavapai County, and Units 10 and 12B–45. Mountain (North) Zone: Units 1–5, those portions of Units 6 and 8 within Coconino County, and Units 7, 9, and 12A. Essentially, the North Zone is in the mountainous, high elevation areas of Arizona; the South Zone is in the lowland, desert areas.

The Department recommends adoption of the federal bag limit of seven ducks (including mergansers) per day, with no more than 3 scaup, 2 female mallards, 2 redheads, 2 pintails, and 1 canvasback taken in any single day. Recommended possession limits for ducks are 21, with no more than 9 scaup, 6 redheads, 6 pintails, and 3 canvasbacks. Recommended goose bag limits are no more than 10 white geese (snow, including blue and Ross' geese) and 4 dark geese (Canada and white-fronted). Recommended goose possession limits are no more than 30 white geese and 12 dark geese. The Department recommends that the Commission adopt the species bag limits as prescribed by the Service for the 2014–2015 waterfowl season.

Commission Order 22 – Common Snipe

The Department recommends that the Commission approve a general snipe season with the 101 days and limits of 8 snipe per day and 24 in possession as allowed by the Service for Pacific Flyway states. Seasons for snipe are recommended to run concurrent with the general waterfowl seasons in each of the state's zones.

Motion: Harris moved and Mansell seconded THAT THE COMMISSION VOTE TO APPROVE, SUBJECT TO FINAL FEDERAL FRAMEWORKS, COMMISSION ORDER 21 – WATERFOWL AND COMMISSION ORDER 22 – SNIPE AS PRESENTED.

Vote: Unanimous

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3. Consideration of Proposed Commission Orders 5, 6, 8, and 9, for Spring 2015 Hunting Seasons.

Presenter: Amber Munig, Big Game Management Supervisor

Ms. Munig presented the Commission with a PowerPoint presentation and briefly reviewed the Department's recommended changes for Commission Orders 5, 6, 8, and 9 (spring turkey, spring javelina, spring buffalo, and spring bear) establishing seasons and season dates, annual bag limits, permit numbers, and open areas for spring 2015. A detailed description of Department proposals were provided to the Commission prior to this meeting for review and consideration and were available for public review online and at Department offices. The information provided included the following:

The Commission provided the Department with direction through the hunt guidelines approved in September 2013. These proposed Commission Orders were formulated in accordance with that guidance and any deviation is noted in the species-specific summaries below.

Commission Order 5 – Spring Turkey

For 2015, spring limited-weapon-shotgun-shooting-shot seasons are recommended to decrease by 212 permits statewide for a total of 4,824. Units 1 and 27 again experienced high hunt success, indicating healthy spring turkey populations following the 2011 Wallow Fire. Most spring seasons permits are recommended during stratified seasons occurring April 24–30 and May 1–21 or May 1–21, 2015.

Spring seasons are recommended for Gould's turkeys in Units 29 and 30A, 31, 32, 33, 34A, 35A, and 35B. Gould's turkey permit numbers are recommended at 62, a 16-permit increase from last year. Units 29 and 30A, 33, 35A, and 35B are recommended for permit increases. Unit 33 is recommended to split into a north and south hunt; the Unit 33 North hunt would be a stratified season with 5 permits in each hunt. The Unit 33 South hunt would be a new single hunt from April 24–May 21, 2015 with 1 permit. Another new single hunt is recommended in Unit 32 with 1 permit from April 24–May 21, 2015.

The Department recommends increasing permits in the stratified seasons in Unit 13B (north of Wolfhole-Jacobs Well Road) for the Rio Grande subspecies to 2 permits in each hunt.

Nonpermit limited-weapon-shotgun-shooting-shot-seasons for juniors-only are recommended in Units 1, 4A, 4B, 5A, 5B, 6B (except Camp Navajo), 7, 8, 10, 12A, and 27; this is no change from 2014. These permits would be unlimited in number and could be purchased over-the-counter. For permitted spring juniors-only seasons, the Department recommends 310 permits in Units 3C, 6A, and 23. This is a 50-permit reduction from last year, in Unit 3C. Season dates for the juniors-only season are recommended to be April 17–23 and May 8–21, 2015.

Over-the-counter permits are recommended for archery spring turkey hunts in Units 1, 4A, 4B, 6A, 12A, 23, and 27. Archery seasons are recommended to occur May 8–21, 2015. Preliminary data indicates 15 turkeys were harvested during the archery over-the-counter season in Unit 23 in 2014; this is likely an over estimate due very low question return rates.

Commission Order 6 – Spring Javelina

The Department recommends continuing the annual bag limit of 2 for javelina in 2015. The recommended bag limit would allow for only 1 javelina to be taken with a permit for a given hunt number; subsequent permits would only be issued for a separate hunt number.

The Commission directed the Department to equitably distribute permits according to statewide demand. Based on the 5-year average of application demand, the Department targeted about 42% general, 20% HAM, 34% archery, and 4% junior (for the spring). Actual permits (percentages) recommended for spring 2015 include 11,480 (41.8%) general, 5,420 (19.7%) HAM, 9,400 (34.3%) archery, and 1,145 (4.2%) juniors-only. This is a 200-permit decrease for general, 40-permit increase for HAM, 50-permit decrease archery, and a 25-permit increase for juniors-only. When considering the 805 fall juniors-only permits plus the 650 javelina companion tags to deer hunts authorized by the Commission for fall 2014, this brings the total allocation of juniors-only permits to 9.0% of the total permits recommended.

Archery seasons are recommended to occur during January 1–22, 2015, juniors-only seasons during January 23–February 1, 2015, HAM seasons during February 6–15, 2015, and general seasons during February 20–26, 2015. Over-the-counter permits are recommended for archery hunts in Units 1–5, 7, 9, 11M, 25M, 26M, and 38M. Season dates for Units 1–5, 7, 9, and 11M correspond with other archery javelina season dates of January 1–22, 2015. For Units 25M, 26M, and 38M, the season is recommended to overlap the January and December archery deer over-the-counter seasons and run from January 1-31, 2015 and December 11-31, 2015. A yearlong general season with over-the-counter permits is also recommended for January 1–December 31, 2015 in the Mohawk Valley Hunt Area in Unit 41.

Commission Order 8 – Spring Buffalo

The Department recommends 30 any buffalo permits for spring 2015, an increase of 10-permits, with season dates from January 1–May 31, 2015. The Department also recommends 3 Limited Opportunity seasons based on discussions at a stakeholder meeting held on February 18, 2014 where hunt management for the House Rock herd in Units 12A, 12B, and 13B was discussed.

Because the Department has been attempting to entice buffalo to leave the Grand Canyon National Park, the stakeholder group believes that there may be some opportunity to increase hunting pressure during the summer. The recommendation presented to the Commission for consideration is consistent with that recommended by the stakeholder group, and consists of 3, 2-week hunts beginning on July 3, 2015. Each hunt has 7 permits for cow or yearling buffalo only. The House Rock Wildlife Area is excluded from the hunt area because if buffalo are located there, the Department intends to provide this area as an alternate and preferred refugia for buffalo instead of the Grand Canyon National Park.

In 2014, 6 spring permits were authorized for the Raymond Wildlife Area herd in Units 5A and 5B. The Department recommends, for spring 2015, 4 3-day hunts with 2 designated yearling buffalo permits in each.

Commission Order 9 – Spring Bear

Spring bear harvest is relatively low in Arizona with an average 9 bears harvested annually over the last 5 years. In 2014, 4 female and 9 male bears have been taken to date. Six bears were harvested during the March 21–May 1 season in which most hunts where nonpermit-tags are offered over-the-counter. Seven bears were harvested during the permitted archery season that runs from May 2–July 31, 2014. Units 3B, 3C, 23N, and 34A closed because the female harvest limit was met.

The Department recommends no changes to seasons or season structure, female harvest limits, or permits for spring 2015. General bear hunts (Units 10, 18A and 19B, 17A, 17B, 18B, 20A and 20B, 19A, 22, 23N, 24A, 27, 29 and 30A, 31, 32, 34A, and 35A and 35B [except Fort Huachuca]) and archery (Units 3B and 3C, and 33) are recommended to offer over-the-counter permits during the March 20–April 30 season. On average, less than 5 bears have been harvested annually during this time period, with few being female. Each hunt will have a female harvest limit, and any female bears taken during this time will apply to the annual female harvest limit that if met would close subsequent hunts.

Permitted general bear hunts are recommended in Units 6B (except Camp Navajo) and 33 with 5 permits and a female harvest limit of 1 in each unit. Permitted archery-only bears hunts are recommended in Units 3B and 3C, 4B, 22, 23N, 33, 34A, 35A, and 35B (except For Huachuca), and Fort Huachuca; total permits are recommended at 275. Over the last 5 years, about one third of the bears harvested during this later season are females.

Female harvest limits total 18 for general hunts and 14 for archery hunts (Fort Huachuca harvest limits are a subset of Unit 35A). This is no change from 2014. Annual female harvest limits are also recommended to remain the same.

Motion: Madden moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDERS 5, 6, 8, AND 9 AS PRESENTED.

Vote: Unanimous

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4. Hunt Permit-Tag Application Schedule for Spring 2015 Hunts

Presenter: Lizette Morgan, CFO, Business & Finance

Ms. Morgan presented the Commission with the hunt permit-tag application schedule for the spring 2015 hunts for approval (attached). The application schedule identifies proposed acceptance dates and deadline dates for all hunts associated with the draw process. In addition, the proposed dates for when hunt permit-tags and refund warrants will be mailed are also identified, along with information relating to the first-come/first-serve process for any permits that may still be available.

Motion: Harris moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE THE APPLICATION SCHEDULE FOR THE SPRING 2015 HUNTS.

Vote: Unanimous

* * * * *

12. Future Agenda Items and Action Items

Deputy Director Ty Gray captured the following action and agenda items:

- The Department will move the out-of-cycle rulemaking package into the regular Article 1 rulemaking process; part of that will be to address the application requirements of the 501c3; we will continue discussion of the bonus point issue at the September Commission meeting
- Put Article 9 on the consent agenda for the next regular Commission meeting
- Provide the Commission with an update on the Mexican wolf propose 10(j) rule and draft EIS; the Department will develop alternatives for the Commission to consider for possible approval at a future Commission meeting; alternatives will include but are not limited to congressional actions, litigation strategies, and withdrawal from the program.

* * * * *

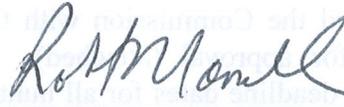
Motion: Harris moved and Madden seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

Vote: Unanimous

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Meeting adjourned at 11:13 a.m.

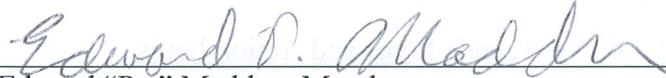
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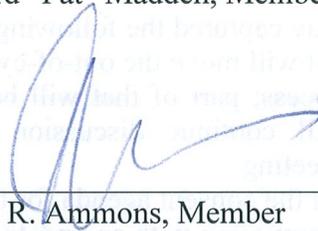
Robert E. Mansell, Chairman



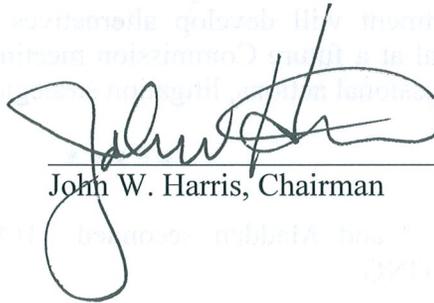
Kurt R. Davis, Vice Chair



Edward "Pat" Madden, Member



James R. Ammons, Member



John W. Harris, Chairman

ATTEST:



Larry D. Voyles
Secretary and Director

**Game and Fish Litigation Report
Presented at the Commission Meeting
August 1-2, 2014**

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. *Center for Biological Diversity et al. v. United States Forest Service*, CV-12-8176-PCT-SMM. Plaintiffs filed an action in the U.S. District Court for Arizona on September 4, 2012. The lawsuit alleges the U.S. Forest Service ("USFS") is violating the Resource Conservation Recovery Act ("RCRA") by allowing the disposal of lead ammunition on the Kaibab National Forest, and the disposal results in significant harm to the California condors and other avian wildlife. Plaintiffs are seeking declaratory and injunctive relief requiring the USFS to abate the harm.

On November 4, 2012, the State of Arizona, on behalf of the Arizona Game and Fish Commission, filed a limited motion to intervene for the sole purpose of filing a motion to dismiss on the grounds that the State of Arizona is a required party but joining the State is not feasible due to sovereign immunity. Because the State is a required party that cannot be joined, the case must be dismissed. Plaintiffs filed a response to the State's motion on November 20, 2012. Plaintiffs did not object to the State's intervention but argued that the State does not meet the requirements of a required party.

The National Rifle Association (NRA) and Safari Club International (SCI) filed motions to intervene on November 21, 2012. The State filed a reply on December 4, 2012, to the Plaintiffs' response to the State's motion to intervene. The USFS filed a motion to dismiss on December 14, 2012, on the basis the Court lacks jurisdiction. Plaintiffs filed a response to NRA's motion to intervene on January 4, 2013. On January 22, 2013, the National Shooting Sports Foundation (NSSF) filed a separate motion to intervene.

On February 5, 2013, the plaintiffs filed a response to the USFS' motion to dismiss. On February 22, 2013, the District Court issued an order granting the USFS until March 25, 2013 to file a reply in support of its motion to dismiss. On March 25, 2013, the Forest Service filed a reply in support of its motion to dismiss. The parties are awaiting an oral argument hearing on the motion to dismiss.

On July 2, 2013, the court granted the Forest Service's motion to dismiss. The court agreed with the Forest Service that CBD did not have standing to bring the RCRA challenge against the Forest Service. The court found that CBD could not satisfy the requirements for standing because redressability was speculative on two grounds. First, in order for the Forest Service to regulate the use of lead ammunition, it would need to undertake a rulemaking process, comply with NEPA and consult with the Arizona Game and Fish Commission. Due to uncertainty with this process, the court found the outcome of the process speculative. Second, the court found that condors range in an area well beyond the Kaibab National Forest and into areas that do not prohibit the use of lead ammunition. Therefore, even if the Forest Service banned lead ammunition, this would not necessarily reduce the level of lead ingestion in condors.

Plaintiffs filed a notice of appeal on August 21, 2013. On November 27, 2013, plaintiffs (now appellants) filed an opening brief with the Ninth Circuit Court of Appeals. The Forest Service filed its opening brief on January 29, 2014 and the Commission filed its amicus brief on February 7, 2014. Plaintiffs filed their reply brief on March 21, 2014.

2. *WildEarth Guardians v. James Lane*, 12-00118 (LFG-KBM). Plaintiff challenges New Mexico's failure to regulate trapping in the Mexican wolf occupied range to avoid take of any wolves. The Commission authorized the filing of an amicus curiae brief in support of New Mexico. The Court granted the Commission's motion for leave to file an amicus brief and on September 19, 2012, the Commission filed its amicus brief. Plaintiff filed a response on October 9, 2012, and the Commission filed a reply on October 30, 2012.

The Court issued an order on December 3, 2012, granting Defendants' motion to dismiss for failure to state a claim. Plaintiff filed a notice of appeal on December 28, 2012. The Tenth Circuit issued a briefing schedule on January 3, 2013, ordering Plaintiff to file an opening brief within forty days.

On February 12, 2013, WildEarth Guardians filed an opening brief. On February 15, 2013, the Tenth Circuit issued an order extending the time to file an answering brief until April 17, 2013. The Commission's amicus brief is due seven days after the date the answering brief is filed. The Appellees filed the answering brief on April 17, 2013 and the State of Arizona filed an amicus curiae brief on April 23, 2013. Guardians filed its reply brief on May 20, 2013.

Oral argument occurred on January 24, 2014. The Court's questions focused primarily on the jurisdictional issues of sovereign immunity and standing. The Court issued an opinion on February 19, 2014. The Court held that Plaintiffs had no standing due to a lack of redressability because the Chair of the New Mexico Commission had no authority alone to correct any alleged violations. The Court ordered the case remanded back to the District Court with instruction to dismiss the case without prejudice to allow Plaintiffs to refile the case.

On March 7, 2014, the Tenth Circuit granted New Mexico's motion for clarification, in which New Mexico requested that the Court's decision would not affect the District Court's decision dismissing as to Director Lane. The District Court's decision as to Director Lane stands. On March 18, 2014, the District Court dismissed without the prejudice the case against the Chairman.

On April 17, 2014, New Mexico filed a motion for attorney fees and costs. New Mexico is seeking reimbursement for \$580,000.00 in costs and fees. This represents 1231 hours for six different lawyers who worked on the case.

Lands Update
For the Arizona Game and Fish Commission
July 25, 2014
Phoenix, Arizona

U.S. FOREST SERVICE

General Planning Status – Please see attached table.

Four Forest Restoration Initiative (4FRI)

- Revisions to the draft Environmental Impact Statement (EIS) for 4FRI are on-going; the Record of Decision (ROD) is expected in early 2015.
- The timber contractor is working on task orders with limitations due to fire restrictions. Activities are expected to ramp up as these are lifted.

Apache-Sitgreaves National Forest (A-S)

- The final EIS and ROD for the Land and Resource Management Plan (LRMP) is anticipated to be published in the Fall of 2014.
- The A-S is conducting an allotment analysis on the Heber Allotment in order to reauthorize grazing. Department personnel attended a field visit to northern portions of the allotment on the Black Mesa Ranger District. Attendees included a representative of the livestock grazing permittee, Natural Resource Conservation Service, the Salt River Project, and numerous Forest Service employees. The Forest is proposing to reauthorize livestock grazing on approximately 160,000 acres of National Forest System lands, construct new range improvements, and restore and maintain understory vegetation in the northern portions of the allotment. The Department will be involved as a member of the Interdisciplinary Team.

Coconino National Forest

- The Coconino NF planning team continues revisions to the draft LRMP. The Department will be meeting with the Forest once a preferred alternative has been chosen and responses to Department comments have been developed. This is expected to occur sometime in August.
- The Annual Coordination meeting with the Coconino NF and USFWS was held July 1st.
- The draft EIS for the Flagstaff Watershed Protection Project was released on July 3rd for a 45 day comment period. The Department served on the planning team; significant issues of concern to the Department are not anticipated.
- Department staff were provided a preview of draft alternatives for the Fossil Creek Comprehensive River Management Plan (CRMP). Informal comments were provided in return, and further discussions are expected. A draft Environmental Assessment (EA) is expected by Fall 2014.

Coronado National Forest

- The draft Travel Management Plans (TMP) are being developed for each District and will be released successively for public comment. The Catalina Ranger District TMP was released July 16, 2014. Comments are due August 15th.
- The Coronado Draft LRMP and Draft EIS are under USFS review and revision with the final version expected to be released in the fall of this year, or Spring of 2015.
- The MRDG addressing helicopter landings in the Pusch Ridge Wilderness will be out by the end of July. The associated EA for helicopter landing in the Wilderness titled “Authorizing Helicopter Use by the Arizona Game and Fish Department within Pusch Ridge Wilderness” was posted on July 1, 2014. The Department will consolidate comments and forward to the Forest by July 30, 2014.
- Lightning ignited the Oak Fire in the Galiuro Mountains of southeastern Arizona on June 17th. It is located on the Safford Ranger District, and burning in the general vicinity of China Peak. The fire is being managed for resource benefits.
- The Catalina Ranger District has been petitioned to allow goat packing operations Forest wide. This is a concern where bighorn sheep were recently reintroduced. The Supervisor’s Office is checking with other Districts to see if this permit was renewed elsewhere on the Forest. The Catalina District has denied renewal of the permit for past four years. The Department has expressed its concerns and opposition to allowing goats on the Santa Catalina District.

Kaibab National Forest

- The Kaibab is working through the scoping process for revision of the TMP on the South Zone (Williams and Tusayan Districts) with emphasis on opportunities for dispersed camping. The Department has requested and expects to receive Cooperating Agency status. Department staff is also working with the Forest to correct errors on the Motor Vehicle Use Map.
- A ROD and Final EIS for the Forest LRMP was issued in February. Department staff have reviewed the final plan, which incorporates Department comments on the draft plan and EIS.

Tonto National Forest

- The Department continues to participate as part of the ID Team for the TMP; the TMP draft EIS was released and comments are due August 18, 2014.

BUREAU OF LAND MANAGEMENT (BLM)

General Planning Status- Please see attached table.

- The Arizona BLM State Office has identified three Solar Energy Zones (SEZ’s) within Arizona. The Renewable Energy Program is developing a Regional Mitigation Strategy to mitigate for unavoidable impacts to natural resources that will result from the development of these sites. Department staff is a partner in the process, including identifying impacts to wildlife, habitats and outdoor recreation and will participate in the process for identifying candidate sites for regional mitigation projects.

Arizona Strip Field Office

- The Department and BLM are finalizing an MOU for Cooperating Agency status in preparation of the EIS for the Uinkaret Vegetation Management Project.

Hassayampa Field Office

- The Hassayampa Field Office released the Final Wickenburg Community TMP. There is public controversy over a proposed seasonal closure of motorized access (potentially March 1 to November 1) in ¾ miles of wet river bottom in Box Canyon north of Wickenburg. This is a popular OHV area. BLM is proposing the closure because the Land Health Standards evaluations rated the riparian area as functional at risk and Yellow-billed Cuckoos have been documented in the canyon. There are also private property trespass concerns. BLM is also proposing a seasonal grazing closure in the area. The public will not lose access to or beyond the Box as other routes are available. The Department has participated in discussions with the BLM and local constituents.
- BLM Hassayampa Field Office is starting the scoping for the travel management plan on the I-17 corridor, which also includes the Mayer / SR69 corridor. The Department has responded with comments about concerns.

Kingman Field Office

- Route evaluations will be conducted July 14-18, 2014 on the Poachie Mountain Unit and finishing evaluations on the Cerbat Mountain Unit
- Department personnel attended a meeting with the Diamond Bar allotment lessee and the BLM on June 4, 2014. Discussions included future management of livestock grazing, water sources, and the lessee's request to have horses and bison permitted. The BLM plans to conduct an EA for the Diamond Bar permit renewal later this year, and has requested the lessee provide them with a new grazing plan for evaluation.
- The Kingman Field Office plans to continue conducting burro surveys throughout the Black Mountains, GMU 15D in September 2014. The BLM Wild Horse and Burro coordinator initiated an encumbrance for \$25,000 to finalize burro surveys throughout the Black Mts. Surveys were grounded during high winds in April 2014.

Tucson Field Office

- The BLM completed an inventory of all roads, paths, and trails on the San Pedro National Conservation Area (SPRNCA). This information will be shared with cooperators as the SPRNCA Travel and Transportation Management Plan is developed. It is still unknown whether travel management planning will be conducted concurrent with the Resource Management Plan (RMP) development or separately. TMP related comments brought forth during the RMP development will be considered in TMP development, regardless of when the formal TMP is developed. There will be separate Record of Decision. On July 21st, 2014 the Department met with BLM regarding Travel Management on the SPRNCA.
- On July 29th, the Department attended a cooperating agency meeting with BLM for the SPRNCA RMP to discuss the Analysis of the Management Situation (AMS) report, status of the range of alternatives, and TMP.

Safford Field Office

- Department staff met with the BLM's Safford Field Office on June 12th to discuss prioritization and scheduling of NEPA completion for a list of water catchments requiring renovation.

BUREAU OF RECLAMATION

Lower Colorado River Multi-Species Conservation Plan (LCRMSCP)

- LCRMSCP is coordinating the construction of a riparian restoration project in the Laguna Division (between Imperial and Laguna Dams). For public safety reasons, some access roads in the area have been closed. LCRMSCP staff is in the process of finalizing an informational packet on the closures to provide agencies responding to calls from the public with accurate information regarding public access to the area. Department staff contributed to the development of this information packet.

NATIONAL PARK SERVICE

Grand Canyon National Park

- The National Park Service (NPS) has initiated an EIS for bison at Grand Canyon National Park. Expected completion is Fall, 2016. The Department is working closely with NPS and Kaibab National Forest staff during the EIS process.

ENERGY DEVELOPMENT

Kinder Morgan CO2 Pipeline and Well Field

- The Arizona State Land Department (ASLD) has requested Department comments on the Plan of Development (POD) for the Kinder Morgan CO₂ Well Field. The Department sent a comment letter July 17, 2014. The largest concern is the effect of development activities on pronghorn.

Red Horse Wind and Solar

- On June 17th, the Department attended a teleconference meeting with Torch Renewables, SWCA, and USFWS to discuss the Eagle Conservation Plan (ECP). We submitted comments to SWCA on the ECP. We are in the process of writing up a response letter with the Department's comments on the Bird and Bat Conservation Strategy (BBCS), Eagle Conservation Plan, and Wildlife Conservation Strategy. The Department does not feel the BBCS will sufficiently mitigate impacts to bats and birds. A meeting will need to be arranged to discuss our concerns.

TRANSMISSION LINES

Southline Transmission Line Project

- The Department submitted comments on the Draft EIS on July 10, 2014. The Department encouraged finding an alternate route and working with BLM and Western to identify one.

TRANSPORTATION

I-11 Phoenix to Las Vegas Project

- A complete briefing is scheduled to be presented during the regular Commission meeting on August 1, 2014.

GENERAL UPDATES

The Southern Navajo County Grasslands Restoration Initiative

- Department personnel recently attended the Southern Navajo County Grassland Restoration Initiative meeting. The goal of the Initiative is to bring partners together to realize the restoration of grassland habitat within a 327,000 acre project area in south-central Navajo County. This will result in improved long-term viability of ranching operations as well as pronghorn habitat on private, Arizona State Trust, Bureau of Land Management, and National Forest land

Central Arizona Grasslands Conservation Strategy (CAGCS) Implementation Team Project Status Updates

- On June 5th, the Implementation Team for CAGCS hosted a public open house in Prescott. Approximately 55 people were in attendance at the open house, with several participants signing up for future stakeholder involvement in the CAGCS implementation process.

CAGCS Project 2013-2014 year-end report:

Smith Mesa/Spider Ranch

- Completed Acreage: 960 acres
- Purpose: Treat juniper encroached grasslands, open corridors to pronghorn movement and allow access to available waters.

Wagontire Grassland Enhancement Project

- Completed Acreage: 2832 acres, (An additional 500 acres are scheduled for treatment in autumn of 2014).
- Purpose: Treat juniper encroached grasslands, open corridors to pronghorn movement and allow access to available waters.

Cienega Juniper Treatment Project

- Completed Acreage: 800 acres
- Purpose: Enhance pronghorn habitat and facilitate pronghorn migration; improve herbaceous cover and dietary sources for pronghorn and other wildlife.

Fort Rock Grassland Enhancement Project

- Completed Acreage: 536 acres
- Purpose: To reduce tree densities and create movement corridors for pronghorn to newly established year-round waters on the Fort Rock Ranch in western Yavapai County, and to enhance grass and herbaceous components for livestock and wildlife.

Forest	Status	Next Step	Projected Next Step Completion
Apache Sitgreaves	<u>LRMP</u> - Draft released Jan 2013, Dept. commented. <u>TMP</u> - Dept. commented on 2010 draft (forest wide), process halted due to Wallow Fire.	A/S finalizing LRMP. TMP process will resume once LRMP is finalized.	Final LRMP ~Fall/Winter 2014. TMP draft anticipated ~late 2014.
Issues:	<u>LRMP</u> - 7100 new acres of Wilderness recommended (mostly expanding existing Wilderness) <u>TMP</u> - draft allows for Motorized Big Game Retrieval (MBGR) 1 mile from road for elk, mule deer & bear. Provides for 658 miles of corridors for dispersed camping 300 ft off established roads.	Region working with A/S to identify additional camping sites in areas deficient in 2010 draft.	
Coconino	<u>LRMP</u> - Draft released Dec 2013, Dept. commented. <u>TMP</u> - Final 2011 (forest wide), MVUM's available; AGFD appealed plan on MBGR and dispersed camping decisions, appeal denied.	Coconino finalizing LRMP. Coconino to open scoping process to revise TMP.	Final LRMP ~Spring 2015. TMP revision process ~Fall 2014.
Issues:	<u>LRMP</u> - draft reduces motorized access 6%, inconsistent with current TMP, recommends small additional Wilderness acreage, potential pre-emption of Dept. authorities. <u>TMP</u> - limited dispersed camping 300ft from specifically identified roads, 30ft from all other roads. MBGR for elk only, 1 mile from roads except GMUs 5A & 5B.	Region working with Coconino planning team to resolve LRMP issues. TMP evaluated annually with opportunity for revision.	

Forest	Status	Next Step	Projected Next Step Completion
Coronado	<u>LRMP</u> - draft released Dec 2013, Dept. commented.	Coronado finalizing	Final LRMP ~late 2014
	<u>TMP</u> - drafts in process (district by district).	Coronado finalizing TMPs through 2014. Region addressing district-specific road closures and access issues in TMPs.	TMP decisions by district: Douglas 7/2014; Nogales 3/2014; Safford 3/2014; Santa Catalina Public comments under review; Sierra Vista 9/2014
Issues:	Reduces use of locatable mineral withdrawal. General inconsistencies and State Land access issues. NO MBGR. MVUM's show access through roads that have locked gates. District-specific road closures and access issues.		
Kaibab	<u>LRMP</u> - Final Feb 2014.	Dept. comments (excluding Wilderness recommendations) incorporated in Final LRMP.	Note: Wilderness recommendations subject to future process and not appealable.
	<u>TMP</u> - completed by district. MVUM's available. AGFD appeal on North Kaibab TMP declined.		
Issues:	LRMP recommends small areas of additional Wilderness to clarify boundaries. North Kaibab TMP: MBGR restricted to bison and elk only. Current designated dispersed camping opportunities at lower elevations insufficient to accommodate late season deer hunters and other campers. Tusayan & Williams TMP: MBGR 1 mile from road for elk in designated areas. Dispersed camping in camping corridors, or 30 feet from road.	Tusayan & Williams TMP initiating scoping; Region working with FS to expand dispersed motorized camping opportunities.	

Forest	Status	Next Step	Projected Next Step Completion
Prescott	<u>LRMP</u> - Draft released 2012. <u>TMP</u> - no new TMP, amending 2005 plan for travel management.	Prescott finalizing LRMP.	Final LRMP ~Fall 2014
<i>Issues:</i>	MBGR: Elk only, within 1 mile of designated open road. May be changed by amendment. Dispersed camping 300' from centerline of designated roads. Recommended new Wilderness 23,000 acres. MVUM's available.		
Tonto	<u>LRMP</u> - Initiating Planning Process/public scoping 2014. <u>TMP</u> - elevated to EIS from EA. Draft released.	AGFD participating as Cooperating Agency throughout LRMP and TMP processes.	Final LRMP ~Fall 2017
<i>Issues:</i>	Consistency across forests, enforceability, MBGR 1 mile off road for elk and bear only. MVUM's are inaccurate.	ID Team meetings held in individual Ranger Districts. Region working with Forest on 'bubble sites' for dispersed	

August 1, 2014

To the Arizona Game and Fish Commission:

In considering the appeal for Pinal Wildlife Rescue's wildlife holding permit, I would like you to please ponder the following:

We deeply regret problems that have arisen concerning our facility. This is why we have done our best to continually improve in the last two years. Unfortunately it was a little too late.

In 2011 we purchased a 1.25acre parcel. In 2012-2013 we completed a 12 x 60 x 12 foot flight enclosure. In January 2014 we completed four 10 x 10 x 10 foot enclosures. In June 2014 we completed a 10 x 16 x 10 foot enclosure.

We have acquired a new volunteer to keep accurate and up to date records for our facility.

Pinal Wildlife Rescue bridges the gap between Phoenix and Tucson. We have been an asset to our community in both rescue and education.

We believe education is the first step towards conservation and we educate over 6000 school children every year. Losing our license has been a great loss to our community. Thirteen schools missed out on the Birds of Prey this year.

We are still in the process of building new enclosures. We are putting all of our money and effort into making them the best we can, so that we will not have the issues that arose in the past. These will comply with NWRA standards.

"The Arizona Game and Fish Department is responsible for managing Arizona's fish and wildlife resource as an enduring public trust." We are striving to help Arizona and the Department accomplish this goal. Working together is the only way we can.

Sincerely,

A handwritten signature in cursive script that reads "Betsy Lajoie". The signature is written in black ink and is positioned at the bottom of the letter.