

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, February 7, 2014
Saturday, February 8, 2014
Lake Havasu Unified School District #1
Building C, 2200 Havasupai Blvd.
Lake Havasu City, Arizona 86403

PRESENT: (Commission)

(Director and Staff)

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

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

Chairman Harris called the meeting to order at 8:00 a.m. and led those present through the Pledge of Allegiance, followed by Commission, Director, and Director's staff introductions. This meeting followed an agenda revision #2 dated February 5, 2014.

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1. Call to the Public

There were no requests to speak to the Commission.

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2. 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 items b and e were removed for discussion. The following consent agenda items were presented for approval:

a. Shooting Sports Activities Briefing

Presenter: Jay Cook, Shooting Sports Branch Chief

The Commission was provided with a written Shooting Sports Activities Briefing prior to this meeting (also available to the public) of Department activities related to shooting sports, including shooting programs and shooting range development statewide. The briefing covers activities 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.

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: 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.

f. Memorandum of Understanding with the Verde Watershed Restoration Coalition

Presenter: Joyce Francis, Habitat Branch Chief

The Arizona Game and Fish Department desires to enter into a Memorandum of Understanding (MOU) to strategically implement the Verde River Cooperative Invasive Plant Management Plan (CIPMP). The CIPMP identifies approaches to control invasive plants in the Verde River Watershed that threaten the future viability of riparian habitat in this watershed and its ability to continue to support riparian obligate native species of wildlife. Stakeholders involved in the MOU are a diverse group of federal, state, county and local government agencies and non-governmental organizations. Participation by the Department in this MOU constitutes a commitment to participate on the Verde Watershed Restoration Coalition Steering Committee. There are no funding obligations for Department within this MOU. The Department provided the Commission with a briefing on the MOU at the January 10-11, 2014 Commission meeting. The Commission was in consensus to place this on the February consent agenda for approval.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE VERDE WATERSHED RESTORATION COALITION MEMORANDUM OF UNDERSTANDING AS PRESENTED AND RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Motion: Madden moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEMS A, C, D, AND F.

Vote: Unanimous

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.

Scott Lavin, Recreation Branch Chief, provided the Commission with a PowerPoint presentation on Department efforts in hunter recruitment and retention. The presentation included an overview of the Department's Hunting and Angling Heritage Workgroup (HAHWG), which is the key ingredient to this effort. Currently there are more than 35 active organizations of diverse interests that have become involved in HAHWG. This is the most unique and largest recruitment and retention effort in the nation. There is no single entity or organization in the state or otherwise that provides a year-round schedule of events required to keep individuals engaged in hunting, angling and other outdoor recreation activities.

Mr. Lavin's presentation included an overview of the process for recruiting a hunter, the types of events provided, and survey data. Also included were potential new events, outreach and promotional efforts, as well as the next steps in moving forward.

Director Voyles added that the Department is in a leadership role nationally on both the Council for Advancement of Hunting and Shooting Sports and the National Agency Industry Coalition. The Council for Advancement of Hunting and Shooting Sports is looking at a national plan for recruitment and retention and the associated components from development of access and shooting range access, to Best Business Practices. The intent is to drive a national agenda with national level financing and capabilities for a full depth recruitment and retention program.

e. Proposed Project Sites and Restoration Concepts for the Department's In-Lieu Fee Mitigation Program on Commissioned Owned Wildlife Areas

Presenter: Tim Wade, Chief, Wildlife Contracts Branch

The Department has been operating an In-Lieu Fee Program (ILFP) since the late 1990s and formalized the program in a 2002 Memorandum of Understanding with the US Army Corps of Engineers (USACE). In April of 2008, the USACE issued a final Rule (*Compensatory Mitigation for Losses of Aquatic Resources*; 33 CFR Chapter II) that outlined new, stricter requirements for operating an ILFP or mitigation bank. The USACE gave existing programs five years to come into compliance with the provisions of the Mitigation Rule. The deadline for approval was June 9, 2013. At the May 2013 Commission meeting the Commission approved the Department's final ILFP Instrument. Subsequently on June 7, 2013, the USACE approved the Department's ILFP Instrument allowing the Department to move forward with the program. The ILFP allows the Department to sell compensatory mitigation credits to USACE Clean Water Act Section 404 permittees to offset unavoidable adverse impacts to wetlands, streams and other

aquatic resources from activities involving dredged or fill material into Waters of the United States.

Since June of 2013 Wildlife Contracts Branch staff has been meeting with both regional staff and members of the Habitat Branch to prepare a list of proposed ILF project sites and conceptual restoration components for those sites; on selected Commission-owned wildlife areas. These proposed sites were presented to the Department's Lands Council on November 21, 2013. The Lands Council approved moving forward with the process of approval. On December 3, 2013, a presentation was provided to Department Executive Staff regarding the sites and conceptual plans. They also approved moving forward with the approval process. Commission approval to move forward with the development of Long Term Management, Monitoring and Development Plans is the final internal step in the approval process. Once Commission approval is obtained; the detailed plans will be developed and submitted to the USACE for final approval. The ILF project sites were presented to the Commission as a "first read" at its January 10-11, 2014 Commission meeting.

Commissioner Davis wanted this item to be pulled from the consent agenda for the opportunity to discuss whether the Department would be giving up potential revenue streams and whether the mitigation process might take another land use off the table that could become very valuable.

Mr. Wade stated that these properties go through numerous vetting/filtering processes, the first of which is water rights. If the Department doesn't have water rights on the property, it doesn't proceed. Land status and acquisition type is considered along with regional desires and priorities. The properties presented were selected based upon input from Regional staff. There are no known conflicts with revenue or future land use, but the Department will add that as another component of the vetting/filtering process.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED PROJECT SITES AND ALLOW THE DEPARTMENT TO MOVE FORWARD ON PREPARING DETAILED LONG TERM MANAGEMENT, MONITORING AND DEVELOPMENT PLANS FOR SUBMITTAL TO THE USACE FOR FINAL APPROVAL AND INCLUSION OF THE PROJECT SITES IN THE DEPARTMENT'S IN-LIEU FEE PROGRAM.

Director Voyles added that these properties are vetted through the Lands Council and each property has an assigned property steward. The property stewards together form the Lands Council. Each Regional Supervisor is on the Lands Council. There is also Executive Staff overview and the decisions are a long-term cost/benefit decision.

Motion: Davis moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEMS B AND E.

Vote: Unanimous

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3. 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 including the following updates and Commission actions:

State Legislative Update:

- The Governor's appointment of James R. Ammons to the Arizona Game and Fish Commission was confirmed by the Senate on February 4, 2014.

Budget

- The Governor's OSPB recommendations for Fiscal Year 14-15 have been reviewed by the Department and it appears that the Department's budget is largely intact. The JLBC is now preparing recommendations. The next steps are Caucus presentations, Committee action, Floor action, and the Governor's signature. This will be a lengthy process.

Update on Commission Legislative Agenda

SB1118: hunting on private land; trespassing (Landowner Compact). Authorizes law enforcement officers acting at the request of an owner to request that a trespasser leave private property.

- Senate NRRA Committee: Passed 9-0
- Passed Senate 30-0
- Ready for House

HB2303: permits or tags; transfer; veterans. Authorizes the Commission to prescribe the manner and conditions of transferring a license or permit to a veteran who has a service-connected disability.

- House EENR Committee: Passed 8-0
- Awaiting House Floor Action

Motion: Davis moved and Madden seconded THAT THE COMMISSION VOTE TO SUPPORT SB1118 AND HB2303.

Vote: Unanimous

Other State Legislation of Interest

HB2443: hunting and fishing licenses; military: States that any active duty member of the U.S. armed forces stationed in Arizona for either permanent or temporary duty is permitted to purchase a resident license permitting the taking of wildlife.

- Previously, the member was required to be stationed in Arizona for a period of 30 days immediately preceding the date of application for the license

- Measure strikes 30-day waiting requirement
- Public Safety, Military & Regulatory Affairs Committee Agenda 2/12/14

Motion: Davis moved and Mansell seconded THAT THE COMMISSION VOTE TO SUPPORT HB2443.

Vote: Unanimous

SB1211: Mexican wolf; taking; reporting: Permits an AZ Department of Agriculture employee to take any wolf that has been documented or caught in the act of killing livestock without penalty under federal law; Specifies that any bear, wolf, or mountain lion threatening the public health and safety is subject to a taking as prescribed; Requires USFWS provide DNA analysis of wolves, etc.; Other provisions are included.

- Government & Environment Committee Passed 4-3
- The Department signed-in Neutral and was available to answer questions. No questions were asked of the Department.

SB1212: appropriation; wolf recovery; litigation costs: Appropriates \$250,000 from the General Fund in FY2014-15 to the Attorney General's Office for litigation expenses relating to the expansion of the Mexican Wolf Recovery Program in Arizona.

- Government & Environment Committee Passed 4-3
- Awaiting Appropriations Hearing.

Motion: Harris moved and Mansell seconded THAT THE COMMISSION VOTE TO SUPPORT SB1212.

Vote: Unanimous

SCR1006: Mexican wolf; population rule: Expresses the Legislature's support for state control over wolves, etc.; Declares the Legislature's opposition to the additional introduction of Mexican wolves unless and until it has been determined that wolves cannot be introduced successfully in northern Mexico and that natural expansion of the existing wolf population is not capable of achieving the 100 wolf population goal; Articulates the Legislature's belief that the 10(j) rule should authorize private land owners and their agents to take Mexican wolves that enter private land, or kill, wound, bite, chase, threaten or harass humans, pets or livestock on private land, subject to reasonable notice and reporting requirements.

Chairman Harris stated that the Department is in the process of putting together its own wolf plan and it would be premature for the Commission to take a position on this bill until the Department brings its recommendation, from a science standpoint, to the Commission.

The Commission was in consensus to stay neutral on SCR1006.

Commissioner Madden asked how close the Department is to completing its wolf plan.

Jim deVos, Assistant Director of Wildlife Management, stated that nine out of twelve chapters are completed and in review. The other three chapters are in draft form. The Department is on schedule for a presentation to the Commission at the March Commission meeting.

HB2536: best land management practices; appropriation: By January 1, 2016, the State Land Commissioner, in coordination with the State Forester, is required to develop and adopt best land management practices for state lands to decrease the severity of wildland fires; Establishes the Best Land Management Practices Fund (\$20M, FY2014-15) to be used for the administration and implementation of best land management practices.

- House EENR hearing scheduled for 2/10/14
- Referred to Appropriations

SB1268: natural resource protection fund: Establishes the Natural Resource Protection and Preservation Fund, administered by the State Forester; Appropriates an unspecified amount from the General Fund in FY2014-15; Specifies conditions and purposes for which monies in the Fund may be spent (hazardous fuel reduction, forest thinning, creating defensible forest space, fuel reduction treatment).

- Referred to Senate NRRA & Appropriations

The Department will be tracking this bill closely and will attempt to be part of any committee or group that is formed.

Commissioner Davis suggested that the Commission's Legislative Committee work with the Department to talk with the sponsors and see if they are willing to specify the Department as having a role at the table, and then discuss with the Commission whether it is in support or not.

The Commission was in consensus.

SB1267: natural resource management; state agencies: The State Land Department, Department of Water Resources, Department of Environmental Quality and Arizona Game and Fish Department are required to: Monitor federal natural resource management issues that impact federal lands located in Arizona; Encourage increased cooperation with federal agencies and submit comments as necessary regarding federal regulation impacting natural resource management of federal lands in Arizona; Inform the public regarding proposed federal regulations impacting the natural resources management of federal lands in Arizona; Inform the Legislature of federal natural resource management issues considered to be of statewide importance.

- Referred to Senate NRRA

Commissioner Davis commented that the Department is already taking these actions, but he doesn't know about the other agencies involved.

The Department will continue to monitor this and other natural resources related bills and will coordinate with the other agencies to make sure this does not become an unfunded mandate.

Congressional Legislative Update:

Sportsmen Package Bills:

- HR 3590 SHARE Act: Passed House 268-154; Headed to Senate
- S. 1996 Bipartisan Sportsman Act: Introduced Feb 4, 2014; Not scheduled for hearing.

Farm Bill 2014:

- H.R. 2642 Federal Agriculture Reform and Risk Management Act of 2013; Conferenced bill passed House 251-166 and Senate 68-32; Awaiting Presidential Action (Will be signed today)
- Wildlife/Conservation Provisions: EQUIP (Environmental Quality Incentive Program); WHIP (Wildlife Habitat Incentive Program); Approximately an 8.5% decrease in funding levels, but will not impact Arizona's share; CRP (Conservation Reserve Program)-capped at 24 million acres (down from 31 million), relaxed rules may allow for Arizona farmers to take advantage of program; Re-couples conservation compliance to crop insurance "Sodsaver" program (applicable to only 6 mid-west states)
- Given the current Federal government constraints the Farm Bill as passed is relatively positive for Arizona and wildlife in general.

Department Engagement at Congressional Level**Local and Regional Engagement:**

- Willow Beach Fish Hatchery/Sportfishing
- Shooting Sports
- Land, Water Conservation Funding.

Washington, DC Engagement:

- Renewable Energy Legislation
- USFWS Sportfishing Priorities
- Sportsmen/Conservation Coalition: End of February Trip to DC (AES, AWF, AS) regarding State Wildlife Grants/appropriations, Economic impacts of hunting/angling, and State Wildlife authorities
- Congressional Sportsmen's Caucus.

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4. Customer Portal Strategy

Presenter: Doug Cummings, Information Systems Branch Chief

Mr. Cummings provided an update using a PowerPoint presentation on the development of the Customer Portal (website with customer login capabilities with improved customer access to information and products). The update covered progress made since the January Commission meeting and a review of the project schedule. The update included the following:

- Post Online License Sales and Draw (OLSD) Release 2 Go-Live activities that will support the Customer Portal (Load/performance monitoring and transition to new payment processing service)
- Customer Portal Release 1.0 – Foundational release
- Updated Project Schedule (Public/customer test drive added and scheduled for August)
- Potential Services that could be provided through the Portal along with implementation challenges and opportunities, including bundling services, loyalty programs, clubs, tag surrender concepts, etc. (several potential services require rulemaking or legislation).

Commissioner Davis expressed his appreciation for the Department's hard work towards implementation by January 2015, including the bundling and tag surrender concept. The Portal will provide a better opportunity and access for customers. It supports the concept of bundling services, rewarding customers, and the concept of tag surrender.

The Commission discussed the tag surrender concept that could be included as a bundling option and whether that would reduce the number of customers that petition the Commission.

Mr. Cummings stated that customers may still petition the Commission regarding surrendering their tags, but they would have the opportunity to choose at the time they purchase their tag whether to have the tag surrender option or not.

Assistant Attorney General Jim Odenkirk stated that the Commission has the opportunity in the rulemaking process to require conditions under which a person can petition the Commission.

Motion: Harris moved and Davis seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO MOVE FORWARD WITH THE OFF-CYCLE RULEMAKING PROCESS NECESSARY TO IMPLEMENT BY JANUARY 2015 AND TO MOVE FORWARD WITH THE CONCEPT OF BUNDLING SERVICES, INCLUDING MEMBERSHIP/CLUBS AND LEVELS/CATAGORIES, AND TO INCORPORATE A TAG SURRENDER BENEFIT INTO THE CONCEPT.

Vote: Unanimous

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

Meeting reconvened at 9:55 a.m.

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5. New Evolving Technologies Related to Hunting and Fair Chase

Presenter: Jim Hinkle, Assistant Director, Field Operations Division

Mr. Hinkle provided a PowerPoint presentation and briefing on some of the evolving new technologies and methods, such as smart guns and drones, as they relate to hunting and the concept of Fair Chase. The update included a conceptual Fair Chase committee approach to monitor emerging technologies and, as appropriate, proactively seek statutory or rule changes to preserve Fair Chase standards.

Fair Chase, as defined by the Boone and Crockett Club, is the ethical, sportsmanlike, and lawful pursuit and taking of any free-ranging wild, native North American big game animal in a manner that does not give the hunter an improper advantage over such animals. An improper advantage is based on social norms and tends to be regional in nature. The Arizona Game and Fish Commission system ensures that social decisions are made in an open public forum under the principles of the North American Model of Wildlife Conservation. Careful consideration must be given to weigh the tradeoff between and emerging/evolving technologies impact to Fair Chase and the opportunities presented to increase participation or competency.

Mr. Hinkle provided information and video clips on the following:

- TrackingPoint Rifle & Sight System – Allows novice shooters to attain perfect accuracy at ranges out to 1,200 yards
- Unmanned Aircraft Systems (UAS) – Various models offer ranges from 300 yards up to 1.9 miles and provide real time viewing through a mobile device
- Wireless Game Cameras – Wirelessly sends real time photos to the user's cell phone or email.

There are laws in place regarding tracking rifles and UAVs for taking wildlife: “R12-4-303.2.d. An individual shall not use or possess any of the following to take wildlife... laser sights”; and for UAVs, the same rules and statutes that apply for locating or harassing wildlife from a full-size manned aircraft apply to UAVs: R12-4-301 Definitions: “Aircraft” means any contrivance used for flight in the air or any lighter-than-air contrivance. For wireless game cameras, there are currently no statutes or rules that regulate the use of wireless game cameras.

The Department is recommending the creation of a standing Fair Chase Committee to monitor and evaluate emerging and evolving technologies and practices. The committee would make recommendations to the Commission for statute or rule changes to preserve Fair Chase standards for the taking of wildlife in Arizona. The committee should include representation by key external partners and may include membership by a sitting Commissioner. The first item of business for the Fair Chase Committee would be to craft a policy for Commission approval regarding Fair Chase. The policy would establish guiding principles from which to govern the evaluation of emerging and evolving devices and practices. Past failures in addressing emerging practices generally involve the failure to recognize, agree or act over long periods of time while a new technology or practice gained widespread acceptance and use. The Fair Chase Committee would alleviate this deficiency.

Commissioner Davis stated that many people and particularly people coming into Arizona from other states and regions may not know Arizona's ethics and definition of Fair Chase. He believes it is important to have regular discussions and reinforcement on the Department's website and other public means about what Fair Chase means and what you can and cannot do. He believes a Fair Chase Committee is a good idea.

Public Comment

Amy Elizabeth LaSalle, representing herself, thanked the Commission for addressing this issue and expressed concerns about residential and individual privacy as it relates to the use of drones, as well as the use of drones to get around Fair Chase ethics.

Motion: Harris moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE THE DEPARTMENT'S RECOMMENDATION TO FORM A FAIR CHASE COMMITTEE AND TO INCLUDE COMMISSIONER MADDEN AS THE COMMISSION MEMBER TO SIT ON THE COMMITTEE.

Vote: Unanimous

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6. Request to Repeal Unnecessary Commission Policies That Are Outdated or Have Been Incorporated into Other Policies.

Presenter: Jennifer Stewart, Rules and Risk Branch Chief

Ms. Stewart briefed the Commission on the Department's review of all Commission policies. The Department has been reviewing and developing recommendations designed to ensure that the policies are updated to reflect current Commission direction. During the review, the Department identified seven Commission Policies that it believes could be repealed because the policies are outdated and no longer applicable or are incorporated into other Commission policies or Department processes. The seven policies recommended for repeal are:

- A2.1. Appeals, Reports, and Public Hearings Relative to Relocation Assistance on Federal Aid Land Acquisition Programs
- A2.10. Urban Wildlife
- A2.14. Flood Control Program for the Middle Gila River 91st Avenue to Gillespie Dam
- A2.17. Commission Position Statement on the Verde River
- A2.23. Policy Statement on Heritage Fund Acquisitions of Sensitive Habitat for Endangered, Threatened and Candidate Species, as Authorized Under the Provisions of A.R.S. § 17-298
- A2.24. Department Five-Year Goals and Objectives
- A2.33. Arizona Wildlife Conservation Fund Expenditures.

Chairman Harris requested that the Department and Commission continue to look at these policies, potentially on an annual basis.

Ms. Stewart indicated that this topic would be continued at the May workshop with further discussion on remaining Commission policies requiring updates.

This agenda item was a "first read" for either Commission action or to be placed on the March consent agenda for Commission approval. The Commission did not take action and had no objections to placing this item on the March consent agenda.

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7. BASF Campground Fee Increase Request

Presenter: Jay Cook, Shooting Sports Branch Chief

Mr. Cook briefed the Commission on the Department's proposal to increase campground fees at the Ben Avery Shooting Facility. The justification for the increase in fees is the continued rise in the cost of operation, including labor, utilities and maintenance, and according to a review of other campgrounds, the Department believes that the current fees are under market value. Additionally, campground fees have not been modified since 2008. If approved by the Commission, the effective date for the recommended fees would be July 1, 2014. The current and proposed fees are as follows:

Current Fees: Daily-\$25.00; Weekly-\$100.00; Monthly-\$300.00

Proposed Fees:

- Daily-\$30.00; Weekly-\$120.00; Monthly-\$340.00. (No sewer: Shooter's Campground at Main Range and future campground at Clay Target Center)
- Daily-\$30.00; Weekly-\$140.00; Monthly-\$400.00. (Includes sewer: All other BASF campgrounds)

Commissioner Davis suggested that the Department look at different rates for summer and winter to encourage more participation during the summer months. A key component would be that they have to participate in shooting and not just camping.

Commissioner Madden suggested that the Department analyze the costs of electricity during the summer months considering the level of air conditioning used during that time.

The Commission was in consensus for the Department to bring this back on the consent agenda at the March Commission meeting with the amendments as discussed by Commissioners Davis and Madden.

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8. Briefing on the Reprioritization of the U.S. Fish and Wildlife Service's National Fish Hatchery System and the Cessation of Trout Production at Willow Beach National Fish Hatchery

Presenter: Chris Cantrell, Fisheries Branch Chief

Mr. Cantrell provided a PowerPoint presentation and briefing to the Commission on the U.S. Fish and Wildlife Service's (USFWS) decision to redirect priorities at the national level to production of native species and the cessation of trout production at Willow Beach National Fish Hatchery. The following information was included in the briefing.

The Arizona Game and Fish Department (Department) is extremely concerned with the USFWS's effort to reassess their agency priorities through strategic planning and comprehensive workforce analyses on the National Fish Hatchery System. The result of these assessments is the unilateral planned reallocations of budgets based on new priorities and sequestration that will take resources and dollars away from sportfish recreation and supporting state sportfish recreation programs. The Department is concerned that the National Fish Hatchery System and inter-related programs such as the Aquatic Animal Drug Approval Partnership Program will no longer receive adequate federal funding to meet egg and sportfish production obligations in our states. The burden to support these programs will shift to the states at a cost to other programs or if funds are lacking, these fishing opportunities will be lost at great harm to state economies. Our state and federal hatchery systems are, by necessity, highly integrated and interdependent in order to adequately address the requirements of important sport fishing programs in the Colorado River basin. We value this partnership and do not wish to see it compromised by changes in USFWS's priorities.

The Department is concerned that unilateral changes in federal fish hatchery direction would severely compromise our long-standing conservation partnership. The states rely on the

production of federally cultured brood fish and sportfish to meet critical fisheries management and recreational demands. Specifically:

- Ennis National Fish Hatchery provides over 2,000,000 triploid rainbow trout eggs annually
- Willow Beach National Fish Hatchery supports and average of 150,000 rainbow trout stocked into the Colorado River annually
- Williams Creek and Alchesay (White River, AZ) supplies all of our Apache trout eggs, annually stocked in the White Mountains for sportfish recreation.

Termination or programmatic shift in hatchery facilities toward native fish production will effectively reduce the supply of sportfish and will create a severe negative impact on angler days and the economy.

On November 21, the Willow Beach National Fish Hatchery located along the Colorado River south of the Hoover Dam, operated by the USFWS, conducted an emergency stocking of 11,000 rainbow trout when the low water level made it impossible to deliver water to the hatchery. However, 20,000 fish were lost due to a lack of water movement through the system. The USFWS has informed the Department that this will effectively end all trout stocking efforts, in perpetuity. Those stocking sites included Willow Beach and multiple locations below Davis Dam. According to the Department's 2001 angler survey we estimated around 9,000 angler use days will be affected by this change. Further, this is essentially the only cold water fishery in northwestern Arizona.

Although this particular event was initiated due to water availability, the cessation of rainbow trout stockings from the Willow Beach National Fish Hatchery is one of several potential hatchery changes associated with the USFWS's National Fish Hatchery Review. The USFWS is considering major changes in many of the National Fish Hatcheries across the nation, including trout production cuts, conversions to native fish production, and potential hatchery closures.

The Department has been looking at multiple approaches directed at maintaining trout stockings in the Colorado River and working toward protecting Arizona's and the Nation's interests in recreational fishing. The following is an outline of the Department's proposed strategic approach:

Request the USFWS to reevaluate the National Fish Hatchery priorities:

- Prepare a resolution requesting products and service's from the National Fish Hatchery Systems be maintained and met in full (AFWA, WAFWA, & CRFWC)
- Provide input from states, industry, partners, and the angling public on priorities and needs in Arizona
- Engage and communicate with the Congressional Delegation on up to date information.

Evaluate contingency plans for stocking trout at Willow Beach and Davis Dam Tailwater – Next 1-3 years:

- Request the USFWS provide contingency stockings while working toward repairing Willow Beach
- Work toward gaining state and federal compliance for AGFD to stock - ongoing

- Identify and/or redirect Department funding to purchase trout for stocking – 256K annually
- Work with partners on the concept of sharing costs of the trout stockings.

Evaluate contingency plans for continuing Rainbow Trout stocking statewide:

- Revise our current MOU with the USFWS to maintain long-term commitments for triploid trout eggs
- Identify and/or redirect Department funding to purchase triploid rainbow trout eyed eggs from private vendors - (80-90K)
- Work with Colorado River Fish And Wildlife Council partners to identify other sources of triploid rainbow trout eyed eggs – ongoing.

Commissioner Davis confirmed with Mr. Cantrell that the USFWS made this decision without input from their partners, the states. Commissioner Davis recommended that the Department prepare for the USFWS to not be their partner in the long-term. He further recommended including the Western Governor's Association and the National Governor's Association.

Following Commission discussion, Director Voyles clarified what he understood as Commission direction to the Department. The Department needs to step up and lead the discussion in developing a future business model for trout production in the western United States. This will mean ensuring that we have the processes in motion through WAFWA and perhaps AFWA to begin to develop an alternative business model that would be successful in maintaining a sport fishery that is dependent upon hatchery production regardless of what direction our federal partner may go. Director Voyles will work with Mr. Cantrell to develop an objective statement and a plan of action for being able to lead and organize and galvanize our partners in the effort. The right team together can build this plan. He would also like to re-address the national strategy with the USFWS and to get this on the agenda for the U.S. Sportfishing and Boating Partnership Council.

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

Vote: Unanimous
4 to 0

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Meeting recessed for lunch at 12:05 p.m.
Meeting reconvened at 1:45 p.m.

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9. Call to the Public

There were no requests to speak at this time.

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10. 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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11. (continued) Executive Session

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

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

Vote: Unanimous
4 to 0

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12. Litigation Report

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

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13. Approval of Minutes and Signing of Minutes

Motion: Madden moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM JANUARY 10-11, 2014.

Vote: 4 to 0
Ammons abstained

The Commission signed the minutes following approval.

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14. Director's and Chairman's Reports

Chairman Harris suspended his report.

Director Voyles reported the following activities:

- Attending the SHOT Show January 13-17, 2014; attended several meetings and met with different organizations; met with the Executive Director of the National Shooting Sports Foundation and a team from the Wildlife and Hunter Heritage Conservation Council and with a team from the Council to Advance the Hunting and Shooting Sports with the expressed intent of developing a recommendation to the Secretaries of Interior and Agriculture on the development of metrics to assess the degree to which there is a change, plus or minus, in access for hunting and access for shooting on public lands
- The organization Tread Lightly received the first inaugural Outdoor Life Open Fields Award for their work with Arizona Game and Fish and BLM on keeping the Sonoran Monument open to public shooting
- Tread Lightly is kicking off this spring with a major fundraiser to help raise funds for a major public affairs campaign and the Department and Commission will likely be involved with that effort. There is a significant backlash that has been litigated and there is a real effort to turn around the Secretaries decision and it will have major implications
- Met with Tread Lightly and Don Turner representing the shooting community around Las Vegas. He was looking for guidance on how the Department did the Sonoran Monument effort, because 100% of the public land around Las Vegas have been closed
- Attended a meeting in Denver with a group of people from around the country sponsored by the Council for the Advancement of Hunting and Shooting Sports setting in motion the development of a national plan for recruitment and retention. It will be a broad based plan modeled after the North American Waterfowl Management Plan that has led to the successes in waterfowl management in the past couple of decades. This will be a plan to integrate all 50 states, industry, and the major NGOs into one systematic plan for recruitment and retention
- Provided a presentation at the request of the Chair of the Senate Natural Resources Committee on the various things we have accomplished in our efforts to maintain the North American Model. The presentation was well received by all the Senators on the panel
- Met with the new Executive Director of the U.S. Sportsman's Alliance and their lead attorney to discuss a role they can play in working with AFWA on our development of a national legal strategy for protecting the North American Model of Conservation. If all goes according to plan, a representative from AFWA will make a presentation to the Commission on that effort at the March Commission meeting
- Participated on a panel discussion at SCI. A lot of people are really interested in what the Department is doing regarding Mexican wolves. This may lead to a meeting with New Mexico on the potential to create a bi-state unified plan.

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15. Commissioners' Reports

The Commission was in consensus to suspend the Commissioner's reports.

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Meeting recessed for the day at 4:00 p.m.

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Meeting reconvened Saturday at 8:00 a.m.

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8. Lake Havasu Community Forum

Presenter: Pat Barber, Yuma Regional Supervisor

Mr. Barber facilitated an informal community forum with the Commission, Department staff, several community leaders, and members of the public. The following presentations were provided that outlined ongoing collaborative work and projects:

- Region IV North Sector Overview
- Lake Havasu and Recreational Boating
- Lake Havasu Branding Project
- Lake Havasu Fisheries Improvement Project
- OHV Trail System Planning

The presentations were followed with open discussion on current and potential future collaborative efforts.

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2. Future Agenda Items and Action Items

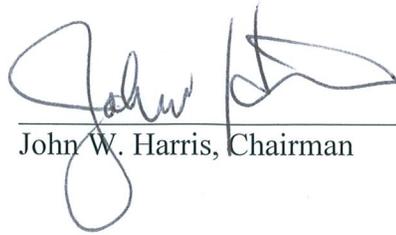
Deputy Director Ty Gray captured the following action and agenda items:

- Regarding SB1268, the Department will work with the Commission Legislative Committee to specify the Department's role in implementing the NRPP Fund
- Regarding bundling services, the Department will move forward with out-of-cycle rulemaking to address changes that will allow tag surrender and bonus point reinstatement and any other potential needed rule changes to be incorporated into bundled service packages to be effective by January 1, 2015
- Regarding Fair Chase, the Department will move forward with establishing a committee including Commissioner Madden as a member. The Department will periodically brief the Commission on the committee's work and recommendations, and will include education as a major component of the charter
- The BASF camping fees will be brought back to the Commission in March for a second read; the Department will include an analysis of the merits of a summer versus winter rates and will include any changes in the recommendation
- Regarding the fish hatcheries, the Department will include the Western and National Governor's Associations on the issue and will work with WAFWA and AFWA to establish an objective and action plan for developing an alternative business plan that does not rely on long-term support from the federal government as a partner in providing sportfishing opportunities and services; the Department will also work to get this issue on the Sportfishing and Boating Partnership Federal Advisory Council Committee.

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Meeting adjourned at 11:05 a.m.

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John W. Harris, Chairman



Robert E. Mansell, Vice Chair



Kurt R. Davis, Member



Edward "Pat" Madden, Member



James R. Ammons, Member

ATTEST:



Larry D. Voyles
Secretary and Director

Game and Fish Litigation Report
Presented at the Commission Meeting
February 7-8, 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 obtained an extension until February 5, 2014, to file its opening brief. The Commission has seven days after that to file an amicus brief.**

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.

Lands Update

For the Arizona Game and Fish Commission

January 31, 2014

Phoenix, Arizona

U.S. FOREST SERVICE LAND AND TRAVEL MANAGEMENT PLANNING

General Planning Status – Please see attached worksheet.

Apache-Sitgreaves National Forest

No changes.

Coconino National Forest

The Department received copies of the draft Forest Plan and Draft Environmental Impact Statement (EIS). The Draft EIS includes four alternatives, including the current plan (no-action alternative) and proposed plan, and discloses the environmental consequences under each. Potential areas of concern to the Department include designation of additional wilderness areas, and restrictions on motorized travel and recreational shooting. The Department is currently reviewing these documents with comments due March 30th. The first of a series of public meetings on plan revision was held in Flagstaff on January 14th.

Coronado National Forest

The Draft Travel Management Plans are being developed for each District and will be released successively for public comment beginning in Spring 2014.

Coronado Land and Resource Management Plan and Environmental Impact Statement

The Department is reviewing the draft proposed land management plan and programmatic draft environmental impact statement (EIS). Comments are due to the Forest by February 20th.

The final land management plan will replace the current plan, written in 1986, and provide guidance for managing 1,783,639 acres of National Forest System lands for the next 10 to 15 years. The Forest has been working on the revision in one form or another since 2007 and the Department has provided numerous inputs to the Forest on various iterations of the plan over that time.

The draft EIS evaluates four alternatives, including the proposed plan and the current plan, and discloses the environmental consequences that could occur under each alternative. Comments received on the proposed plan and draft EIS will inform the decision on the final land management plan that is expected in 2014. The Forest expects a final decision in 2015.

Kaibab National Forest

No Changes

Prescott National Forest

No changes.

Tonto National Forest

Plan Revision

The Tonto National Forest (TNF) is currently initiating the design of the public participation process for the Plan revision. The Department was invited and will be attending several of the meetings beginning in January.

Travel Management Environmental Impact Statement

The Interdisciplinary team (ID team) has been meeting and working to provide data and input into the process for development of the Environmental Impact Statement (EIS). The Department has provided a Specialist Report to the team to provide subject matter expertise analyzing the effects of motorized travel management on game and non-game species of wildlife and the effects of visitor satisfaction of motorized use management, focusing on hunters and anglers. The draft EIS was released to the ID team in October, and went through the regional Forest Service revision in November. The Department maintains the agenda item on the bimonthly leadership meetings. In addition, the Department has reviewed and submitted comments on the DEIS as a part of the ID Team process. The Department met with the NEPA coordinator for discussion of our comments submitted through the ID team process.

U.S. FOREST SERVICE – GENERAL UPDATES

Four Forest Restoration Initiative (4FRI)

The Forest Service continues working on revisions to the draft 4FRI Environmental Impact Statement (EIS) and is coordinating closely with Department staff. Release of the final EIS is planned for mid-2014, but may be delayed by vacancies on the USFS 4FRI team. Department and Governor's staff have a January meeting scheduled with representatives of the timber management company subcontracted to conduct logging operations and market forest products from 4FRI (Campbell Group).

Apache Sitgreaves National Forest

Reintroduction of Little Colorado Spinedace

On October 23, 2013, Department personnel reintroduced Little Colorado spinedace into Willow Creek, Coconino County in a cooperative project with the Apache-Sitgreaves National Forests and U.S. Fish and Wildlife Service. Spinedace were last documented in Willow Creek, a major tributary to Clear Creek, in the 1960s but had disappeared since then. The repatriated spinedace originated from a population in Leonard Canyon in Region II and had been held in captivity at a U.S. Fish and Wildlife Service facility in Flagstaff until the stocking. A supplemental stocking is scheduled for the spring of 2014.

Winter Fish Kill Monitoring

On December 17-18, 2013 and January 6, 2014, Department personnel conducted limnological surveys in several lakes prone to winter fishkills, including Carnero Lake, Crescent Lake, and Lee Valley Lake on the Apache-Sitgreaves National Forest, Apache County. These surveys are scheduled annually from December through March, and typically are conducted by snowmobile. However, the surveys conducted this winter season were both conducted by vehicle since there is virtually no snowpack on the roads leading to these lakes. There was enough ice (6.4-7" in

December and 10.4-11.6” in January) to conduct the surveys safely. Dissolved oxygen was good at all 3 lakes, and the prediction is that no winterkills will occur primarily due to the mild winter weather conditions. This should result in great spring fishing for large rainbow trout at Carnero Lake and Crescent Lake, and good for Arctic grayling at Lee Valley Lake.

Coronado National Forest

Rosemont Copper Project

On December 13, a Notice of Availability for the Final Environmental Impact Statement (EIS) was published in the Federal Register. On December 16, 2013 the draft Record of Decision was posted on the project website. On December 31, a legal notice will be published in the Arizona Daily Star, which initiates the 45-day objection period beginning January 1, 2014. In March of 2013, new regulations were released that provide an opportunity for eligible entities to file an objection to a proposed NEPA project before the final decision is signed. This allows entities to have unresolved concerns reviewed by a higher-level Forest Service official, called the reviewing officer, before the decision is made.

The new regulations allow entities who submitted timely, specific written comments about the proposed project during any designated opportunity for public comment, to file an objection to the proposed project. Those who commented on the Rosemont Copper Project during the scoping period in 2008, or during the comment period for the draft EIS in 2011-2012, including the Department, have standing to object to the proposed project.

The Department is reviewing the documents for potential objections on the proposed project.

Following the objection filing period, the Forest Service will have a 45-day review period, with the option for one 30-day extension. The total objection period has a statutory limit of 120 days following the legal notice commencing the objection process. At the end of this period, the reviewing officer will issue a written response to the objections which may include instructions to the responsible official to incorporate additional changes in the draft Record of Decision or to move forward with the project.

Objections will be subject to review by the Southwestern Regional Forester, Cal Joyner. The objection process may include an opportunity for the objector to meet with the reviewing officer and the responsible official, with the objective of having a dialogue about the objection issues and exploring opportunities for resolving the concerns expressed in the objection.

The responsible official cannot sign the final decision until the reviewing officer has responded in writing to all pending objections, and the decision must be consistent with any instructions issued by the reviewing officer.

There will be NO opportunity for additional administrative review or appeal of the final decision.

Kaibab National Forest

North Kaibab Ranger District Westside Project

This is a long-term partnership effort to improve mule deer winter range and habitat for other wildlife in Unit 12A West. The Department continues to work with US Forest Service staff to implement control measures on established weed infestations. Cooperators at Northern Arizona University have provided initial results of the 'firescape' analysis that will help design future fuels management and habitat protection efforts.

Prescott National Forest (PNF)

Annual Coordination Meeting

February 11th has been established as the date for the Region 3 and Region 6 annual coordination meeting with Prescott National Forest. An agenda is currently being developed for this meeting, with the location and time to be determined.

Strategic Action Planning Committee

Department personnel have participated in two Strategic Action Planning Committee meetings with PNF. The Regional Habitat Program has accepted a seat on the Strategic Action Planning Committee's (SAPC) Steering Committee – which will assist in guiding the Forest's shorter term, strategic plan implementation efforts. At this time, the possibility exists that the SAPC will attempt to use anticipated CAGCS Wildlife Corridor efforts as a pilot project for implementation of the Ecosystem Management Decision Support (EMDS) program they are currently developing.

Tonto National Forest

OHV Rehabilitation/Improvement Project

The Mesa Ranger District proposes to rehabilitate 4 sites with native plants in partnership with Boy Scouts and construct 4 vehicle enclosures to reduce the spread of resource degradation at 4 sites that currently experience high volumes of OHV recreation. They will construct approximately 10 miles of pipe rail fencing or use boulders to exclude OHV impacts to wildlife habitat. The Department is currently reviewing the project and will provide comment in Jan. 2014.

BUREAU OF LAND MANAGEMENT (BLM)

Kingman Field Office

Annual Coordination Meeting

February 6th has been selected as the date for the Region 3 and Region 4 annual coordination meeting with BLM Kingman, Havasu, and Colorado River District Administration. An agenda is currently being developed for this meeting, with the location and time to be determined.

RAC Grazing Sub-Committee

The Department accepted membership into the RAC Grazing Sub-Committee, and participated in the kickoff meeting and field site visits for BLM Kingman's FACA-Chartered RAC Grazing Sub-committee Team.

Yuma Field Office

La Posa Travel Management Plan

Public comment period has ended. BLM received about 100 comments. BLM will review and plans to publish final EA in 2 to 3 months. The Department continues to be a cooperating agency and actively representing the Department's interests in the planning process.

BUREAU OF RECLAMATION

Laguna Dredging Project

Bureau of Reclamation is close to completing the dredging below Laguna Dam and removing vegetation from the front of the Dam. This project has been on the books for years, waiting for funding. The goal is to increase Colorado River storage capacity and improve dam safety. The improved boat ramp at the site is open to the public.

WILDLIFE AREAS

Horseshoe Coordinated Resource Management Plan (CRMP)

The Department continues to coordinate and participate on the CRMP for the Horseshoe and Copper Creek Allotments. Information is provided to the public via an updated web-site and the agencies are utilizing the services of a facilitation group. Progress continues as the group is finalizing shared goals and objectives while working into strategies. The CRMP is currently being drafted in sections. The desire to ensure the federal agencies can utilize the CRMP process as their NEPA for formal decision and implementation has affected the timelines somewhat, but will greatly enhance the ability to conduct management actions under one NEPA umbrella at process completion. The anticipated plan document completion will be in 2014

The various subteams continue to move forward on drafting the CRMP, prioritizing improvements, analyzing data and coordinating. Collaboration on AIMS data analysis with BLM/TNC/AGFD commenced in December and will report back to the planning team in February.

Analysis for the aquatic portion has been reinitiated, and the subteam (internal participants) met in December to discuss status, needs and strategy to move forward. The sub team members (external) were then notified for initiation of a meeting and request for data.

ENERGY DEVELOPMENT

PIPELINES

Kinder Morgan CO2 Pipeline Project

No change

Sierrita Natural Gas Pipeline Project

No change

TRANSMISSION LINES

Southline Transmission Line Project

The BLM is analyzing cooperating agency comments on the Administrative Draft EIS. At the recent request of the BLM, the Department provided additional information regarding biological values of the Willcox Playa area and met with BLM, the project proponent, and consultants onsite at Willcox Playa Wildlife Area to illustrate the biological importance of the area. Sub route P7 extends from northeast of Wilcox to the southwest, along the east side of the Willcox Playa and through the Willcox Playa Wildlife Area. The Department has requested that BLM eliminate Subroute P7 from further consideration on multiple occasions due to its proximity to sandhill crane and waterfowl roosting areas. This route is situated between roosting and foraging areas, making bird strikes with towers and conductors quite likely. During the meeting, the Department was informed that BLM had identified Subroute P7 as the agency preferred route based on requests from the Department of Defense to keep lines as far away as possible from the Buffalo Soldier Range. Publication of the Draft EIS is expected by the end of January.

TRANSPORTATION

I-11 Phoenix to Las Vegas Project

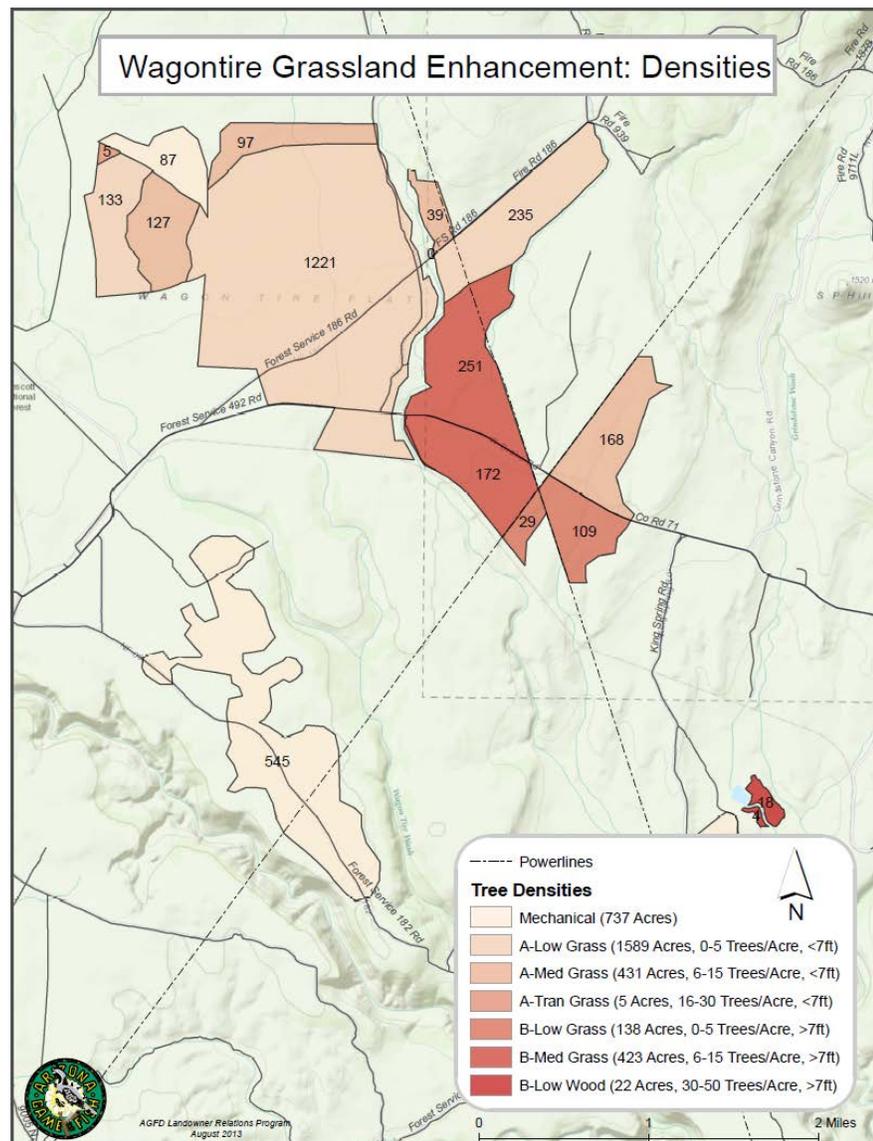
Department staff participated in an Interstate 11 stakeholders/partners meeting to review the draft results of the level 2 alternatives evaluation. ADOT and the consultant both commented that the Department's comments and quantitative analysis added significant value to their evaluation and thanked the Department for our efforts. The draft evaluation proposes that the segment the Department had the biggest concerns over does not meet the reasonable and feasible standard. It also proposes to modify a segment to avoid potential impacts to Department Wildlife Areas along the Gila River. These positive results are testimony to the value of establishing partnerships early in the impact analysis process. Department staff will be reviewing and providing comments on the draft evaluation.

GENERAL UPDATES

Central Arizona Grasslands Conservation Strategy (CAGCS) Implementation Team Project Status Updates as of January 7, 2014

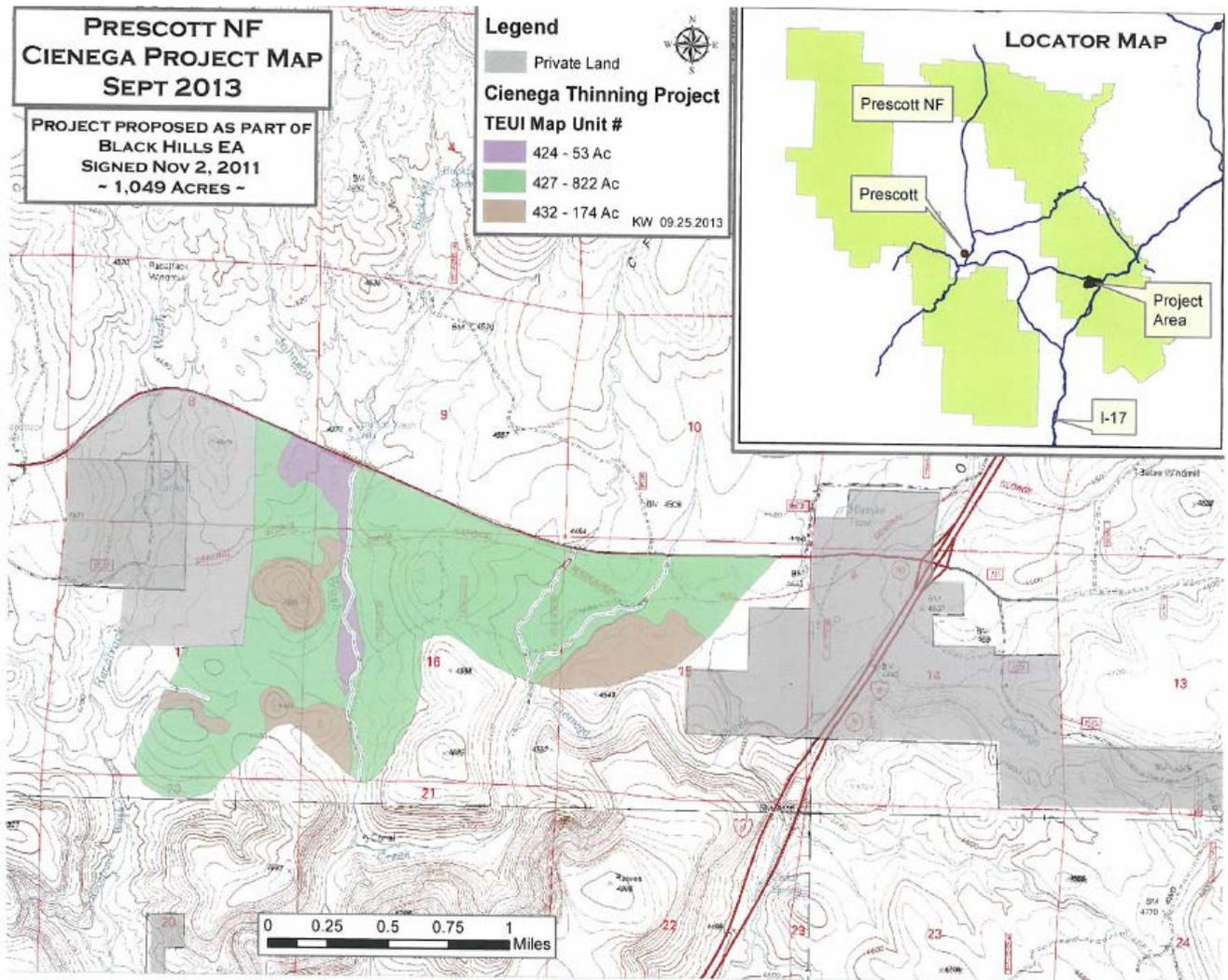
Wagontire Grassland Enhancement Project

This project is occurring on the West Bear Allotment (Almida Ranch) on Prescott National Forest (PNF) land. A Challenge Cost Share Agreement has been finalized and signed by Prescott National Forest and AGFD. PNF will be contributing \$25,000 in addition to the \$44,350 provided through CAGS for Phase I of this treatment. Phase I (2,608 acres) will be treated utilizing hand crews with chain saws. Bid solicitations have been conducted and two Oregon contractors have been selected and notified – Umpqua Valley Forestry and Summitt Forests Inc. The Regional landowner relations personnel have been working in cooperation with the PNF, Chino Valley Biologist (Dan Garcia de la Cadena) to identify polygons in the field to delineate cut areas, exclusions and other field considerations. If the weather continues to cooperate, work could proceed later this winter. Both companies have indicated that they will implement a blitzkrieg approach to their assigned areas - and be in and out of the project within the span of only a few weeks. Phase II of this project will be directly contracted to the rancher, who will be compensated by the Department (\$12,500) to mechanically treat 737 acres. Work on Phase II should begin this spring.



Cienega Watershed Improvement Project

This project is another partnership with Prescott National Forest (PNF) taking place within the greater Black Hills Vegetation Management project area, south of Hwy 169, east of the landfill and just west of I-17. This project comprises treatment of 1049 acres and will be used by PNF Fire personnel as part of their training and treatment methods. A Collection Agreement between the two agencies has not yet been finalized, but will likely be completed within the next week or two. CAGCS is allocating \$50,000 toward this project; the Forest has completed and conducted an environmental assessment and cultural resource inventory work, with a value of approximately \$20,000. AGFD internal compliance (EAC) is near completion, but is currently being held up by proof of verification of tribal consultation by PNF. This should be secured from the PNF Verde office within the week. It is hoped that the treatment can proceed sometime in February, contingent on the completion of internal process, which includes garnering signatures on the agreement with PNF.



7-Up Grassland Improvement Project: Phase II

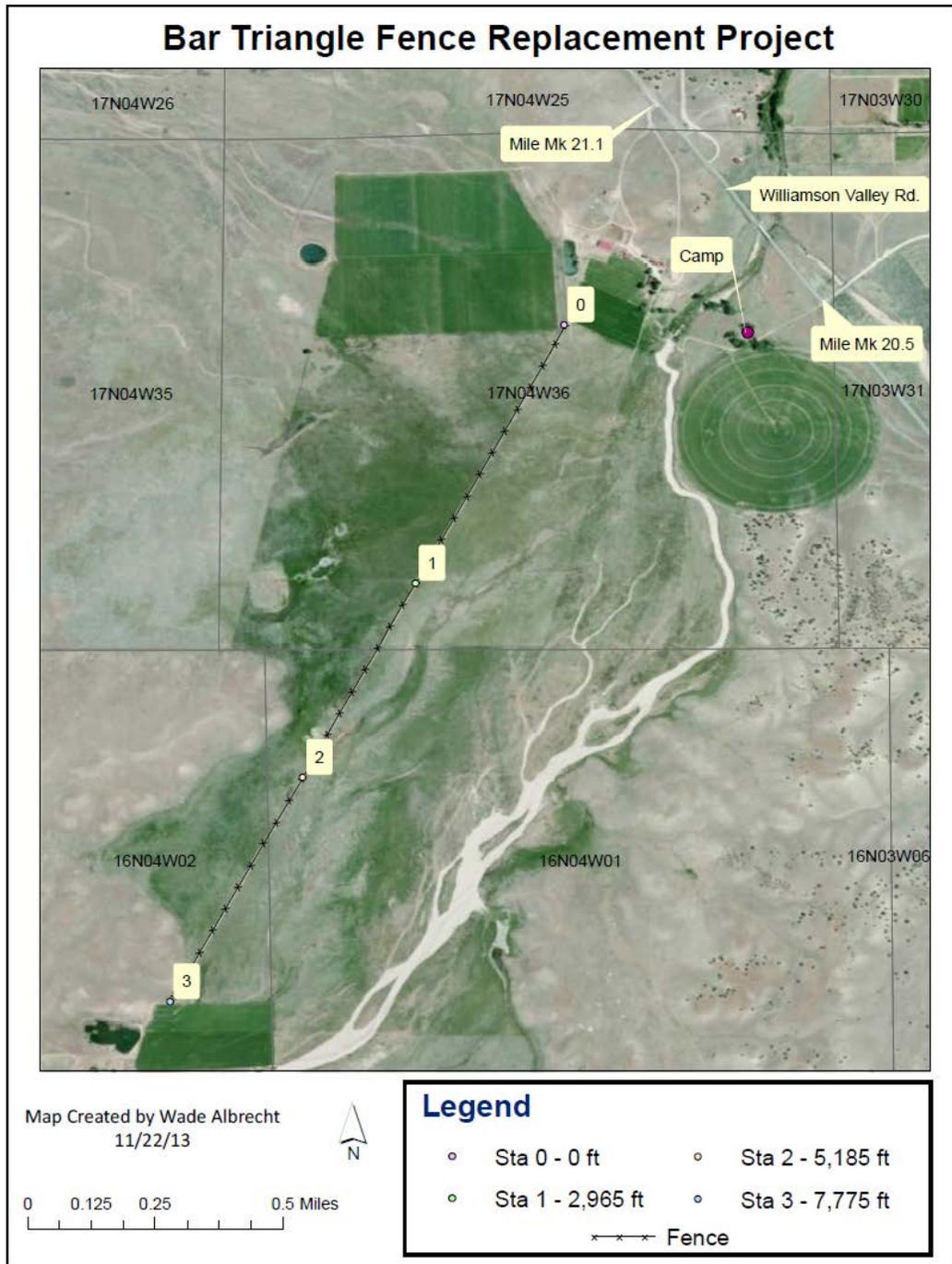
This is a continuation of a project that was initiated back in 2010 and will be occurring on lands contiguous to the original treatment areas along the interface of the Yolo and 7- Up Ranches in western Yavapai County. Collaring data has demonstrated significant use of these lands by pronghorn. Casual observations corroborate this data. This project will again be implementing the mechanical cut/stump treatment method, which employs the use of an applied herbicide immediately after the bole of the tree is exposed from the cut. Alligator juniper requires this method of treatment in lieu of re-sprouting, which is known to occur from this species. 100% of the trees in the identified project area are alligator juniper and the entire project area is on ASLD land. The landowner is anxious to see a resumption of our efforts, but needs to get his land treatment application to the ASLD office in Prescott for approval. The ASLD specialist indicated that cultural resource inventories were conducted in the previous phase of work and



does not anticipate any issues associated with SHPO. The Region's LRP specialist has submitted the EAC, HDMS and provided a map of the project area to PEP. The remainder of available CAGCS funding allocated to Region III for this year amounts to approximately \$31,000. This will treat approximately 125 acres of the 650 plus acres identified for Phase II. The Region would like to prioritize this project for next year with any ensuing CAGCS funding that may come available.

Bar Triangle Antelope Habitat Work Project

On Saturday March 22, the AZGFD will be coordinating a wildlife-friendly fence improvement project in the Chino Valley area to improve pronghorn movements in various pastures. Plans call for removal of woven wire, raising the bottom wire to an 18" minimum height, and replacing bottom barbed with smooth where needed. This will provide a benefit for pronghorn movement in the CAGCS project area.



Fort Rock Grassland Enhancement Project

Working in cooperation with Maughan Ranches, AGFD personnel identified 200 plus acres of historical grassland that collaring data has shown to be used by pronghorn. This grassland is being compromised by invading juniper. CAGCS funding (\$25,000) was approved to treat the identified acreage. The ranch made improvements to an access road and is developing a new well site, which will sit on the western edge of the grassland improvement area. All labor will be incurred by the ranch. AGFD is providing additional funding for the development of the well (\$12K). The grassland improvement project is currently being held up by internal Cultural Resource compliance efforts, with a determination expected soon. All other internal compliance has been completed. It is anticipated that some of the \$25K allocated for this work will be needed to pay for cultural resource compliance activities, though this amount is not anticipated to exceed \$2,000. Once compliance levels have been designated, documentation will be sent to SHPO for final approval. This process could take an additional 60 – 90 days. The ranch is awaiting word on when they can proceed.

Concentrate Wetlands Management

The City of Goodyear and the Bureau of Reclamation are conducting a siting study for a demonstration concentrate management wetland. The intent is to ID a location to construct a quarter size demonstration vertical flow wetland to treat reverse osmosis (RO) brine in order to reduce constituent levels to below regulated concentrations. The constituents of concern are the heavy metals selenium, chromium and arsenic and the nutrient Nitrate-N. The RO brine would be blended with water from a Superfund Site groundwater treatment project and discharged to a dry reach of the Gila River to support riparian habitat. Water from the 157th Avenue water reclamation facility would no longer be blended with the treated RO brine thus making the facilities water available and suitable for groundwater recharge. The blended water would support riparian habitat along the conveyance channel and also in the Gila River channel, discharge of the blended water into the Gila River is expected to improve the water quality and increase the quantity of water in the Gila River. The Department preliminarily estimates that new discharge to the Gila River will range from 2-4 cfs.

Lower Colorado River Multi-species Conservation Plan

The completion of the plan for the Cibola Valley Phase 7 planting has been delayed. There is hope the planting will be completed this spring.

El Rio Watercourse Master Plan

The Department has worked with the Maricopa County Flood Control District (MCFCD) on the El Rio pilot projects for replacement of salt cedar with native vegetation since 2006 with the adoption of the watercourse master plan. Currently, the MCFCD is initiating the next phase as implementation and the Department participated in the kick-off meeting. The intent is creation of consistent development practices and the id of showcase projects in each community (Buckeye, Goodyear and Avondale). The kick-off meeting included background information on the project, funding needs, collaborative needs, interim accomplishments and commitments of the cities to move forward. The Department owns and/or manages several properties along this 17 mile stretch of the Gila River and will be a key participant in developing the restoration, access and recreation strategies moving forward.

Ray Mine Tailings Facility in GMU 37B

The Department toured the Ray Mine and the various proposed tailings facilities locations with the Environmental Protection Agency (EPA), the Army Corps of Engineers (Corps), and representatives from ASARCO.

ASARCO is moving forward with an application to purchase 12 sections of high value wildlife habitat located on State Trust Land prior to evaluation of all alternatives. This land would possibly serve as tailings storage. The auction for the State Land is anticipated to occur in the next few months.

The facility would provide additional tailings storage to support up to approximately 750 million tons of material. The proposed site is a major tributary to the Gila River comprised of rich upland Sonoran desert vegetation. The area is popular with mule deer, javelina, Gambel's quail, and other small game hunters and other outdoor recreationists. The preferred alternative is a 2,129 acre facility. There are several other viable alternatives which are not favored by ASARCO but which may have fewer impacts on wildlife and habitat. One alternative, the West Dam alternative, would impact roughly 1000 fewer acres than ASARCO's proposed action and would be immediately adjacent to the existing Ray Mine.

The project will require a permit from the Corps under Section 404 (404 permit) of the Clean Water Act and roughly 150 acres of mitigation for jurisdictional waters of the United States. ASARCO has first option on the parcels the Department acquired on the Lower San Pedro Wildlife Area for In-lieu Fee Mitigation projects. It is likely that any project mitigation will occur on the wildlife area in the form of wetland restoration and enhancement. The Corps is the lead federal agency for the Environmental Impact Statement (EIS.)

Pinal Partnership Open Space and Trails Committee

The Department remains in the discussions for implementation of the master plan and participates on the subcommittee for drainage protection. The County has a new Parks and Trails Department that will also include a commission. The Committee assists the new Department through providing recommendations. The Department continues to work on the natural drainage and watershed management committee for development of identification of important drainage features, development of protection buffer recommendations and next steps within the county. Discussion also includes incorporation of open spaces and important drainage features within flood control documents and transportation documents by way of developing guidance and policies. The Natural Drainage and Watershed Management Committee is currently reviewing the drainage design manuals for the county and provide recommendations to incorporate considerations for drainage and wash corridor buffers.

Town of Buckeye

Town Council has set aside \$100K for the Planning Department to hire a consultant to conduct planning and biological resource management for the "Buckeye/White Tank Mountains Wildlife Corridors/Trail project". Most of the developments in Buckeye west of the White Tank Mountains already exist; the best opportunity for maintaining connectivity is to try to integrate with the open space and trails planning. The identified opportunity currently is within the trails master plan associated with wash corridors and the buffers associated with them. The Department will be working to assist the Town by reviewing the trails master plan, finalize the

report on linkage design for the White Tanks, review community master plans for proposed trail corridor locations, develop concepts on wildlife corridors, washes, trails for integration with those community master plans, provide recommendations for the update to the trails master plan, prepare major plan amendment to the Town's General Plan for wildlife corridors and develop recommendations for amending the Town code for inclusion of wildlife friendly guidelines.

Verde River Wildlife Area Instream Flow Water Right

On December 9, 2013 the Department was issued, on behalf of the Commission, its first ever certificated instream flow water right. The water right is appurtenant to Commission owned lands making up the Upper Verde River Wildlife Area and was applied for on August 6, 2008 which is also the priority date for this water right. The instream flow right has an annual volume of 13,032.8 acre-feet and instream flows range from a low of 17.28 cubic feet per second (cfs) in September to a high of 19.19 cfs in February. The beneficial uses for this water right are recreation and wildlife, including fish and will serve to provide the Commission with protest authority under Arizona water law for new appropriations or proposed sever and transfer applications that may adversely affect the upper Verde River and its unique habitat and wildlife species.

Multi-Lake Aquatic Weed Surveys

On September 30, 2013, Department R1 personnel conducted an aquatic weed survey in Rainbow Lake, Navajo County to continue an annual monitoring program of the nuisance aquatic weed conditions in this lake. Previous surveys were conducted to monitor progress to control nuisance weeds by the Department's weed harvester and also by herbicide treatments conducted by The Shores Homeowners Association. This recent survey will be used primarily to monitor the effect on nuisance weeds by white Amur that were stocked by special permit by The Shores in May 2013. The Amur appear to be slowly reducing the overall coverage of weeds, but are selective in what species of plants they eat. They are having a significant impact on pondweed, which is the most palatable of the weeds present, but little impact on the coontail and Eurasian watermilfoil at this time. The prediction is that once the pondweed is reduced to a point where it is rare, the Amur will shift to coontail, the next palatable species, then to watermilfoil. This survey will be conducted annually to track this progress. It is also hoped that the control of the nuisance aquatic weeds may have some impact on the illegally introduced Northern pike in Rainbow Lake, which rely on extensive weed beds for reproduction. Fish population surveys will be conducted every year in March to monitor the pike population, and to mechanically remove pike when they are caught.

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Forest	Status	Next Step	Projected Next Step Completion
Apache Sitgreaves	The Proposed LRMP and Draft EIS public review period ended 5/16/2013.	Final LRMP EIS, TMP on hold.	Final EIS (LRMP) 6/2014 TMP start after LRMP complete, draft out late 2014. (separate decisions)
Issues:	MBGR in preferred Alt B of previous TMP draft allows 1mile from road for elk, mule deer & bear. 658 miles of corridors for dispersed camping 300 ft off established roads.		
Coconino	TMP signed Sept 2011, MBGR appeal denied; Draft EIS(LRMP) ready. Motor Vehicle Use Maps (MVUM's) available	Draft LRMP EIS comment period began Dec. 20	Decision anticipated 6//2015
Issues:	Dispersed camping 300 ft from designated roads, else 30 ft. MBGR for elk only, 1 mile from roads except GMUs 5A & 5B.		
Coronado	Proposed Plan & DEIS released 12/19/13	Under review by AGFD	Final EIS 7/2014
	TMP in Process in all Districts.	Final TMP	Final TMP end of 2013: Decisions by district: Douglas 7/2014; Nogales 3/2013; Safford 3/2014; Santa Catalina 3/2014; Sierra Vista 9/2014
Issues:	Motor Vehicle Use maps show access through roads that have locked gates. Maps not enforceable.		

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Forest	Status	Next Step	Projected Next Step Completion
Kaibab	AGFD appeal on North Kaibab TMP declined. TMP completed by district. MVUM's available.	Final LRMP	LRMP Decision early 2014
Issues:	Tusayan & Williams TMP: MBGR 1 mile from road for elk in designated areas. Dispersed camping in camping corridors, or 30 feet from road. North Kaibab MBGR 1 mile off designated roads for elk and bison, dispersed camping 300 feet off 99 miles of designated roads and 100 feet off 104 miles of		
Prescott	Final EIS in Federal Register imminent. AGFD personnel were invited to participate in Strategic planning	Expected FEIS in Federal Register 3/2014	Will not do new TMP. Rely on 2009 updated/amended TMP
Issues:	Current draft advocates MBGR: Elk within 1 mile of designated open road. May be changed by amendment. Dispersed camping 300' from centerline of designated roads. Wilderness under consideration		
Tonto	LRMP began 2006. Negotiating to reinstate due to rule change. TMP elevated to EIS from EA. Notice of intent to prepare TMP EIS has been released for review and comment. Department comments submitted 3/4/2013. Request to be Cooperating Agency has been accepted. IDT teams have met and individual Ranger District meetings have been held.	LRMP Assessment public scoping underway. TRMP final fall 2014	Final LRMP & EIS Fall 2017
Issues:	Consistency across forests, enforceability, MBGR, road closures, and Dispersed Camping all addressed in response to NOI.		