

Minutes of the Meeting of the  
Arizona Game and Fish Commission  
Friday, January 16, 2009  
Saturday, January 17, 2009  
Arizona Game and Fish Department  
5000 West Carefree Highway  
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

Chairman William H. McLean  
Vice Chairman Robert D. Hernbrode  
Commissioner Jennifer L. Martin  
Commissioner Robert R. Woodhouse  
Commissioner Norman W. Freeman

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

Chairman McLean called the meeting to order at 8:00 a.m. This meeting followed an agenda revision #2 dated January 13, 2009. The Commission went directly into Executive Session.

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#### 1. Executive Session

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

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

**Vote:** Unanimous

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The Public Meeting reconvened at 9:18 a.m.

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

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#### Awards and Recognition

Nick Heatwole, on behalf of the Yuma Valley Rod and Gun Club, presented three of the Club's 2008 Outstanding Achievement Awards to the following:

- Deputy Director Gary Hovatter, honoring him for his outstanding representation of Region IV and his unsurpassed efforts and commitment to ensure wildlife conservation
- Deputy Director Bob Broscheid, honoring his personal commitment in enforcing the Department's regulations concerning wildlife

- And Chairman William H. McLean, honoring his dedication and achievements towards wildlife conservation in Arizona.

Director Voyles presented to the Commission the Outstanding Conservation Achievement Award, also known as the Morris K. Udall Award, presented to the Commission and the Department by The Nature Conservancy. The award honors the Commission and the Department for the work and acquisition of the Verde Springs property, expanding the Upper Verde River wildlife areas, for leadership in restoring native fish populations, for continued efforts to address important issues such as eradication of invasive species, and for the management of off-highway vehicle use.

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## 2. Litigation Report

The Litigation Report (attached to these minutes) was provided to the Commission prior to this meeting and was available to the public. There were no comments or questions on this report.

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## 3. State and Federal Legislation

**Presenter:** Anthony Guiles, Legislative Liaison

Mr. Guiles briefed the Commission using a PowerPoint presentation on the current status of selected state and federal legislation and current elective issues. The Commission was provided with informational materials on proposed legislation (also available to the public). Mr. Guiles further briefed the Commission on the following:

- Monday, January 12 was the opening of the Arizona legislative session
- The budget will be the main focus
- The House will hear bills in Committee but will not move them to the Committee of the Whole for a vote
- The Senate is not going to work on any bills in Committee until they have finalized a budget solution
- About 350 bills were posted yesterday afternoon. The Department will do an analysis of these bills and report back to the Commission on any that might have an impact on the Department
- HB 2235; Game and Fish Commission Appointments: Includes provisions for particular requirements for a person to be appointed to the Commission. The Department will do a full analysis of this bill and report back to the Commission
- The projected State deficits are: FY-09: \$1.6 billion; FY-10: \$3.2 billion
- AGFD FY-10 budget hearing dates are: Senate: January 27, House: January 28

### Department Bills

HB 2064; wildlife; guides; wasted meat: Sponsorship - Representative Konopnicki, House Natural Resources Chair.

HB 2157; wildlife; aquatic invasive species: Sponsorship - Representative Nancy McLain; Other sponsors - Representatives Goodale, Jones, Pancrazi, Tobin, Weiers, Senators Nelson and Aguirre.

Chairman McLean discussed with Mr. Guiles a draft of an unnumbered bill dealing with a new definition of guides. The Department is working with the Attorney General's Office in drafting new language that would provide a more clear definition, and then will provide that language to the Commission.

The Commission and Mr. Guiles further discussed the State budget situation and that it will be the main focus of the legislature, and how important it is for the sportsmen's groups to be engaged in these legislative budget matters that impact the Department.

The Commission was provided with a list of sportsmen's group meeting dates, requested by Commissioner Hernbrode, and discussed Commission members attending these meetings to keep the communication open.

Commissioner Freeman requested that the meeting dates be put on the Commission's shared calendar on the Intranet, so they can see who is going to which meeting, and that the calendar information be added to the new incoming Commissioner's checklist.

Mr. Guiles provided the Commission with a list of talking points for attending the sportsmen's meetings and will further provide the Commission with a general budget plan and pie charts that includes a brief explanation of funding and uses, and key messages that Commissioners can discuss with various constituency groups.

#### Federal Legislation

Omnibus Public Land Management Act of 2009: Passed in Senate 68 – 24; now moves to the House. Arizona Provisions include Fossil Creek River Scenic Designation, Arizona Trail as a National Scenic Trail, and MSCP.

#### Economic Stimulus Package

Mr. Guiles will provide an analysis in the monthly Legislative report to the Commission of the Senate and House versions of the Economic Stimulus packages when they become available.

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#### 4. Statewide Shooting Range Briefing

**Presenter:** Jay Cook, Education Branch Chief

The Commission was provided with a Statewide Shooting Range Update prior to this meeting of Department activities related to shooting range support and development statewide. The update, also available to the public, covered activities that occurred since the December 2008 Commission meeting. The statewide shooting range briefing is part of the Department's ongoing

commitment to provide the Commission with updates on statewide shooting range development and shooting sports in general.

Mr. Cook recapped several items in the Update using a Power Point presentation and discussed several items with the Commission including the following:

**BASF Cowboy Mounted Shooting Development:**

- Department has began Phase-I construction
- Department has met with CMSA and ACSA to discuss the final plan of development.

Chairman McLean asked where the funding was coming from for the Phase-I construction.

Mr. Cook stated that the Cowboy Mounted Shooting group has organized and developed a business plan to help fund this project. They have already raised about \$14,000 in donated funds.

Commissioner Freeman confirmed with Mr. Cook that the facility would be a multi-use facility for other shooting sport related events and suggested that the Department think about how they will manage booking in the future. For example, and especially in light of the budget situation, what if a corporation wants to book it a year in advance and pay \$40,000, but the Department can't because the Mounted Shooters might have wanted to book it a couple of weeks in advance.

Commissioner Woodhouse asked about the Department's obligations for funding the facility.

Mr. Cook will provide the Commission with an overview of the proposed budget figures and construction plans for the future Cowboy Mounted Shooting facility.

**Prescott Rifle Club (PRC) - Granite Mountain Shooting Range:**

- The Department met with the Prescott National Forest (PNF) and the President of the PRC to review the Special Use Permit (SUP) application and is currently gathering information requested by PNF to move forward
- PRC is in the process of developing a business plan outlining their proposal to fund, develop and operate the proposed range

Commissioner Freeman requested that the Department evaluate the proposed Prescott Shooting Range to ensure there are no conflicts with future state and county highway expansion plans.

**White Mountain Shooters Association (WMSA) Proposed Range:**

- Due to current budget constraints the Department recommended postponing a decision on this proposal
- WMSA has been informed of the budget issues and the Department's efforts to develop a formal range acquisition/development process
- This process will help provide guidance for clubs requesting Commission/Department support in establishing ranges
- The WMSA plans to continue developing their business plan and pursue other funding sources for this project

The Commission was in consensus for the Department to postpone efforts on the WMSA range acquisition and development until the budget issues are addressed.

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#### 5. Information and Education Activities Briefing

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

The Commission was provided with an Information and Education Program Report prior to this meeting (also available to the public), which presented new information as well as progress toward ongoing issues and concerns related to Information and Education programs. The update covered activities and events that occurred since the December 2008 Commission meeting and was provided in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding the Department's Information and Education programs.

Mr. Gray provided an additional update on the Adobe Mountain Wildlife Center that included the following:

- Due to budget constraints, moving the facility to Ben Avery will be postponed
- The Department is doing some facility maintenance, repairs and improvements on the current location
- An appreciation BBQ for the volunteers will be held January 24
- The Department is planning to start holding open houses again this spring at the Adobe Mountain Wildlife Center.

Commissioner Hernbrode asked to be provided with the status of the sales and inventory of the Arizona Wildlife Viewing Guides and to discuss the potential for further marketing efforts.

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#### 6. Naming Process for BASF Hills

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

The Commission received a request from a member of the public during its December 2008 meeting to consider naming the hills on the Ben Avery Shooting Facility after Bob Hirsch. The hills are currently not formally named as a topographical feature. Mr. Gray provided the Commission with a presentation on the process required to legally name the hills on the Ben Avery Shooting Facility. One of the requirements is that the person the feature is named after must be deceased for at least five years.

**Motion:** Hernbrode moved and Freeman seconded THAT THE COMMISSION TABLE THE PROPOSAL TO NAME THE HILLS BEHIND THE BEN AVERY SHOOTING RANGE UNTIL THE APPROPRIATE FIVE YEARS HAVE PASSED AND THAT THE DEPARTMENT BE DIRECTED TO LOOK AT ALTERNATIVE SITES THAT MAY BE MORE APPROPRIATE SITES TO NAME IN RECOGNITION OF BOB HIRSCH AS A SIGNIFICANT ENTITY FOR WILDLIFE IN THE STATE.

**Vote:** Unanimous

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Meeting recessed for a break at 11:02 a.m.

Meeting reconvened at 11:34 a.m.

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

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

A copy of the Lands Update report was provided to the Commission prior to this meeting and is included as part of these minutes. The update addressed decisions or activities since the December 2008 Commission meeting. This update is in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding decisions and actions on all State and Federal lands in Arizona.

Mr. Avey provided additional updates on the following:

- Maricopa County Ordinances P-28 and P-27 (see attached memo). The Department continues to work on issues related to these ordinances and is also working with Pinal County on similar ordinance issues
- The State Land Department (SLD) raised their fees for recreational permits to \$50 per person and \$75 per family. The Department continues to work with SLD on how this will affect camping hunters.

Chairman McLean suggested that the Department get with the Attorney General's Office to discuss the opinion from years ago that allows hunters with a valid Arizona hunting license to access state trust lands for hunting and other hunting related activities.

Ms. Cutts stated that there were three opinions and the one mentioned by Chairman McLean was from 1974. The opinion states that the holder of a valid state hunting or fishing license has permission to access state trust lands for those purposes, but it leaves some ambiguity about what kinds of associated activities would or would not be included.

The Commission discussed that Department Officers would be obligated to enforce the law if they come across someone camping without a recreational permit and they are uncomfortable with that, and that the SLD, with no law enforcement of their own, have already put up signs without discussing this with the Department.

Commissioner Martin asked about the process taken by SLD before the signs went up and were there public hearings that the Department somehow missed out on. Also, how can the Department have better communication in the future when SLD is planning to change procedure or regulations that will effect the Department so that the Commission can discuss these things before they happen instead of after.

Mr. Avey stated that he was unaware of any public outreach that SLD did on this matter, but has a meeting set up with SLD for February 5 to try to resolve this issue and to address these kinds of issues in the future.

Director Voyles stated that Department Officers enforce hunting and fishing regulations on state land and have been given directives as to how to enforce the state land access rule. The Department is not mandated to enforce all laws in the state. They have the authority to do so, but if they did they would never get to a wildlife violation. So the Department is very circumspect in the amount of manpower it puts towards state land access rules unless they pertain directly to hunting and fishing activities. SLD does not have any law enforcement capabilities and that creates some problems for them. Director Voyles has already discussed this with the SLD Commissioner and another meeting is scheduled for more in-depth discussions.

Commissioner Hernbrode commented on the Coronado National Forest item in the Lands Update, stating that the Commission may need to reiterate their opposition to the proposed Rosemont Mine.

Chairman McLean commended the Department on their efforts related to the Chino and Tucson bypass projects, and the I-17 and State Route 79 Highway projects, and requested that they remain engaged in these efforts.

Commissioner Freeman asked about the Chino Valley Bypass and the Central Yavapai Metropolitan Planning Organization (CYMPO) Corridor Study.

Mr. Avey recommended that when CYMPO makes a recommendation to ADOT, the Commission could take a position of support or opposition, right at the inception of ADOT's analysis of those routes.

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8. A Presentation to the Commission on potential future mechanisms for incorporating wildlife habitat protection measures into local and state land use planning processes.

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

Mr. Avey briefed the Commission using a PowerPoint presentation on potential future mechanisms for incorporating wildlife habitat protection measures into local and state use planning processes. The presentation included both existing and potential alternatives to encourage local and state planning entities to integrate wildlife resources into planning efforts. Some primary focuses were transportation, responsible development, incentive based planning, economic education, and public outreach. The presentation included the following:

An incentives-based approach:

- Growing Smarter - Legislation with mandatory planning (1998 & 2000)
- Smart Growth Cabinet - Smart Growth Interagency Committee; Smart Growth Scorecard (Based on score, increasing quantities of discretionary funding would be available from a variety of funding sources and agencies)
- Future Efforts - AGFD Certification Program.

Western Governor's Association:

- Crucial Habitat - Places containing the resources, including food, water, cover, shelter, and "important wildlife corridors" that contribute to survival and reproduction of wildlife, are necessary to prevent unacceptable declines, or facilitate future recovery of wildlife populations
- Corridors - Crucial habitats that provide connectivity over different time scales, among areas used by animal and plant species. Wildlife corridors can exist within un-fragmented landscapes or join naturally or artificially fragmented habitats, and serve to maintain or increase essential genetic and demographic connection of populations.

Western Renewable Energy Zones Project – Launched by The Western Governor's Association and U.S. Department of Energy:

- Goals are: To expedite the development and delivery of clean and renewable energy
- Participants are: 11 states, two Canadian provinces, and areas in Mexico that are part of the Western Interconnection
- Department's Role: Categorize the development potential of Renewable Energy Zones; Identify policies and best practices to facilitate development in sensitive areas; Lead the regional mapping effort to identify important wildlife habitat and sensitive ecosystems; Includes a Geospatial Planning Tool.

The Commission discussed that the Department needed to make as much information and data available as possible to promote voluntary efforts by government agencies and other organizations, and that it is unknown yet which direction the new Governor and administration will go.

Commissioner Freeman stated that the towns and municipalities are coming up on the due dates for their plans and suggested that the Department do a mailing to them and let them know that the Department is developing these tools and has this data.

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9. A Presentation on the status and recent activities associated with the Department's Areas of Conservation Priority and future Geographic Information System (GIS) mapping efforts.

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

Mr. Avey provided a PowerPoint presentation on the status and recent activities associated with the Department's Areas of Conservation Priority (ACP) and future Geographic Information System (GIS) mapping efforts. A statewide refinement of the Arizona Wildlife Linkages project is occurring, which will use GIS analysis to identify and design suitable wildlife corridors and prioritize conservation actions based on development pressures. Mr. Avey provided maps and explained how the ACP and GIS efforts will work. The presentation included the following information:

Planning Database:

- State Wildlife Action Plan
- Areas of Conservation Priority

- Geospatial Planning Tool
- Heritage Data Management System (HDMS)
- Other Planning Activities: Game Action Plan; Wildlife 2018

Areas of Conservation Priority

- In the past: Disjunctive datasets; Inconsistent scales and/or methodologies; Limitations on data; Missing information
- Presently: 302 distribution models for Species of Greatest Conservation Need (SGCN); 23 distribution models for Species of Economic and Recreational Importance (SERI); Compiled into richness indices for the SGCN and SERI

Geospatial Planning Tool (GPT) Development:

- Phase I: One Web Server; ArcGIS Server processes; Internal use (Intranet)
- Phase II: Two Web Servers; ArcGIS Server processes (1); ArcGIS Image Server (1); Internal use (Intranet)
- Phase III: Migrate ArcGIS Server tools to serve external customers; Keep existing in-house setup; Setup reverse proxy server on an external network; Internal and External use (Intranet and Internet).

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10. Call to the Public

There were no requests to speak to the Commission at this time.

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Meeting recessed for lunch at 12:40 p.m.  
Meeting reconvened at 2:00 p.m.

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

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

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

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Meeting recessed for a break at 3:04 p.m.  
Meeting reconvened at 3:29 p.m.

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12. Election of Positions and Appointments to Standing Committees

**Presenter:** Larry Voyles, Director

**Motion:** McLean moved and Woodhouse seconded THAT THE COMMISSION VOTE TO ELECT FOR 2009, COMMISSIONER BOB HERNBRODE AS CHAIRMAN AND COMMISSIONER JENNIFER MARTIN AS VICE-CHAIR, BOTH TO ASSUME THOSE POSITIONS BEGINNING ON MONDAY, JANUARY 19, 2009.

**Vote:** Unanimous

Commissioner Hernbrode assumed the position of Chairman for the rest of this agenda item and appointed the following Commissioners to the standing committees through January 2010:

Heritage Public Advisory Committee – Commissioner Freeman  
Habitat Partnership Committee – Commissioner Hernbrode  
Landowner-Lessee/Sportsman’s Relations Committee – Commissioner Woodhouse  
Wildlife Assets Committee – Commissioner Woodhouse  
Conservationist Committee – Commissioner Martin

**Motion:** Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE APPOINTMENTS FOR 2009 AS FOLLOWS: HERITAGE PUBLIC ADVISORY COMMITTEE – NORM FREEMAN; HABITAT PARTNERSHIP COMMITTEE – BOB HERNBRODE; LANDOWNER-LESSEE/SPORTSMAN’S RELATIONS COMMITTEE – ROBERT WOODHOUSE; WILDLIFE ASSETS COMMITTEE – ROBERT WOODHOUSE; CONSERVATIONIST COMMITTEE – JENNIFER MARTIN.

**Vote:** Unanimous

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13. Request to Approve a Memorandum of Understanding (MOU) With Arizona State Parks (ASP)

**Presenter:** Mark Weise, Development Branch Chief

Based on inter-agency coordination between the Department and Arizona State Parks (ASP), there is a mutual desire to expand opportunities for ASP to participate in the Department’s Federal Aid F-19-D Project (Arizona Boating Access Program). An existing boating access MOU with ASP from 1989 is outdated, and does not address current issues and opportunities for the construction, improvement or maintenance of public boating access facilities within the state parks system.

Chairman McLean confirmed with the Assistant Attorney’s General that they have reviewed and approved the MOU.

**Motion:** Hernbrode moved and Freeman seconded THAT THE COMMISSION VOTE TO AUTHORIZE THE DIRECTOR TO SIGN A MEMORANDUM OF UNDERSTANDING TO FACILITATE FULL PARTICIPATION BY ARIZONA STATE PARKS IN THE ARIZONA BOATING ACCESS PROGRAM.

**Vote:** Unanimous

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### 13A. Process for Department Tracking of Commission Action Items

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

Mr. Hovatter briefed the Commission on the Department's efforts to develop a more formalized system to track Commission action items in a more efficient and effective manner. The new system will be a more tracked and monitored approach to make sure that actions items are tracked and monitored to completion. The briefing included an overview of how the new system will work and a sample of the new tracking log was provided to the Commission.

The Commission discussed with Mr. Hovatter how and when they will get copies of the tracking log. The tracking log will be processed and provided to the Commission the week following each Commission meeting and an updated copy will be provided just prior to each meeting.

Chairman McLean requested that the reports be sent via email in a PDF document.

Commissioner Freeman suggested that any and all documents emailed to the Commission be in PDF so that there are no formatting or program issues.

The Commission agreed that items with no due date would be discussed between the Director and the Chairman as necessary and either the Chairman would approve removing the item or would request bringing that item before the Commission.

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### 14. Call to the Public

George Reiners, Member of the Board of Directors, Yuma Valley Rod and Gun Club, expressed concern regarding the State Land Department's fees as discussed in agenda item #7, and the lack of communication between the State Land Department, the Game and Fish Department, and the sportsmen's groups.

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### 15. Director and Chairman's Report

Director Voyles reported on the following activities since the last Commission meeting:

- Attended and presented a welcome introduction for the Archery Trade Association's conference the week of December 8, and in the course of that event, met with Dr. Tuggle and with Dale Hall who were in town to attend the conference
- Conducted interviews for the Funds Planning Branch Chief position and hired Dr. Richard Miller, Habitat Program Manager from Region II
- Met with ADOT/MVD Leadership, Richard Travis and Mike Devine regarding the OHV fee

- Met with Jim Kenna, the new BLM State Director, and Elaine Zielinski
- Met with Congressman Grijalva at his district office in Tucson along with Chairman McLean, Commissioner Hernbrode, and Gary Hovatter
- Worked on the proposed economic stimulus package with Department staff
- Met with Cheryl Lombard with The Nature Conservancy (TNC) and with the Brewer Transition Team including Lisa Houser, Chief Council for the Team
- Had a Breakfast meeting with Pat Graham and discussed some of the initiatives that TNC is interested in and where those cross link with Department interests
- Attended the Wildlife Conservation Council meeting
- Attended Governor Napolitano's last Cabinet meeting
- Participated in the Mid-winter WAFWA meetings in San Francisco along with Commissioners Hernbrode and Martin; agreed to Chair the Federal and Tribal Relations Committee
- Attended a Colorado River Fish & Wildlife Council meeting in conjunction with the Mid-winter WAFWA; agreed to be the Director/sponsor of the Quagga Mussel/Zebra Mussel Committee; Larry Riley will be the Chair
- Met with Lori Faeth at the Governor's Office along with Commissioners Hernbrode and Martin and the Department's legislative team regarding the upcoming Legislative Session
- Participated in an Intermountain West Joint Venture (IWJV) Telephonic Board meeting

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

- Spent numerous hours on the phone with the Director and Deputy Director Hovatter regarding transition efforts for Jan Brewer from Secretary of State to Governor, as well as the changes in legislative leadership in both the House and the Senate
- Met on several occasions with Lori Faeth from the Governor's Office, also related to Jan Brewer's transition to Governor; it's not known yet who the new Policy Advisor for Natural Resources will be
- Met with Congressman Grijalva to discuss a number of issues as reported by the Director, and have been invited to meet with his senior staff on a quarterly basis
- Spent time at home in Mormon Lake and read "The Future of Hunting and the Shooting Sports; Research Based Recruitment and Retention Strategies" and highly recommended that a copy of the book be provided to all of Arizona's wildlife organizations.

Director Voyles stated that since the Department participated in the creation of the book, it may be entitled to a certain number of books for distribution.

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## 16. Commissioner's Reports

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

Commissioner Woodhouse:

- Attended part of Commissioner Martin's Conservationist Committee meeting and commended Commissioner Martin for her efforts on that Committee

- Met with Yuma Region Department staff regarding his responsibilities as a Board member on the Cibola Valley Irrigation District Board; took a field trip to Cibola Valley and looked at the MSCP project
- Attended a Yuma Valley Rod and Gun Club meeting; discussed several items with some of the members
- Attended an informational public meeting hosted by the Bureau of Reclamation and their MSCP staff regarding some backwater lakes to possibly put into the MSCP project
- Sat on his first official Board meeting in Cibola Valley; requested as a future agenda item for the February Commission meeting regarding the MSCP
- And talked to Department staff regarding OHV issues related to MVD.

#### Commissioner Martin:

- Attended various meetings since the last Commission meeting
- Held another meeting of the Conservationist Committee; Water Resources Director, Herb Guenther attended and talked about some of the water issues; tentatively decided on an on-the-ground project to do in July (removing fence at Buck Springs); discussed a combined effort working on outreach for the Conservation Workshops; discussed a combined website calendar and a place for posting the groups newsletters, etc.; discussed, with overwhelming support, potential changes in the Growing Smarter legislation to benefit wildlife and wildlife habitat
- And attended the Mid-winter WAFWA meeting; the presentation on the State Level Endangered Species Act was very good and informative; discussed budget issues and what some of the other states are doing to deal with budget shortfalls; the presentation by Wyoming on Mining Mitigation was very interesting and compelling on how they formalized their role in that process and are getting millions of dollars in mitigation monies. The Department needs to contact Wyoming and find out how they can emulate what Wyoming has done.

#### Commissioner Hernbrode:

- Attended the meeting with Congressman Grijalva as reported by the Director
- Attended the meeting with Lori Faeth regarding the transition
- Attended the Mid-winter WAFWA and added to Commissioner Martin's comments that the presentation by Missouri on Future and Alternative Funding was very good; Missouri's hunting and fishing license cost is very low because they receive funds from sales tax dollars
- Has spent a lot of time responding to letters and email regarding the baiting of deer and state land issues
- Went hunting with family
- And has been working with the Department's legislative team on transition matters.

#### Commissioner Freeman:

- Attended another CYMPO presentation in Prescott and met with some of the local ranchers and lessees concerned about habitat and some of the potential future plans of ADOT
- Met with Department staff regarding Adobe Mountain; a BBQ and awards presentation is scheduled for next weekend; explored revisiting the open house as a fundraising mechanism

- Met with Department staff on webcasting and on what technologies and equipment the Department has or needs, and what can be done to make Commission meetings available to the public either live and/or as a replay event
- Met with Department staff on GIS issues
- Followed up with Department staff on developing contacts with the FAA; a meeting is scheduled for February 10, 2009
- And has also spent time responding to letters and emails regarding the baiting of deer.

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#### 17. Approval of Minutes and Signing of Minutes

**Motion:** Woodhouse moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE COMMISSION MEETING MINUTES DATED NOVEMBER 6, 2008 AND NOVEMBER 7, 2008.

**Vote:** Unanimous

Following approval, the Commission signed the minutes from November 6, 2008 and November 7, 2008.

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#### 18. Future Agenda Items and Action Items

Deputy Director Broscheid reported capturing the following action and future agenda items from this meeting:

- Provide the Commission with a general budget plan and pie charts that includes a brief explanation of funding and uses, and key messages that Commissioners can discuss with various constituency groups
- Provide an analysis in the monthly Legislative report to the Commission of the Senate and House versions of the Economic Stimulus packages when they become available
- Provide the Commission with an overview of the proposed budget figures and construction plans for the future Cowboy Mounted Shooting facility in the Statewide Shooting Range update
- Set a meeting with Commissioners Hernbrode and Freeman to review the status of sales and inventory of the Arizona Wildlife Viewing Guides and discuss proposals to further market the viewing guide
- Evaluate the proposed Prescott Shooting Range to ensure there are no conflicts with future state and county highway expansion plans
- Continue to evaluate alternative features (land acquisitions, buildings, etc.) that would support the legacy and achievements of Mr. Bob Hirsch. Postpone the Department's efforts to officially name the hills at BASF until the mandatory 5 years has passed
- Continue to investigate the validity of all Attorney Generals' opinions (including the 1974 opinion) regarding hunting and associated recreation of State Trust lands in light of the Land Department's recent interpretation of fee structure

- Remain engaged on the Chino and Tucson bypass projects, the I-17 and State Route 79 Highway projects and provide updates in the Lands Update
- The Department will make a presentation and a recommendation to the Commission as a future agenda item regarding CYMPO’s recommended alternative to ADOT
- Insert the Sportsmen and Conservation group meeting dates provided by Tony Guiles into the Commission calendar and include the process in the new Commissioner packet
- Obtain copies of the “Future of Hunting and Shooting Sports” book and provide to Regional Supervisors/Branch Chiefs and Sportsmen’s organizations
- At the February Commission meeting, include the Cibola Valley Irrigation District as an agenda item for discussion
- Coordinate with Wyoming Game and Fish Department on their process and policy for developing mitigation on mining projects and evaluate effectiveness in Arizona.

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Meeting recessed for the day at 4:49 p.m.

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Meeting reconvened Saturday at 1:30 pm.

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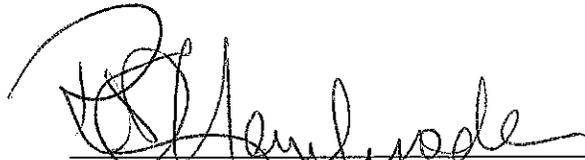
Chairman McLean called the meeting to order and lead those present through the Pledge of Allegiance followed by a moment of silence to honor fallen Officers across the country. The Commission introduced themselves and Chairman McLean introduced the Director and the Director’s staff.

This was an informal meeting for open discussion and a question/answer session between the Commission and its constituents. No official action was taken. Those present also viewed the Department’s 2008 Year in Review Video Presentation. This meeting was followed by the Commission Awards Banquet held at the Four Points Sheraton, 10220 N. Metro Center Parkway East, Phoenix Arizona, which adjourned at approximately 10:00 p.m.

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William H. McLean, Chair



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Robert D. Hernbrode, Vice Chair



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Jennifer L. Martin, Member



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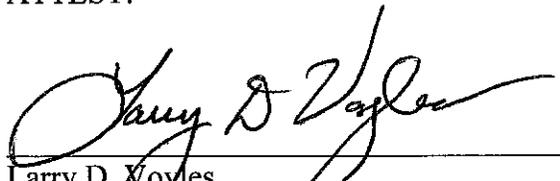
Robert R. Woodhouse, Member



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Norman W. Freeman, Member

ATTEST:



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Larry D. Voyles  
Secretary and Director

**Game and Fish Litigation Report  
Presented at the Commission Meeting  
January 16, 2009**

The Assistant Attorneys General for the Arizona Game and Fish Commission and the Arizona Game and Fish Department are representing these agencies in the following matters in litigation. This report does not include claims and lawsuits for damages against these agencies in which the agencies are represented by Assistant Attorneys General in the Liability Defense Section of the Attorney General's Office.

**1. *Wilderness Watch, Inc. et al. v. United States Fish and Wildlife Service et al., CV01185-MHM.*** Plaintiffs filed suit on June 15, 2007, challenging the decision of the U.S. Fish and Wildlife Service ("FWS") to redevelop two water structures on the Kofa National Wildlife Refuge. The water structures provide supplemental water to wildlife populations that have suffered due to persistent drought. Plaintiffs allege that these water developments violate the National Environmental Policy Act because the FWS did not first determine the environmental impact of these projects. Plaintiffs also allege that such permanent structures are prohibited by the Wilderness Act. Plaintiffs seek declaratory and injunctive relief. They are asking the court to find that the FWS violated the law and to order the FWS to remove the structures.

The Commission has voted to file an application with the court to intervene on behalf of the FWS. Any court order finding that the FWS violated federal law will impair the Commission's ability to restore the wildlife populations in the refuge and in other wilderness areas in Arizona. The Attorney General's Office anticipates that a motion to intervene will be filed by August 15<sup>th</sup>.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The plaintiffs filed a notice of appeal on October 29, 2008. The court entered a time schedule order on November 4, 2008. The plaintiffs (now appellants) are to file an opening brief by February 13, 2009. The defendants (now appellees) are to file a responsive brief by March 16, 2009, and any reply brief must be filed within fourteen days of the responsive brief.

**2. *Anderson v. Arizona Game and Fish Department, et al., C20089051.*** On January 7, 2009, the Department was served with a Summons and Complaint for Judicial Review of Administrative Decision in this action. Plaintiff seeks judicial review of the Commission's June 27, 2008 action revoking his licenses to take wildlife for ten years and the Commission's December 5, 2008 decision to deny Plaintiff a rehearing in the matter. The case was filed in Arizona Superior Court in Pima County and has been assigned to the Hon. John F. Kelly.

(10/7/08) (JFO/SDC)

**Lands Update**  
For the Arizona Game and Fish Commission  
January 9, 2009  
Phoenix, Arizona

**FEDERAL LAND MANAGEMENT PLANNING**

**Apache-Sitgreaves National Forest**

On December 16, 2008 the Notice of Initiation to revise the Forests' Land and Resource Management Plan was published in the Federal Register. Revision formally begins with the publication of this notice. Currently, the Comprehensive Evaluation Report, the Ecological Sustainability Report, and the Economic and Social Assessment are available for review. These are the forest plan revision analyses documents that provide evaluations of social, economic, and ecological conditions and trends in and around the Forest, as well as the need to change or revise the 1987 Forest Plan. The Forest is seeking comments on the need for change identified in the Comprehensive Evaluation Report by February 16, 2009. A series of public meetings to build the proposed plan are tentively planned for late spring 2009. A draft proposed forest plan is currently scheduled to be issued for pre-decisional review in September 2009, and final plan approval in September 2010.

**Coronado National Forest**

Forest officials were notified by the U.S Institute for Environmental Conflict Resolution of the Institute's decision to halt formation of a public "working group" to participate in an independent review of the environmental analysis for the proposed Rosemont Mine. The U.S. Institute determined that there were too many divergent views to reach any public consensus on the project. The decision will not affect the Forest Service schedule to complete the legally mandated Environmental Impact Statement (EIS) for the proposed mine, currently estimated for July 2010, nor will the decision affect other forms of public involvement already planned. The Forest will continue providing opportunities to maintain public involvement. The next public comment period will collect input about the draft EIS, which is planned for publication in the fall of 2009. The Forest Service has already announced plans to extend this legally required 45-day comment period to 90 days to ensure the public will have adequate time to review the document. Public hearings will also be held at that time.

The Department continues to work closely with the Nogales Ranger District on the dredging of Pena Blanca Lake. To date the contractor has nearly completed the draining of the lake and is beginning to work on the upstream sediment traps and the access road to the lake bottom. The project is currently on schedule with a projected completion date of mid April 2009.

The Department is currently working with the Sierra Vista Ranger District (SVRD) on a couple of water development projects for turkey and white-tailed deer. One project is in Collins Canyon, and another is at Old Sawmill Spring in the Huachuca Mountains. The Department is developing a Habitat Conservation Partnership (HCP) grant proposal for both projects. The Department is also working with the SVRD on the preliminary stages of renovation of Clark Springs between Miller and Carr Canyons.

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

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

On December 12<sup>th</sup>, the Department released 15 pronghorn at Sipe White Mountain. Wildlife Area in Game Management Unit (GMU) 1, and 35 pronghorn at Four-Bar Mesa in GMU 27. Both of these areas had recent habitat work completed involving the clearing of invasive junipers. The antelope were captured from the Parker Mountain area in south-central Utah to help reduce the population to meet their management objectives.

The Department met with local angler clubs in November, including the White Mountain Bass Club and the White Mountain Fly Fishing Club to discuss a consultation process for our statewide sportfish stocking program. The groups offered support to the Department after the process and potential hurdles to continue sportfish stocking in some locations was explained.

On December 4, the Department conducted the first of this winter's limnological surveys on Crescent, Lee Valley, and Carnero lakes in Apache County as part of a winter fish kill study. The objective of the study is to gather data on conditions leading to winter fish kills in these lakes and developing solutions to prevent or reduce this winter kills.

The Department met with a private landowner, who lives near the upper end of Rainbow Lake, Navajo County, to discuss her request for the Department to restore a structure on Commission-owned property. The structure was an old concrete hydroelectric dam built in the 1920s on Walnut Creek where it enters Rainbow Lake. The structure is mostly located on the Fernandez Tract that was acquired by the Commission in 1975, with part of the structure on another property. The concrete structure was falling apart and non-functional when the property was acquired and was partially dismantled in the mid-1990s after several landowners in the area complained about the safety hazard of that structure. The private landowner is requesting that the Department restore the structure to help improve water quality conditions in Rainbow Lake.

The Show Low Creek Watershed Enhancement Partnership also heard of this request and is interested in pursuing a Water Protection Fund grant to restore the riparian area on the Fernandez Tract. The private landowner is still interested in restoring the concrete structure and indicated she would be submitting a historic structure application to the State Historic Preservation Office. The Department will continue to work with this landowner and the Show Low Creek Watershed Enhancement Partnership on this subject.

### **Kaibab National Forest**

The Department commented on the revised Jacob Ryan Vegetation Management Environmental Assessment (EA) on the North Kaibab Ranger District. The issue of how the Forest would measure canopy cover within the guidance of the Northern Goshawk Guidelines was the main concern in previous drafts.

The Forest still plans to measure canopy cover at the clump and group level instead of at the stand level. The Jacob Ryan project targets 40-70% canopy cover in clumps/groups, with no

indication of how large or small the clumps/groups are. This way of measuring canopy cover makes it difficult to envision forest cover overall. To that end, the Department asked the Forest to maintain or manage toward large groups so that forest cover was adequate. We also recommended that in future projects, having some indication of clump and groups' size (within existing conditions) on the landscape would be helpful. The Department is encouraged however, that the Forest did target 60% Vegetation Structural Stage 4-6 across the total acres, which means that canopy cover will likely be adequate for most goshawk prey species.

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

### **Arizona Strip Field Office**

The Department has been actively engaged in the Standard and Guideline Process associated with several grazing allotments on the Arizona Strip. These allotments in the Pakoon Basin have had considerable controversy associated with them and habitat conditions in the area are not meeting Standards and Guidelines for the area. The main issues are multifaceted and stem primarily from large scale wildfire, critical habitat for the Desert Tortoise, and general habitat conditions of the allotments which make them unsuitable for grazing. There have been several field meetings associated with two allotments (Pakoon Springs and Pakoon) and the Department has been informally recommending deferment of cattle grazing in these areas for multiple years. More formal comments will be forthcoming in our response to the Standards and Guidelines report which will be drafted by BLM range staff.

In addition, the USFWS recently wrote a letter (attached) of non-compliance with two Biological Opinions for Fire Rehabilitation. This letter of non-compliance stems from observations of trespass cattle in areas that were off limits to grazing.

### **Havasu Field Office**

The Lake Havasu Field Office Record of Decision and Approved Resource Management Plan were released on July 9, 2007. The Department continues to coordinate closely with the Field Office in the development of subsequent implementation-level plans, including Travel Management Plans and associated route designations.

### **Lower Sonoran Field Office**

The BLM is preparing a preliminary preferred alternative draft Resource Management Plan to be released for public review. The Department continues to participate in cooperative meetings and proactively develop comments throughout the planning process.

### **Kingman Field Office**

The Kingman Field office NEPA training scheduled for January of 2009 has been cancelled due to an unexpected challenge for the DOI instructor that was scheduled to host the training.

### **Safford Field Office**

The Department participated in a conference call with personnel from the BLM state office, Safford Field Office, the Nature Conservancy and Logan-Simpson Design Inc. to discuss the status of the Aravaipa Ecosystem Management Plan (AEMP). Nearly all internal comments and

additions have been incorporated into the draft AEMP and draft Environmental Assessment (EA). Both documents are currently being printed and should be distributed to the public for comment next month. Public meetings to review and record comments on the draft AEMP and EA are also going to be scheduled for January and possibly February.

### **Yuma Field Office**

The Proposed Resource Management Plan and Final Environmental Impact Statement have been released to the public. The Final Resource Management Plan and Record of Decision will be issued after protest resolution. The Department continues to work with BLM on the development of subsequent implementation-level plans, including the La Posa Travel Management Plan.

### **Tucson Field Office**

The Middle Gila Travel Management Plan (TMP) was supposed to be released in mid December but has been postponed to mid January. BLM did not specify a reason for the delay.

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

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

The Tucson Field Office (TFO) continues to work on the development of a proposed final Resource Management Plan and Environmental Impact Statement for the Ironwood Forest National Monument. The TFO has indicated they are nearing completion but continue to work on issues, including recreational shooting, before the document goes out to the public.

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

On May 9, 2008, the Records of Decision and Approved Resource Management Plans for the Grand Canyon-Parashant and Vermillion Cliffs National Monuments were released to provide guidance for BLM-administered lands in northern Arizona. The final plan includes a series of unique route networks and designations.

### **Agua Fria National Monument**

The Proposed Resource Management Plans and Final Environmental Impact Statement for the Agua Fria National Monument and Bradshaw-Harquahala Planning Area were released on August 8, 2008. The Department continues to work with the Field Office in the development of subsequent implementation-level plans, including Travel Management Plans and associated route designations.

### **Sonoran Desert National Monument (SDNM)**

The BLM continues to develop its preliminary preferred alternatives for the draft Resource Management Plan in association with the Lower Sonoran management area to be released for public review. The Department continues to participate in cooperative meetings and proactively develop comments throughout the planning process.

## **U.S. FISH AND WILDLIFE SERVICE**

### **Kofa National Wildlife Refuge (Kofa NWR)**

The Department continues to work with the U.S. Fish and Wildlife Service (USFWS) to plan, fund, and implement actions to aid restoration of the bighorn sheep population on Kofa. The Department is serving as a cooperating agency in the preparation of an Environmental Assessment (EA) for their Mountain Lion Management Plan. The Department is working with Kofa to draft management alternatives for the EA. Efforts to capture and collar additional lions on Kofa have resumed following the summer hiatus. Fish and Wildlife Service monitoring of waterhole cameras have shown evidence of at least three lions still routinely using the Kofa Mountains Complex. Fifteen additional bighorn sheep have been collared for the ongoing monitoring studies. This brings the total number of collared animals to approximately 40. Efforts continue on a study to document and monitor body condition of bighorn sheep on Kofa. The annual bighorn sheep survey on Kofa was completed in October and the resulting population estimate was 436. This estimate is similar to the previous two years. Additional information on the management of bighorn sheep, lions, and water on the Kofa NWR can be found on the Department's web site.

The Sonoran Pronghorn Recovery Team continues to evaluate potential sites for establishing a second population in the U.S. National Wildlife Refuge. Kofa is one of the primary sites being evaluated for this effort.

## **Department of Defense**

### **Camp Navajo**

Camp Navajo is an Arizona Army National Guard training and ammunition storage facility. Camp Navajo was nominated for a Joint Land Use Study (JLUS) in FY07. A JLUS is a DOD-funded study, which is a cooperative land use planning effort between a military installation and the surrounding jurisdictions. It will be designed to promote community growth and development that is compatible with the installation. Urban growth is moving toward Camp Navajo from the south and east, and commercial and residential encroachment is expected to increase in ways that could impair the operational utility of the installation. The area of study will include Rogers Lake, Woody Ridge, Observatory Mesa, and the Private-State Trust checkerboard lands south of Camp Navajo. These areas are part of a critical wildlife movement corridor, have significant waterfowl habitat values, and are high conservation priority for the Department. Elsewhere, JLUS studies have resulted in planning and zoning changes that accommodate and sustain military training activities while providing conservation of wildlife habitats or other natural resources. The Department has been invited to participate in the JLUS study with Camp Navajo and the kick-off meeting is scheduled for late January 2009.

## **GENERAL UPDATES**

### **ADOT**

#### **I-17 (SR 179 North to I-40)**

The I-17 (SR 179 north to I-40) project continues in its planning efforts. The Department continues to attend monthly planning meetings with ADOT and Federal Highways. Currently, ADOT is working on analysis associated with a potential slight realignment from MP 298-313. The Department is in the process of submitting their comments associated with wildlife for this area. This information as well as biological information throughout the extent of the footprint will feed into the Design Concept Report due out within the next few months. This project continues to be a priority for the Department with respect to elk-vehicle collisions and general wildlife connectivity issues.

#### **I-10 Phoenix-Tucson Bypass Study**

The Commission has taken a position of opposition to all routes identified in the Phoenix/Tucson I-10 Bypass Study that was accepted by the State Transportation Board (STB) in January 2008. In March 2008 the STB requested a follow-up study, and the I-10 Bypass Study Follow Up - Tucson Metropolitan Area Draft Report was released October 16, 2008.

The Department reviewed this follow up study and understood that two alternatives were considered: 1) upgrading the existing corridor through the Tucson metro area through the construction of a 6-mile elevated or stacked roadway structure, and 2) the long-term development of an alternative route to I-10 referred to as Route 4, also known as the Western Corridor or Corridor H.

The Department requested that the State Transportation Board not accept the I-10 Bypass Study Follow Up before careful and accurate comparison of costs between a stacked freeway and the proposed bypass can be presented to the public. The Department also requested that the report carefully re-examine the costs associated with impacts to Arizona's wildlife resources. The Department stated that it is willing to assist in this analysis and asked to be involved in all of ADOT's future planning efforts regarding Interstate 10.

The STB unanimously approved the October 16, 2008 report and directed the Arizona Department of Transportation to study the feasibility of Route 4 more intensively.

#### **Hoover Dam/Bighorn Sheep (Milepost 2-17 Project)**

The Department attended a meeting on December 18<sup>th</sup>; ADOT Kingman hosted the initial partnering meeting for the SR 93, milepost 2-17 highway widening/Bighorn Sheep Crossing project. At this meeting, FNF Construction indicated that it is investigating alternative plans for the bighorn sheep crossing structures – and will be submitting them to the project team for review sometime in 2009. Evidently, the structures that were previously approved were designed to FHWA Highway overpass standards. Since the structures are being designed for use by wildlife rather than vehicular traffic, they are over-designed on a monumental scale. Consequently, they are far more costly than may be necessary. The Department will be participating on the Technical Advisory Committee for the Bighorn Sheep Study and the

Interdisciplinary Team for the Hoover Bypass project. The Department will review any alternative crossing structure plans when they become available.

### **Building a Quality Arizona – BQAZ**

On November 12<sup>th</sup>, the Department attended a northern AZ workshop in which bqAZ partners introduced three scenarios associated with changes in transportation structure and how to meet future needs. Despite several requests to be more involved, the Department still has major concerns that the bqAZ effort has not adequately addressed wildlife connectivity issues at this point in the planning. The attached letter expresses concerns and thoughts on the scenarios as well as general requests for more active participation in the bqAZ planning process.

### **Chino Valley Bypass**

The Department attended the December 11, 2008 CYMPO Corridor Study Meeting for the Chino Bypass Project. Also in attendance was management staff from TNC, the Sierra Club, and the Center for Biological Diversity. Additionally, there was broad public representation from the Rimrock Property Owners Group.

As part of the progress update, CYMPO expressed *preliminary* support for a corridor alternative entitled CV-8. It is an alternative that closely conforms to the developed portions of Chino Valley – satisfying the Department’s earlier request for minimizing impacts to high quality grassland and pronghorn habitat. However, CYMPO expressed a preliminary intention to carry CV-8 to an SR 89 tie-in point roughly 2 miles north of Paulden. The proposed northern portion of the route would cross the Verde in close proximity to Stillman Lake and encroach on Granite Creek – posing potential impacts to the Verde River, Wildlife Conservation Area, and Rimrock Subdivision.

The Department provided a position statement supporting alternative CV-8, but with the recommendation that the bypass terminate – and rejoin SR 89 between Road 5 and 6 North, just north of Chino Valley.

Following the progress meeting, the Rimrock property owners provided a petition with more than 60 names, opposing the continuation of alternative CV-8 beyond Road 6 North. Both the Sierra Club and Center for Biological Diversity expressed opposition to the northern portion of alternative CV-8, and expressed their intention to bring all of their legal resources to bear if CYMPO ultimately supported a route that crossed the Verde River. While TNC did not speak at the public meeting, they expressed written support for the same alignment option as the Department.

Following the public meeting, the Department and TNC executive management met with the CYMPO administrator to review our shared position. CYMPO expressed receptiveness to our concerns and those raised by the public – reiterating that their *preliminary findings* were truly *preliminary*. CYMPO still had to finish reviewing many pages of public comments, ours included, before making a final recommendation to the CYMPO Board of Directors for approval in late January.

In January, the Department will host a preliminary meeting with a local property owner to investigate possible actions that might assist in protecting private lands that are contiguous with AGFD's current holdings.

Attached is the most recent Departmental guidance letter submitted to CYMPO, in response to CYMPO's most recently issued "3<sup>rd</sup> Draft White Paper."

### **City of Coolidge Annexation**

The intergovernmental agreement (IGA) between the Department and the City of Coolidge to allow hunting with firearms within the city limits has been finalized and recorded by the City of Coolidge.

### **City of Cottonwood Annexation**

The City of Cottonwood is scoping a potential annexation of 10 square miles of State Trust lands along SR 89A between Cottonwood and Cornville. A Conceptual Master Plan already exists for the potential annexation which calls for a mixed-use development of residential and commercial land uses. The annexation area contains critical fawning grounds for an important herd of American pronghorn, and has the potential to impact Gila topminnow, Gila chub, several aquatic species of concern, and bald eagles. Outside of conservation of the entire property northwest of SR 89A, there is little that could be done with project design to avoid significant impacts to the local pronghorn herd. Significant mitigation measures will also be needed to prevent impacts to the aquatic species of concern. Notably, these lands were called out for 'open space and conservation' in the Verde Valley Forum on Open Space Issues as well as the Cottonwood General Plan. The Department has made the City of Cottonwood, the State Land Department, Yavapai County, and the US Fish and Wildlife Service aware of these concerns. The Department will be meeting with the City of Cottonwood's representatives to discuss these concerns in more detail throughout January.

### **City of Flagstaff**

The Department recently attended the kick-off meeting for the "Friends of the Rio de Flag", a non-governmental grassroots organization interested in conservation and restoration of the primary stream channel that runs through Flagstaff. The group's initial focus will be on an Army Corps of Engineers' Environmental Impact Statement that plans to re-direct and bury a portion of the Rio de Flag into an underground storm water channel. The group is also supportive of the Department's ongoing negotiations with the City of Flagstaff to establish perennial flow of reclaimed water at Rio Wetlands and Picture Canyon as part of the Bow and Arrow Cooperative Agreement, and generally interested in conservation and restoration of wildlife habitat along the entire Rio de Flag.

### **City of Flagstaff and Coconino County**

Efforts continue to kick off the Flagstaff Regional Land Use and Transportation Plan. This is a joint document used by both the City of Flagstaff and Coconino County to guide land use in the region that stretches west from Belmont east to Doney Park, and from north of the San Francisco Peaks south to Kachina/Mountaineer. This area encompasses some significant wildlife habitats and movement corridors in the wildland-urban interface. The Department has been invited to participate on the Core Planning Team, which is comprised of City and County

Planners and is responsible for guiding the planning process and writing the document. Planning begins in early 2009, with voter approval in 2011 and City/County adoption in 2012.

### **Coconino County**

In January 2009, Coconino County and the Department will cooperatively launch a 'Coconino Wildlife Linkages' project to identify critical wildlife habitat blocks and corridors across the entire county. The Department will lead this effort, which will engage our own Department experts, as well as community stakeholders from throughout the county. This large planning effort will build on existing wildlife corridor information that was captured during the 2003 Coconino County Comprehensive Plan and expand geographically to cover all areas of the County. Planning is expected to run through mid 2010, at which time published maps and reports will be made available to the public and used primarily by Coconino County Community Development and Parks and Recreation Departments.

### **Pima County Habitat Conservation Plan**

The County has produced several reports as part of their HCP grant to develop an ecological monitoring program: 1) A conceptual strategy for choosing parameters for ecological monitoring in Pima County; 2) Draft data management plan for the Pima County Ecological Monitoring Program; 3) Draft monitoring protocol for landbirds in Pima County; 4) Remote sensing to monitor land cover change, Pima County, Arizona; 5) Recommended single-species monitoring approach for Pima County's Multiple-species Conservation plan; and 6) Adaptive management for Habitat Conservation Programs: A review of the literature and selected case studies. Anyone interested in reviewing these reports should contact Locana de Souza at (520) 388-4471.

### **Pima Regional Transportation Authority (RTA)**

The Department holds a voting seat and has been participating on the RTA Wildlife Linkages Sub Committee which reviews proposals for research and construction using RTA monies. Currently, funding is limited to projects tied directly to road construction projects. ADOT submitted a proposal for funding a Wildlife Linkages workshop for Pima County. This project would be jointly administered by ADOT and the Department to bring stakeholders together to identify important linkages at the county scale. The proposal was sent back for clarification and additional components to make it more acceptable to the RTA board.

### **Pinal County**

The Department sent comments to Pinal County on the second draft of the Comprehensive Plan. The Land Use plan follows a "Focused Growth" model which identifies the I-10 corridor for the majority of urban growth in the future. The eastern boundary of this corridor is along an alignment roughly bisecting GMU 37B. Among other suggestions, the Department recommended that the eastern boundary of this corridor be shifted west to SR 79, leaving the land east of SR 79 as rural development only. This change was recommended on the first draft as well.

### **Rose Tree Ranch on State Trust Land**

The Department is working with the State Land Department and the Rose Tree Ranch on an HCP grant proposal to develop two waters. This project will benefit white-tailed and mule deer and pronghorn. For approximately 30 days per year the water development will be available for

livestock as well as wildlife. The remainder of the year the waters will be left on and available for wildlife only. The Department has met with the Arizona Antelope Foundation to show them the proposed project, and the Department is writing the Biological Assessment.

#### **Malapai Borderlands Group**

Malapai Borderlands Group has scheduled their Science Conference for January 6, 2009 at the Malapai Ranch. The next Malapai Agency Meeting is scheduled for April 7, 2009. Department representatives are planning on doing a presentation on trespass laws, signage, etc. at this meeting to explain challenges with violations and our inability to prosecute due to improper/inadequate signage.

The Department has met with a Malpai rancher, about a large scale range improvement project to remove mesquite and promote more native grasslands to benefit pronghorn, deer, and small game, as well as the ranching operation. Department personnel will be submitting an HPC proposal in September 2009. The rancher's access agreement is scheduled to be renewed soon, so the two processes may be linked.

#### **City of Tucson Habitat Conservation Plan**

The City of Tucson has decided to fund a study to validate the habitat model for the Sonoran desert tortoise. They will use one of their on-call consultants (RECON or SWCA) for this work. The Department has completed field work for this year on the lesser long-nosed bat telemetry study. We hope to have a report for this 2006-2008 study by the end of 2009.

#### **Town of Marana Habitat Conservation Plan**

The Town of Marana is currently working on a draft EIS and draft Multi-Species HCP. The Town anticipates these documents will go out for public review in February.



# United States Department of the Interior

U.S. Fish and Wildlife Service  
Arizona Ecological Services Field Office  
2321 West Royal Palm Road, Suite 103  
Phoenix, Arizona 85021-4951



Telephone: (602) 242-0210 Fax: (602) 242-2513

*1708-1226 5128*

In Reply Refer to:

AESO/SE  
22410-2007-F-0011  
02-21-05-F-0772

*FVL, RR, NG*

RECEIVED

December 15, 2008

DEC 22 2008

AGFD - HABITAT BRANCH

## Memorandum

To: Field Office Manager, Arizona Strip Field Office, Bureau of Land Management, St. George, UT

From: Field Supervisor

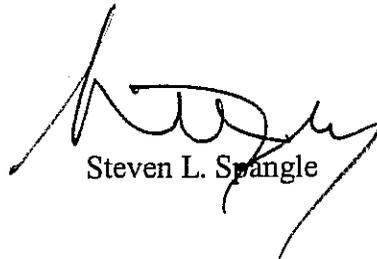
Subject: Letter of Non-Compliance with Two Biological Opinions for Fire Rehabilitation Plans in the Pakoon Basin

On October 21, 2008, Brian Wooldridge of my staff witnessed cattle in grazing allotments within the Grand Canyon-Parashant National Monument that are supposed to be restricted to cattle grazing. As part of the proposed actions for the two fire rehabilitation consultations (22410-2007-F-0011 and 02-21-05-F-0772), fencing was constructed and the portions of the Mosby-Nay and Pakoon allotments affected by wildfires were to be excluded from grazing until treatment objectives were met or until BLM determines that objectives cannot be met. Discussions with our office during that field trip indicated that the permittee's cattle have been in those allotments frequently since both consultations were completed.

We know that tortoise densities in these areas are low and that the habitat has been removed as a result of the fires; however, without the required rest, these lands will take even longer to become desert tortoise habitat again. During a meeting with your staff in St. George, Utah on November 18, 2008 you agreed to take corrective measures, including constructing fences in areas where there are gaps and replacing gates. These measures were described in an email on December 1, 2008. You have recently awarded the fence contract and are anticipating the fence will be completed no later than the end of January 2009. You also intend to have range staff visit the allotments and closures regularly to ensure that the fences and gates remain intact and that cattle are, in fact, no longer accessing the burned areas. You also stated that you are committed to allowing those burned areas to rest long enough to meet the objectives for measuring success of the treatments.

*FHUP - NPS - Grand Canyon*

We appreciate your willingness to achieve compliance and rectify the issues identified above. We also look forward to continuing our partnership and are committed to help in any way we can. Any questions or comments should be directed to Brian Wooldridge (928) 226-0614 (x105) or Brenda Smith (x101) of our Flagstaff suboffice.



Steven L. Spangle

cc (hard copy):

State Director, Bureau of Land Management, Phoenix, AZ  
Chief, Habitat Branch, Arizona Game and Fish Department, Phoenix, AZ  
Regional Supervisor, Arizona Game and Fish Department, Flagstaff, AZ

cc (electronic copy):

Assistant Field Supervisor, Fish and Wildlife Service, Las Vegas, NV (Attn: Amy Lavoie)  
Desert Tortoise Recovery Office, Fish and Wildlife Service, Reno, NV (Attn: Roy Averill)

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THE STATE OF ARIZONA  
**GAME AND FISH DEPARTMENT**

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December 4, 2008

Heather Honsberger, HDR  
101 N. 1<sup>st</sup> Ave. Ste 1900  
Phoenix, AZ 85003

Dear Heather,

Thank you for the opportunity to comment on the the Northern Arizona Regional Framework Community Workshop that was held in Flagstaff, November 12, 2008. The Arizona Game and Fish Department (Department) appreciates the opportunity to comment on quantifying transportation needs statewide and identifying the full range of options to address those needs. Below you will find our comments on the proposed scenarios that were presented that day, future issues effecting transportation planning in the state, and additional information that The Arizona Department of Transportation (ADOT) may want to consider with respect to transportation planning.

Common among all scenarios presented at the workshop was that they were to be considered “scenarios only”, and were not to be interpreted as an actual project location. If this is indeed the case, the Department would appreciate early discussions about where these theoretical lines may translate into future planning for roads and/or transportation corridors. This early coordination will help us work with ADOT on ways in which to meet human transportation needs, and needs for wildlife.

In general, the Department supports pro-active, well planned infrastructure with a subsequent focused growth response. This type of planning allows for wildlife habitat and corridors to be avoided while simultaneously moving forward with transportation needs. To this end, the Department’s reaction to the projects identified in Scenario A is that there is the potential for high disturbance to public lands, therefore a much larger environmental footprint than other scenarios. In addition, Scenario A has the potential to increase road densities dramatically in the Chino Valley area, which is important habitat for the American pronghorn.

The Department believes that the assumptions for Scenario C are likely the most reasonable with respect to the ways in people may choose to move around the state in the future. To that end, the Department supports focused growth, especially if there is a concerted effort to avoid and/or link together important wildlife habitats while planning that focused growth.

The Department would like to increase our involvement with transportation planning within the bqAZ framework. The Department is currently developing a GIS model which will aid in identifying areas of high

diversity of species of greatest conservation need, areas important to the Department, high priority areas that should be conserved, protected, and/or avoided completely, and wildlife habitats that may require significant coordination to identify mitigation crossing structures. This model should feed well into long-range statewide planning efforts like bqAZ, and we would like to share the information that this model generates. The Department hopes that ADOT and other bqAZ partners will work with the Department to identify high priority wildlife areas and wildlife corridors prior to making any major decisions about new infrastructure.

The Department is also encouraged that the bqAZ effort is recognizing the Arizona Missing Linkages Project, to which we have been an active and leading member. It is the linking of important contiguous habitat blocks to one another that facilitates and maintains quality wildlife habitats. Although several finer scale wildlife linkage designs have been developed, there are many others that still need to be completed. Again, the Department hopes that partners will wait until these more refined linkages are completed prior to making any major decisions about new infrastructure.

Lastly, the Department is encouraged by the statement within bqAZ's *Preliminary Critical Needs Definition Report* that it is recommended that the "formation of any sustainable transportation finance mechanism to address critical transportation needs include a fixed amount of percentage of funds to effect enhanced environmental mitigations." Based on this report it is the Department's understanding that this program will "focus on (a) ensuring connectivity of wildlife movement (e.g., adequate wildlife crossing of new and improved facilities), and (b) biological habitat preservation, particularly in areas containing designated Threatened, Endangered, or Sensitive Species." The Department looks forward to helping bqAZ meet these previously defined recommendations.

The Department looks forward to continuing to increase communication related to bqAZ. If there are any questions you would like to discuss based on our comments, please contact Andi Rogers, Habitat Specialist, at (928) 214-1251 or [arogers@azgfd.gov](mailto:arogers@azgfd.gov).

Sincerely,

Andi S. Rogers



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December 9, 2008

To: Central Yavapai Metropolitan Planning Organization (CYMPO)

Re: Chino Valley Bypass Project

Greetings to the members of the Chino Bypass Study Team,

As this phase of the project draws to a close, I would like to take the opportunity to summarize the Arizona Game and Fish Department's conclusions and provide a recommendation for a preferred corridor alignment.

Corridor CV-8 most closely conforms to the contour of existing development in the project area. It will therefore likely result in fewer detrimental effects to important grassland habitat and the species that depend upon it, than other alternatives being considered. For this reason, the Department recognizes Corridor CV-8 as the alternative best meeting the social, economic, and ecological considerations that characterize *Sustainable Development*.

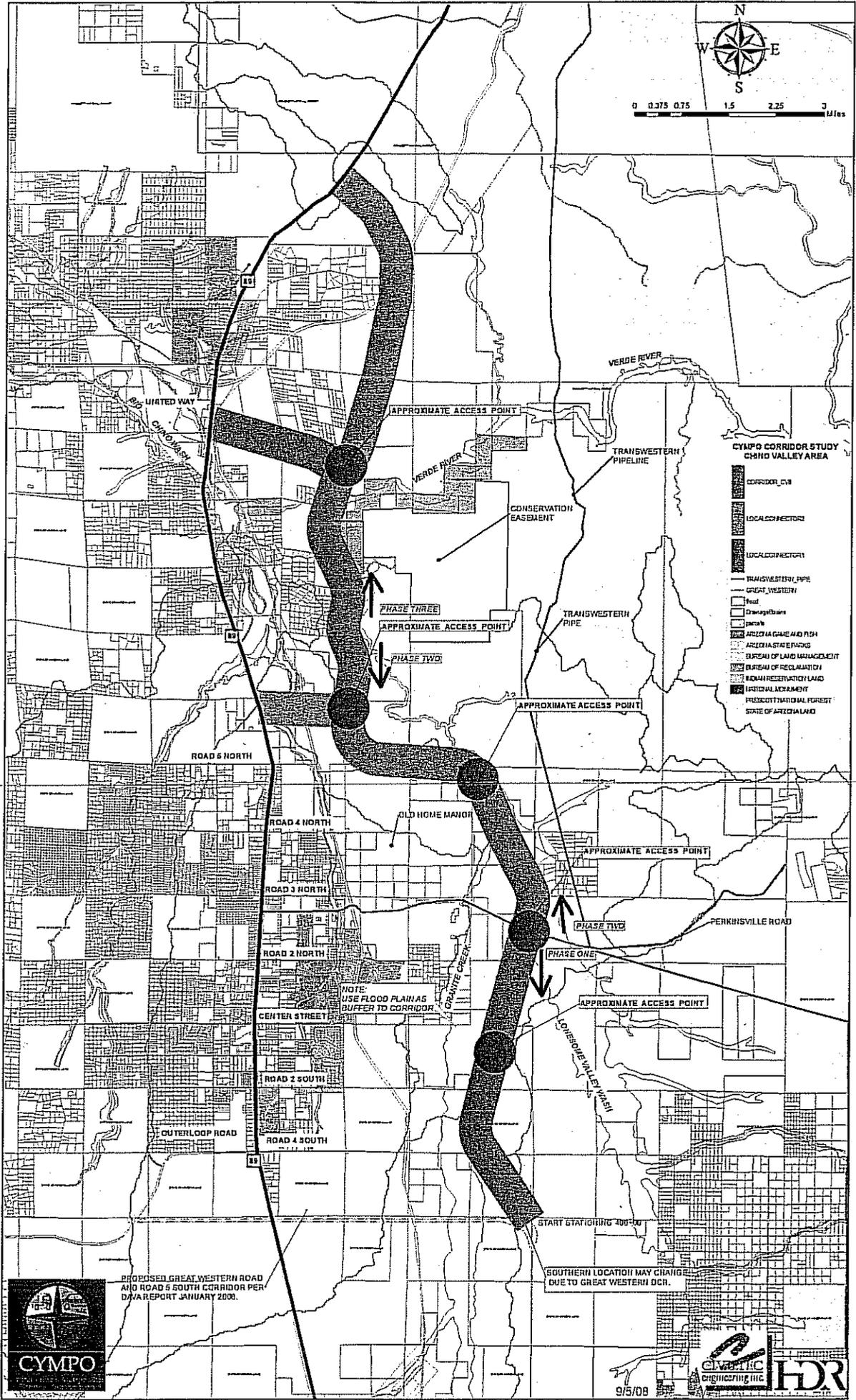
However, when evaluating the potential impacts Corridor CV-8 could have on important hydrological systems, wildlife linkages, conservation easements and riparian habitat if carried to its northern terminus, the Department does not support carrying alternative CV-8 significantly farther north than Road 5 North in Chino Valley, Arizona. Instead, the Department advocates connecting this corridor to SR 89 as close to Road 5 North as possible - and investigating the feasibility of enhancing SR 89 to the north of this location, to address the region's anticipated transportation needs.

In keeping with the BQAZ (Building a Quality Arizona) and Statewide Transportation Framework Planning Initiatives' goals, as our transportation infrastructure is expanded to accommodate Arizona's growing transportation need, consideration must be given to the preservation and protection of Arizona's wildlife and habitat resources.

The Arizona Game and Fish Department looks forward to the continued opportunity to assist in the study, design, and implementation of this project - providing project guidance to minimize impacts to our state's wildlife and habitat resources. If you have any questions about these comments or recommendations, please feel free to contact me via the information listed below.

Sincerely,

Trevor Buhr  
Habitat Program Manager – Region III  
Arizona Game and Fish Department  
5325 N. Stockton Hill Road  
Kingman, Arizona 86409  
Off. (928) 692-7700, EXT 2305  
Fax (928) 692-1523  
tbuhr@azgfd.gov



- CYMO CORRIDOR STUDY  
CHILD VALLEY AREA**
- CORRIDOR C/R
  - LOCAL COLLECTOR
  - LOCAL COLLECTOR
  - TRANSWESTERN PIPE
  - GREAT WESTERN
  - Flood
  - Drawage/Easement
  - Parcel
  - ARIZONA GAME AND FISH
  - ARIZONA STATE PARKS
  - BUREAU OF LAND MANAGEMENT
  - BUREAU OF RECLAMATION
  - BUREAU OF RECLAMATION LAND
  - NATIONAL MONUMENT
  - PRESIDENTIAL NATIONAL FOREST
  - STATE OF ARIZONA LAND

APPROXIMATE ACCESS POINT

PHASE THREE

APPROXIMATE ACCESS POINT

PHASE TWO

APPROXIMATE ACCESS POINT

PHASE TWO

PHASE ONE

APPROXIMATE ACCESS POINT

NOTE:  
USE FLOOD PLAIN AS  
BUFFER TO CORRIDOR

START STATIONING 400+00

SOUTHERN LOCATION MAY CHANGE  
DUE TO GREAT WESTERN DCR.

PROPOSED GREAT WESTERN ROAD  
AND ROAD 6 SOUTH CORRIDOR PER  
DMA REPORT JANUARY 2008.



9/5/08

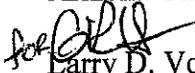


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**TO:** Arizona Game and Fish Commission  
**FROM:**  Larry D. Voyles, Director  
**SUBJECT:** Lands Update regarding an update on Maricopa County Ordinances P-28 and P-27  
**DATE:** January 14, 2009

The Department was recently informed that Maricopa County Air Quality Department Director, Lawrence Odle, is evaluating Department comments as well as the Commission's October 17, 2008 letter prior to continuing with revisions on Ordinance P-28. Ordinance P-27 is also undergoing revisions but is currently on hold. Ordinances P-28 and P-27 could go before the Maricopa County Board of Supervisors as early as March and April 2009, respectively. Director Voyles is scheduled to meet with Director Odle on February 25, 2009 to discuss Ordinances P-28 & P-27 and Department concerns.

The Department has convened a group of state and federal agency representatives to work on the dust issue from a policy making level. This group is focused on issues affecting OHV use and access in Maricopa County, specifically Area A. The recommendations and resulting implementation will hopefully shape the future of OHV use in Maricopa County and provide a template for future dust related issues.

The Arizona State Land Department (ASLD) has considered several road closures in Maricopa County due to notices of dust related violations. Regions 4 and 6 have identified key routes that, if lost, would be detrimental to continued access. The agencies are working together to identify a way to secure long term solutions to this issue. Per Commission direction, the Department has also made presentations to sportsmen's groups including the Arizona Deer Association, the Desert Bighorn Sheep Society, the Arizona Elk Society, and the Arizona Predator callers, and has provided information concerning dust issues in Maricopa County and the potential impact on access.

MS:JA:rst