

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, March 6, 2009
Saturday, March 7, 2009
Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

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

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

Chairman Hernbrode called the meeting to order at 8:00 a.m. This meeting followed an agenda revision #1 dated March 6, 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: McLean moved and Martin seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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The Public Meeting reconvened at 8:19 a.m.

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

Director Voyles announced that Regions I-VI were linked via video teleconferencing and that regional staff and regional members of the public were attending this meeting through the teleconferencing system.

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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. FY 2009 and 2010 Budget Overview

Presenter: Bob Broscheid, Deputy Director

Mr. Broscheid briefed the Commission on the current status of FY2009 budget and FY2010 projected revenue and expenditures for the Game and Fish Fund, Wildlife Conservation Fund, Watercraft and OHV Funds, Heritage Fund, Federal PR-DJ Funds, and the Coast Guard Fund. The Commission was provided with a PowerPoint presentation that included charts and graphs of the current status and future projections of these funds. Additional materials provided to the Commission included the latest JLBC budget recommendations, the history of the Department's legislative fund sweeps, and a description of each of the funding sources. The purpose of the presentation was to inform the Commission of the status of the Department's budgets and the challenges ahead, and to discuss the Department's approach to presenting and managing budgets as well as set the stage for future budget development and discussion.

In regards to the OHV Fund, the Commission discussed the six new FTE law enforcement positions planned to be funded by the OHV Fund. The Department is currently working with ADOA to develop and structure these positions, and is waiting for the legislature to finalize the budget (to see if there will be any additional budget sweeps) before seeking approval to establish the positions.

Commissioner Freeman stated for the record that he, along with a lot of other people, supported the new OHV legislation because it was law enforcement. Also, the perception by MVD is that they are doing all the work and Game and Fish is getting all the money. So the Department needs to get those new officers out there.

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4. 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 as well as state budget issues. The Department has been providing the Commission with regular daily/weekly updates on legislative matters during this legislative session, and provided informational materials at this meeting (available to the public). The presentation included the following:

State of the Budget

- FY09 Adjustments: Possibly up to \$500 Million in deficits
- AGFD FY10 Hearing: A special joint appropriations meeting is scheduled for Tuesday, March 10 at 2:00 PM (or upon adjournment or recess of floor)
- Arizona's Federal Economic Stimulus Dollars: May be up to 4 Billion/2 Years; the Department is working to determine distribution possibilities.

Governor Brewer's 5 Point Plan Outlined in March 4, 2009 Joint Session Address

1. Structural Budget Reform
2. Improve Proposition 105; The Voter Protection Act
3. Additional spending cuts; accumulated \$1 billion reduction in the General Fund (FY10)
4. Reform and modernization of Arizona's state tax structure
5. Temporary tax increase; Increase state revenues by \$1 billion per year.

State Legislation

Supported by Commission:

- HB 2157: Wildlife; aquatic invasive species: House NRRA; Passed (7-0)
- HB 2064: Wildlife; guides; wasted meat: House NRRA; Passed (7-0).

Opposed by Commission

- HB 2235: Game and Fish Commissioners; appointment: Assigned House NRRA; Not on agenda; Department watching for this one as a striker bill.

Bills of Potential Interest

- HB 2088: (re: voter protected public conservation monies): Would transfer \$20 million to State Parks; Would appropriate \$145,000 to Game and Fish; Requires 3/4th roll call vote
- HCM 2006: State land; natural resource: Postcard; No wilderness designations without full support of Arizona Congressional Delegation; No Congressional legislation withdrawing lands for mining purposes
- HB 2467: Western Climate Initiative (WCI); Prohibits ADEQ from participating in WCI
- HB 2289: Claim of public rights-of-way; Not heard in Committee; Same as RS-2477 provisions from last session; sponsored by sportsmen groups on access; lots of concerns by various groups; a study committee may be formed; The Department would like to participate in that committee
- HCR 2030: (Clean Water Act Striker): Run-off from Point Source Discharges to include ALL water bodies (Not just navigable); Provisions claim excluding Arizona from regulations related to this change.

Federal Legislation

- H.R. 1018: Amends the Wild Free-Roaming Horses and Burro Act; Expands the range of the wild horses and burros, and limits use of helicopters in round up; Sponsors: Rahall/Grijalva; Hearing held before the House Subcommittee National Parks, Forests and Public Lands in which Director Voyles testified on behalf of AFWA in opposition to the bill.

Ratification of Commission Action to Oppose HB 2235

Chairman Hernbrode read the following statement into the record: The Commission met telephonically on February 23, 2009 at 9:00 a.m. and voted to take action to oppose the amended language of HB 2235 (Game and Fish Commission appointments). The meeting was held under

emergency conditions as the Department did not become aware of the amended language until Friday afternoon on February 20, 2009. The Commission felt it was necessary to meet to take a position on the amended language before it was heard by the Committee on Natural Resources where it was scheduled for 2:00 p.m. on Monday, February 23, 2009. The amended language was on the agenda and was scheduled to be heard at that time.

Motion: Martin moved and Freeman seconded THAT THE COMMISSION VOTE TO RATIFY ITS DECISION FROM THE FEBRUARY 23, 2009 TELEPHONIC COMMISSION MEETING TO OPPOSE THE PROPOSED AMENDMENT TO HB 2235.

Vote: Unanimous

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

Meeting reconvened at 10:04 p.m.

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5. Information and Education Activities Briefing

Presenter: Bob Miles, Information Branch Chief

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 February 2009 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.

Using a PowerPoint presentation, Mr. Miles highlighted items from this reporting period as follows:

Environmental Education

- Focus Wild Arizona 4th Grade Classroom Program: Reached 1,670 grade students in Show Low, Concho, Heber, Lakeside, Snowflake, Lake Havasu, Tucson, Nogales and the Phoenix Metropolitan area.

Nature's Classroom Home School Program

- Community Service Events: Removed invasive Salt Cedar at Robins Butte; 50 participants.

Macho B Public Information (efforts to keep the public informed on jaguar collaring)

- 5 Department-issued news releases
- 1 news conference in Tucson
- Stories ran in more than 250 media outlets.

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

Presenter: Josh Avey, Habitat Branch Chief

A copy of the Lands Update report 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 February 2009 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 an additional update on the following:

- The Western Regional Partnership meetings are ongoing. The Department is engaged in this effort which is organized by the Department of Defense. Participants include federal land partners that will collectively address a broad array of landscape impacts
- The Department attended the Arizona Renewable Resource and Transmission Identification Sub-committee (ARRTIS). This effort is similar to the Western Renewable Energy Zones effort by the Western Governor's Association (WGA). It is at the local and state level and the intent is to meet the Corporation Commission's Order to identify three major transmission line routes through the State of Arizona by April 30, 2009. The Department shared the WGA information and how it could be used in the ARRTIS effort. They welcomed this information and it was encouraging to the Department to be able to participate in the ARRTIS effort.

Mr. Avey introduced Pat Barber, Yuma Regional Supervisor, who provided the Commission with an update on the Kofa National Wildlife Refuge Desert Bighorn Sheep Herd Restoration. Mr. Barber provided a PowerPoint presentation that included charts, graphs and historical information. The presentation was an update from the presentation provided at the May 2008 Commission meeting. The following includes some of the updated information:

- The current population estimate from fall 2008 is 436 sheep
- Two new waters were identified (not in wilderness): Engesser Pass and Livingston Hills
- Information is being provided to the public via the Department's website and presentations. A presentation to the Arizona Desert Bighorn Sheep Society (ADBSS) is scheduled for March 11, 2009
- Studies are ongoing to determine cause and extent of predation when bighorn population declines are documented; Mountain lion Male KM04 was collared on 2/27/09 and is currently being monitored with no kills recorded yet; New Mexico State and Department research project (ADBSS funded) to collar and track 40 sheep - Cause of four out of five total mortalities from lion predation; Remote cameras are used to determine lion patterns; Two interns were hired to monitor 14 additional catchments in summer of 2009; Lion scat analysis – initial diet results include primarily mule deer; also bighorn sheep, badger, fox, domestic sheep.
- Population monitoring will continue annually until the sheep population approaches the long term average of 800 sheep (refined trigger in draft EA): Population Estimate and Action: <600 - lion removal; >800 - no lion removal (monitor); Between 600 and 800 - Annual assessment based on available data

- The USFWS has completed the draft Environmental Analysis (EA) for the predation management part of the restoration plan, and it has been forwarded for publication in the Federal Register (2/19/09)
- The one-year moratorium offered by the Department on predation management efforts on the refuge ends in mid-April.

Commissioner McLean asked when the EA would be available to the public for review and comment, and if it would be appropriate to post on the Department's website.

Director Voyles stated that the Department will coordinate with the USFWS on the matter. If posted on the Department's website, it will be made clear that it is a USFWS document and process, and any decisions on the Record of Decision will be a USFWS decision. The EA will be available to the public once it is posted by the Federal Register.

Commissioner Martin commented that the statistics showed a slight increase in population during the one-year moratorium and asked if that suggested that lion removal was not necessary in working toward recovery of the herd.

Mr. Barber stated that the fluctuations seen in the last three years are not significant given the margin of error and there is not a clear trend. Also, a couple of lions were removed prior to the moratorium.

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7. Request for Commission Approval to Accept the Donation of Five Acres at Coal Mine Canyon in Santa Cruz County, Arizona.

Presenter: Josh Avey, Habitat Branch Chief

The Department has the option to accept five acres of property at Coal Mine Canyon. The five acre parcel of land includes mine shafts which were historically mined for copper, lead and silver. The mine is known to be habitat for the endangered Lessor long-nosed bat. The roost is believed to be a migratory roost based on the time of observation. The current landowners are willing to donate the five acre parcel.

Motion: Martin moved and Freeman seconded THAT THE COMMISSION VOTE TO ACCEPT THE DONATION OF FIVE ACRES AT COAL MINE CANYON IN SANTA CRUZ COUNTY, ARIZONA, AND TO PREPARE AND EXECUTE A DONATION AGREEMENT AND AUTHORIZE THE DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY TO ACQUIRE THIS PARCEL AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

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8. Request for Commission Approval for the Department to Acquire Phase IV of Coal Mine Canyon in Santa Cruz County, Arizona.

Presenter: Josh Avey, Habitat Branch Chief

The Department has become aware of an additional approximately nine acres that would further protect the Coal Mine watershed through acquisition. This additional acreage would give the Department the entire canyon bottom which would facilitate fencing of the property and protection of the watershed. With the acquisition of the additional 8.996, this is a total of 4,306.296 acres. Acquisition of this property would further provide an opportunity for the Department to give direct support for the USFWS Gila topminnow draft Recovery Plan and contribute to the overall recovery of the Gila topminnow.

Mr. Avey recognized Joan Scott from Region V and Angie Lohse from the Phoenix office for their contributions in this effort. This particular parcel will truly be a prize to the Commission and the Department, and Joan and Angie have championed the effort to make it happen.

Motion: Woodhouse moved and Freeman seconded THAT THE COMMISSION VOTE TO ACQUIRE PHASE IV OF COAL MINE CANYON IN SANTA CRUZ COUNTY, ARIZONA AND TO PREPARE AND EXECUTE A PURCHASE AGREEMENT AND AUTHORIZE THE DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY TO ACQUIRE THESE PARCELS AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

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9. Call to the Public

There were no requests to speak at this time.

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12. Selection of New Members of the Heritage Public Advisory Committee

Presenter: Bob Broscheid, Deputy Director

The Commission was asked to approve the selection of eight new members from a list of nominees for the Heritage Public Advisory Committee (HPAC). The terms of the current eight members of the HPAC are due to expire in March 2009. The positions involve one representative from each Region, one statewide and one national representative, each for a term of three years. In accordance with the HPAC Charter, two nominees for each Region and two statewide nominees along with their biographical information were provided to the Commission prior to this meeting for consideration. The Commission voted as follows:

Region I

Motion: Freeman moved and Martin seconded THAT THE COMMISSION VOTE TO SELECT STEVE CAMPBELL AS HPAC REPRESENTATIVE FOR REGION I.

Vote: Unanimous

Region II

Motion: Hernbrode moved and Woodhouse seconded THAT THE COMMISSION VOTE TO SELECT RACHEL EDELSTEIN AS HPAC REPRESENTATIVE FOR REGION II.

Vote: Unanimous

Region III

Motion: Freeman moved and Martin seconded THAT THE COMMISSION VOTE TO SELECT CINDI LABASH AS HPAC REPRESENTATIVE FOR REGION III.

Vote: Unanimous

Region IV

Motion: Freeman moved and Woodhouse seconded THAT THE COMMISSION VOTE TO SELECT RON PEARCE AS HPAC REPRESENTATIVE FOR REGION IV.

Vote: Unanimous

Region V

Motion: Hernbrode moved and Freeman seconded THAT THE COMMISSION VOTE TO SELECT JAMES TERLEP AS HPAC REPRESENTATIVE FOR REGION V.

Vote: Unanimous

Region VI

Motion: McLean moved and Freeman seconded THAT THE COMMISSION VOTE TO SELECT EDDIE CORONA AS HPAC REPRESENTATIVE FOR REGION VI.

Vote: Unanimous

State

Motion: Freeman moved and Martin seconded THAT THE COMMISSION VOTE TO SELECT DALE TURNER AS THE HPAC STATE REPRESENTATIVE.

Vote: Unanimous

National

Motion: Hernbrode moved and Freeman seconded THAT THE COMMISSION VOTE TO SELECT MAGGIE SACHER AS THE HPAC NATIONAL REPRESENTATIVE.

Vote: Unanimous

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11. Request for Commission Approval of the Program Narrative for U.S. Coast Guard Boating Safety Funds (Federal FY 2009 / State FY 2010)

Presenter: Gene Elms, Law Enforcement Branch Chief

The Commission was asked to approve the Department's U.S. Coast Guard funding pursuant to the Federal Boating Safety Act of 1971. Funds will be used in the State FY 2010 to supplement the Department's watercraft efforts in areas of law enforcement, administration, information, education, aids to navigation and watercraft registration. The Program Narrative detailing the Department's expenditure of U.S. Coast Guard (USCG) boating safety funds was provided to the Commission prior to this meeting for review and consideration. The narrative detailed the Department's watercraft activities and obligations for State FY 2010 once approval is granted by the USCG. It addresses the grant period of October 1, 2008, to September 30, 2009, and reflects the legislatively mandated watercraft responsibilities of the Department.

Motion: McLean moved and Freeman seconded THAT THE COMMISSION VOTE TO APPROVE THE CREATION OF ONE ADDITIONAL FTE AS WELL AS THE PORTION OF THE DEPARTMENT'S WATERCRAFT SAFETY PROGRAM FUNDED BY THE U.S. COAST GUARD MONIES PURSUANT TO THE FEDERAL BOATING SAFETY ACT OF 1971.

Vote: Unanimous

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14. Call to the Public

There were no requests from the public to speak at this time.

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

Meeting reconvened at 1:00 p.m.

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13. An Update on Implementation of the Sonoran Desert Conservation Plan- Land Acquisition Program and Multi-Species Conservation Planning Efforts by Pima County.

Presenter: Leonard L. Ordway, Tucson Regional Supervisor

Mr. Ordway introduced Kerry Baldwin, Natural Resources Division Manager, Pima County Natural Resources, Parks and Recreation Department, who provided the Commission with an

informational update and presentation on the open space land acquisitions that have occurred under the 2004 Pima County Bond program for priority habitat protection and the associated ongoing management activities. The presentation included an overview of the current draft of the Pima County Multi-Species Conservation Plan that is out for public review and an update on the implementation of the Sonoran Desert Conservation Plan. Since the passage of 2004 Pima County Bond program, the County has acquired over 90 properties including over 45,000 acres of fee lands and 120,000 acres of grazing leases. Several key ranch property acquisitions were noted to illustrate ongoing successful cooperative management and access programs with the Arizona Game and Fish Department.

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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 the day at 4:15 p.m.

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Meeting reconvened Saturday at 8:00 a.m.

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

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1. Statewide Shooting Range Briefing

Presenter: Jay Cook, Education Branch Chief

The Commission was provided with a Statewide Shooting Sports Update prior to this meeting of Department activities related to shooting range support and development and other shooting sports activities statewide. The update, also available to the public, covered activities that occurred since the February 2009 Commission meeting. The statewide shooting sports 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:

Adair Shooting Range

- Upon concurrence with ADOA the Department will prepare a proposal to Yuma County to request the transfer of the range to the Department.

Commissioner McLean confirmed with Mr. Cook that because of the cooperation with Yuma County and the Yuma County Board of Supervisors, the acquisition of the Adair Shooting Range will essentially be at no cost other than the environmental studies.

Commissioner Woodhouse added that the range is up and running and there is minimal that needs to be developed.

Ben Avery Shooting Facility - Cowboy Mounted Shooting Development

- Construction continues on the west arena in preparation for the Outdoor EXPO.

Commissioner McLean confirmed with Mr. Cook that the funding for this project was from donations from various user groups, donated labor, internal labor, and shooting range revenue.

Rio Salado Sportsmen's Club-Usery Mountain Shooting Range:

- The club is constructing a new dual use trap field.

Tri-State Shooting Range

- BLM indicated that they will issue a Decision Record favorable for the range project in the very near future
- There will be a 30 day appeal period after the Decision Record is documented
- The Department will prepare any updates or additional documents necessary for the RPP application process (feasibility, plan of development, access, stipulations included in the letter from the BLM and EA Checklist)
- If there is no appeal or litigation the process to acquire the property will proceed.

Shooting Sports Programs, Events and Activities

- Ben Avery Shooting Program - Western National Muzzel loader's Event held on February 12-15 included over 180 competitor's; Washington's Birthday 117th Annual Rifle Match hosted on February 22 included over 190 competitors
- Clay Target Center Programs/Events - Copper State Skeet Shoot with 96 individual participants and 446 separate entries in 5 events

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2. A presentation on the Northern Arizona Regional Shooting Facility, the Current Issues, Planning Efforts, and Pending Decisions on the Proposed Willard Spring Land Exchange.

Presenter: Josh Avey, Habitat Branch Chief

Mr. Avey provided the Commission with a PowerPoint presentation on past significant events and Commission objectives and direction relating to the Northern Arizona Regional Shooting Facility, including how it has evolved and the latest developments relating to the proposed

Willard Springs Land Exchange. The presentation included a 15-year history summary of the Northern Arizona Regional Shooting Facility project, Department activities and personnel involvement, and Commission direction provided since the project's inception in September 1994. The presentation also included an analysis of potential financial impacts, a description of the National Environmental Policy Act process, proposed timelines, and other related topics. This PowerPoint presentation will be posted on the Department's website.

Considering the history of the Northern Arizona Shooting Range project over the past 15 years, the Department requested that the Commission reestablish its objectives and direction to the Department with regards to:

- Providing a multi-purpose shooting facility to service Northern Arizona within XX minutes of downtown Flagstaff
- Propose a multi-purpose shooting facility that is operational by the year XXXX
- Move to dedicate \$XXXX to complete this timeline and objective.

Assistant Attorney General Jim Odenkirk briefed the Commission on the process of the Environmental Assessment, the NEPA process and the Environmental Impact Statement and the possible or potential impacts of these matters on the Willards Springs site.

The Commission discussed the updated gantt chart provided by the U.S. Forest Service dated February 27, 2009 in which the timeline was extended to 2019 for a shooting range to potentially be established on the proposed Willard Springs site.

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

Meeting reconvened at 9:51 a.m.

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2. (continued) A presentation on the Northern Arizona Regional Shooting Facility, the Current Issues, Planning Efforts, and Pending Decisions on the Proposed Willard Spring Land Exchange.

Presenter: Josh Avey, Habitat Branch Chief

Public Comment

Steve Fairaizl, Environmental Consultant, representing the Shuster Foundation for concerned citizens of Munds Park addressed the Commission and requested that the Commission reopen the site selection process for 90 days for the following reasons:

- NEPA requires environmental impact statements to analyze a full range of alternatives. During the past two years, alternative sites have become available that were not considered during the initial site selection process. The Department should evaluate alternative sites on both public and private lands.
- The extensive site selection process conducted in 2005 was based on the restriction of a 30-45 minute drive time, and that restriction needs to be expanded. There is antidotal evidence that some isolated club members were not willing to drive more than 45 minutes to a range, but there are no NRA standards for drive time, and many new ranges have drive times of an hour or more from town. The expansion of the drive time restriction

will open up many remote areas on Forest and adjoining private lands that were not considered during the initial site selection process

- There have been four failed attempts to build a shooting range in the Flagstaff area including Bellemont. The common denominator in all these failed attempts was the close proximity to residential developments and the Willard Springs site exhibits the same socio-political problems as the others
- The Department has a considerable wish list for shooting range development in the State of Arizona, many of which could be funded by savings from the Northern Arizona Shooting Facility. The costs the Department is likely to incur from Willard Springs from the EIS, mitigation, and litigation, are really quite staggering. There could be considerable financial savings by selecting a remote location on Forest or private property
- The upcoming shooting range in Tucson is located approximately 40 minutes from South Tucson, an hour from Central Tucson, and an hour and 20 minutes from Northwest Tucson. The Forest Service has been actively involved in the site selection process and picked a site with no social, political, or environmental issues. As a result, the NEPA process is going to be a slum dunk little EA, completed for around \$10,000. If we can work together to find a remote site in the forest as an alternative to Willard Springs, this too could be done with a very small little EA, saving hundreds of thousands of dollars and allowing shooting to be occurring within a couple of years
- There are several parcels of private property for sale that would allow the Department to obtain a Special Use Permit (SUP) for the adjoining acreage of Forest Service properties. Private parcels may be available from the Windmill Ranch, Shuster Foundation, Diablo Trust, and others. There are remote areas in the Forest near Goat Tank, Stoneman Lake, and Twin Arrows that have none of the socio-political problems associated with the Willard Springs site, but are slightly beyond the 45 minute drive time restriction
- Other sites identified during the extensive site selection process should be revisited. They may now score higher in light of the formidable opposition that has become organized in Munds Park.

Mr. Fairaizl further stated that he will look forward to working with the Department during the next 90 days to find a remote site that resolves some of these socio-political problems not considered in the past along with some of the engineering requirements.

Commissioner McLean invited Mr. Fairaizl to meet with him at his home to discuss the issues and possibly to visit some of the potential sites as suggested.

Commissioner Martin commented that unlike a remote site in the desert, an area like Flagstaff, with the kind of weather they get, would be inaccessible to shooters for a significant portion of the year, so road maintenance and accessibility is a concern. Another issue regarding private land is that with the State's budget crisis, now more than ever, the Commission cannot think of purchasing private land.

Mr. Fairaizl pointed out that the Willard Springs site will also have access issues during the winter months and in regards to funding for private land, Diablo Trust has talked about donating land and then running it themselves as a private business for profit. There are some others that have the same concept in mind and he would like some time to explore that with them. In terms

of financing, the Commission has a budgetary cycle where they allocate funds on a year by year basis and he would like to explore the option of using those as payments to a private business.

Commissioner McLean stated that the SUP process is limited to an 80 acre parcel at the Forest level.

Mr. Fairaizl stated that the Coronado Forest is issuing the SUP in Tucson for 1200 acres. There is a very different process going on in the Coronado Forest that the Coconino Forest is not talking about and we need to talk to them and get them both on the same page.

Commissioner Woodhouse commented that a 90-day extension as it relates to the process gantt chart would be very insignificant and it would probably be 90 days well spent.

Public Comment

John Martin, Secretary, Rio Salado Sportsman's Club, stated that it is vital to have a range in Northern Arizona, especially for law enforcement to have a place to shoot and suggested seeking congressional assistance.

Landis Aiden, President of Arizona State Rifle and Pistol Association, supports the Willard Springs site and supports working with the Forest Service to streamline the process.

Elaine Morrison, Manager of Windmill Ranch, opposed the Willard Springs site and stated that it will adversely effect the ranch's grazing permits and their entire range management plan. This will create an extreme financial hardship and cause the ranch to go out of business. Ms. Morrison encouraged the Commission to find another site.

Sydney Hay, citizen of Munds Park, representing herself as a person who enjoys shooting sports, supports the Willard Springs site for safety, environmental and recreational reasons. Ms. Hay is also a member of the Arizona Cattlegrowers Association and knows that impacts to grazing can be mitigated.

Tim Robb, representing the Flagstaff Clay Target Shooters, supports a shooting facility at the Willard Springs site. Mr. Robb has participated extensively in all the past efforts to develop a shooting range in Northern Arizona.

Public Comment (from Region II Flagstaff via video conferencing)

Art Lindsey, representing himself, supports the Willard Springs site; need to work with the Forest Service to expedite the process.

Jimmy Mehen, representing himself, urged everyone to focus on steps towards a solution for a shooting range in Northern Arizona; Suggested proceeding with the Willard Springs site while being open to alternative sites if one should become available.

Bill Gow, representing himself, stated that the timeline in the updated gantt chart provided by the Forest Service is horrific and encouraged the Commission to find another location.

Public Comment (from Region V Tucson via video conferencing)

Don Saba, representing himself, strongly supports the efforts of the Game and Fish Commission to provide a shooting range in Northern Arizona and supports the Willard Springs location.

Motion: McLean moved and Freeman seconded THAT THE COMMISSION VOTE, IN REGARDS TO THE NORTHERN ARIZONA SHOOTING RANGE, TO DIRECT THE DIRECTOR AND THROUGH HIM, DEPARTMENT STAFF, TO MOVE THIS MATTER FORWARD WITH ALL DUE DILIGENCE AND THAT THE DEPARTMENT TAKE ALL STEPS NECESSARY TO ACCOMPLISH THE GOAL WITH ESTABLISHING A COMMISSION SHOOTING RANGE IN NORTHERN ARIZONA, AND THAT THOSE STEPS INCLUDE: 1) DIRECT STAFF TO WORK WITH STAKEHOLDERS UP TO AND INCLUDING THE JUNE COMMISSION MEETING TO DETERMINE WHETHER THERE ARE ANY OTHER POTENTIALLY VIABLE SITES IN NORTH CENTRAL ARIZONA ON PUBLIC OR PRIVATE LANDS, OR HOPI TRUST LANDS, OR ANY OTHER SITE THAT MAY BE SUITABLE FOR A RANGE; 2) THAT THE DEPARTMENT DEAL WITH ANY OTHER CO-OCCUPANTS OF THE WILLARD SPRINGS AREA INCLUDING ANY AGRICULTURAL PERMITTEES OR ALLOTEES; AND 3) THAT THE DEPARTMENT CONTINUE TO WORK WITH THE COMMUNITY OF MUNDS PARK, KACHINA VILLAGE AND THE SURROUNDING PRIVATE LAND OWNERS AND OCCUPANTS TO ASSURE THEM THAT, AS THIS PROCESS MOVES FORWARD, THEIR ISSUES WILL BE ADDRESSED AND BROUGHT TO THE COMMISSION; AND THAT THE DIRECTOR BRING THIS MATTER BACK TO THE COMMISSION AT THE JUNE COMMISSION MEETING WHERE THE COMMISSION WILL GIVE FURTHER DIRECTION TO THE DEPARTMENT.

Vote: Unanimous

Motion: Freeman moved and McLean seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO PUT THIS ITEM ON THE MAY AGENDA SO THE COMMISSION CAN DISCUSS AND BETTER DEFINE THEIR OBJECTIVES IN ORDER TO BE BETTER PREPARED BY THE JUNE MEETING TO TAKE ACTION TO MOVE THIS PROJECT FORWARD.

Vote: Unanimous

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Meeting recessed for a break at 11:18 a.m.

Meeting reconvened at 11:28 a.m.

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3. Request for the Commission to Approve a Collection Agreement with PBS&J Corporation for presence/absence surveys for Southwestern Willow Flycatchers (WIFL) and the construction of a potential breeding habitat map for on BHP Copper property along the San Pedro River, Pinal County

Presenter: Mike Senn, Assistant Director, Wildlife Management Division

BHP Copper, in coordination with PBS&J Corporation, has recently initiated planning efforts for the construction of a housing development and assorted infrastructure along the San Pedro River in the San Manuel area. Due to its location along sensitive riparian habitat for the federally listed WIFL, this river corridor functions as a critical habitat link for WIFL and multiple wildlife species including mule deer, desert tortoise, migrating passerines, and others.

Under this Agreement, PBS&J Corporation will provide funds for the Department to study and describe WIFL habitat and determine the occupancy status of this wildlife species along the proposed urban development route. Based on this study, the Department will provide recommendations for the placement and design of the potential urban development in the San Manuel area to best maintain landscape scale wildlife habitat connectivity and maintain habitat for this sensitive wildlife species. The Commission was provided with a copy of this agreement prior to this meeting for review.

Motion: McLean moved and Freeman seconded that THE COMMISSION VOTE TO APPROVE THE COLLECTION AGREEMENT WITH PBS&J CORPORATION AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

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4. Department E-Commerce Status

Presenter: Harry Seck, Assistant Director, Special Services Division

Mr. Seck briefed the Commission on the current status of Department activities regarding E-Commerce including the development of inhouse services as well as various alternatives for the procurement of a vendor for these services.

The Department has been in contact with Arizona's state portal provider, NIC, who currently provides 21 other state portals as well, which includes Point of Sales, big game draw applications, watercraft registrations, automobile license tag registrations, income tax filing, and drivers license renewals.

The Department has been pursuing bringing online services inhouse, but with the downtrend in the economy and the downtrend in Department funds, the Department has been looking at NIC to provide services and then when the time is right, to bring those services inhouse. The services and applications that they would develop for the Department would be the property of the State and could be brought inhouse.

In working with NIC and looking at watercraft registrations, they claim they can have the online application up and running by September (the contract expiration date of the current vendor) and the online hunting and fishing license sales ready before the first of the year.

Mr. Seck recommended that the Commission direct the Department to continue the process with NIC to get the applications up and running as soon as possible and then bring the online services

inhouse when the time is right (to be determined after evaluation of inhouse training/capabilities and budget).

The Commission was in consensus for the Department to move forward with discussions with NIC, but noted that the Commission's intent is for the Department to be able to provide these online services inhouse at the earliest possible date.

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Meeting recessed for lunch at 11:48 a.m.

Meeting reconvened at 1:05 p.m.

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5. Hunter Questionnaire Improvement Report.

Presenter: Brian F. Wakeling, Game Branch Chief

Mr. Wakeling briefed the Commission using a PowerPoint presentation on the Hunter Questionnaire Improvement Report prepared by the Department as part of Goal 4 of the 2008 Director's Goals and Objectives. In Goal 4 the Commission directed the Department to develop a strategy to enhance the precision of harvest data and the public's acceptance of the big game harvest estimate; and to work towards the development of an online ability to recover harvest and other hunting related data. In addition to this presentation, the Commission was provided with a written report (also available to the public).

The presentation included charts, graphs and statistics from the current hunter questionnaire and other data sources that considered accuracy, precision, bias, and return rates. The Department provided the following alternatives:

Alternative 1 - No Change - Maintain the current Hunter Questionnaire Process (single wave mail-out) without changes:

- Benefits
 - Hunters and agency are familiar with existing process
 - Provides statistically-valid biological data that meets current needs for game management perspectives
 - Relatively inexpensive process that does not rely on advanced technologies to implement
 - Long-term data set exists that is directly comparable among years
 - No statutory or rule changes needed
- Challenges
 - Public has some level of discomfort with data quality
 - Public has only a single method for reporting (business-reply postcard)
- Cost - Current annual cost is \$110,000–115,000.

Alternative 2 - Department Preferred - Add an option to the current process for hunters to respond via the web:

- Benefits
 - Possible postage cost reduction; other states see 20–50% of returns via website

- Data entry costs should decrease
- Data could be merged and compared to the historical questionnaire data set
- Would allow the public a second venue for providing questionnaire data
- Would not require any rule or statute changes
- Challenges
 - The cost of designing and programming the website
 - Would not expect return rates to change (potential for a decrease)
 - Hunters may enter data on website and return mail questionnaire (double reporting); without a unique identifier, there would be no way to detect.

Alternative 3 - Multiple-wave mail out and website response - Modify the current process to include a multiple wave mail-out (2-4 waves) with the option for web return or mail return:

- Benefits
 - Same as Alternative 2, plus ability to estimate nonresponse bias; would expect return rates to increase with multiple wave mail out
- Challenges
 - Same as Alternative 2, plus multiple-wave mail out would result in increased postage costs.

Alternative 4 - Use Interactive Voice Recorder (IVR) System - Convert the Hunter Questionnaire Process to an IVR telephone system:

- Benefits
 - No printing or postage costs since there is no mail out
 - No data entry costs since the IVR system will collect and compile data
 - Most hunters have a telephone
 - Would not require any rule or statute changes.
- Challenges
 - Cost to develop the IVR system would be significant; the initial quote was \$110,000 for set up plus the cost of connections to our mainframe database
 - Data from the IVR system would not be directly comparable to historical data
 - Would need to provide response assistance personnel during all hours when IVR was active so that callers needing assistance could reach help
 - People often hang up when they receive an automated phone call.

Alternative 5 - Mandatory reporting by website or telephone reporting:

- Benefits
 - No postage or data entry costs
 - Should increase response rate, and may increase precision and accuracy
 - Some favorable public perception
 - A monetary penalty would compensate for some process costs
- Challenges
 - Not likely to see marked improvement (Arizona's return rates are similar to many mandatory states already; e.g., WA)
 - Cost to develop the mandatory tracking system could be substantially more than a single year of current process costs
 - Penalty fee needs to be substantial (\geq \$50) to affect compliance
 - Unable to enforce without Point Of Sale system (several states noted this need)

- Would require rule and/or statute changes.

Incentive Option (not originally considered):

- In a recent follow up survey to November Archery Bull Elk hunters, Arizona Bowhunters Association and Desert Christian Archers offered a raffle incentive for those who returned the survey; 3,383 surveys sent to hunters; return rate was about 22%
- It was more complex than the typical post card
- Compared to previous surveys, the return rate was not improved by offering an incentive.

Department Recommendation:

- Alternative 2 – Continue post card business reply with web based response alternative
- Recommend a 3-wave mail out survey every 5 to 7 years on 1 or 2 questionnaire types so nonresponse biases can be tracked and calibrated.

Department Planned Actions:

- Implement web based reply option for 2009 fall big game seasons
- Avoid mandatory response requirements
- Compare cost, response, and precision in future surveys
- Prepare informational articles on the questionnaire program.

Commissioner McLean suggested that once the Department has online licensing capabilities that the Department look into whether that process can be used to refine the survey process.

Chairman Hernbrode agreed and suggested that on the one to five year periodic check for bias, that the Department look at a more sophisticated alternative to recheck the bias and to work on public outreach for increased understanding.

Commissioner Martin noted that the members of the public that really call to question the methods used by the Department were not present for this agenda item.

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6. Call to the Public

There were no requests from the public to speak.

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7. Mountain Lion and Bear Conservation Strategies Report

Presenter: Brian F. Wakeling, Game Branch Chief

Mr. Wakeling briefed the Commission using a PowerPoint presentation on the Mountain Lion and Bear Conservation Strategies Report prepared by the Department as part of Goal 5 of the 2008 Director's Goals and Objectives. In Goal 5 the Commission directed the Department as follows: During calendar year 2008, review, revise, and report on mountain lion and bear conservation strategy plans to include the following in one document: Hunting and recreational

opportunities; human-predator conflict resolution strategies; urban predator conflict strategies; wildlife predation strategies; and livestock depredation strategies. In addition to this presentation, the Commission was provided with a written report (also available to the public).

The presentation highlighted the strategies and the evaluation processes used by the Department and included charts, graphs, statistics and maps. The presentation included the following information:

Mountain Lion Conservation Strategies

Current Management Goal - Manage the mountain lion population, its numbers and distribution, as an important part of Arizona's fauna and to provide mountain lion hunting recreation opportunity while maintaining existing occupied habitat and the present range of mountain lions in Arizona.

Current Regulations:

- Females accompanied by spotted kittens are protected
- Season from September 1 – May 31
- Multiple bag units open to hunting yearlong
- Mandatory harvest report within 48 hours
- Carcass check required within 10 days with premolar removed for aging and DNA collected.

Lion Hunting and Recreation Opportunity Strategies:

- Maintain Multiple Bag Limit
- Maintain Open Hunting
- Evaluate Experimental Harvest Limit Zone
- Collect and Analyze DNA.

Maintain Multiple Bag Units:

- Multiple Bag Units remain open during the closure of the general season
- Established to meet management objectives with specific triggers.

Multiple bag units are evaluated annually for removal or addition on the basis of:

- Recently translocated population of ungulate prey
- Declining population of ungulate prey
- Ungulate prey population below management objectives.

Maintain Resident Mountain Lion Population under an Open Hunt Structure:

- Continue to support a nine-month open hunt structure season
- Continue to protect females with spotted kittens
- Currently harvesting mountain lions within a hunt structure supported by science-based sustainability guidelines.

Mountain Lion-Human Conflict Resolution Strategies:

- Continue with public outreach activities
- Provide conflict resolution training

- Initiate and support a science-based education program (e.g., Project CAT) using Focus Wild
- Continue to use Policy 11.10 and mountain lion response protocol (modify as new information comes available)
- Expand no-feeding regulations
- Use geospatial analyses to identify factors influencing conflict likelihood.

Black Bear Conservation Strategies

Current Management Goal - Manage black bear populations as an important part of Arizona's fauna, while providing bear hunting and other related recreational opportunities.

Current Regulations:

- Females with cubs protected
- Fall and Spring Seasons
- Mandatory harvest report within 48 hours
- Carcass check required within 10 days with premolar removed for aging and DNA collected.

Bear Hunting and Recreation Opportunities:

- Conservative management strategy of seasons and female harvest limits
- Reduce harvest of females in Units where annual female harvest limits have been exceeded for 3 out of 5 consecutive years and median age is less than 5 years
- Use DNA to determine inter-relatedness and minimum population numbers by broad vegetation communities.

Annual female harvest limits are evaluated annually on a Unit basis:

- Examine estimated population
- Examine median age
- Harvest limit adjusted according to performance.

Maintain Current Hunt Structure:

- Continue to use a conservative harvest management strategy (do not exceed 5% of estimated female population)
- Continue to use annual female harvest limits to manage bear population
- Continue to protect females with cubs.

Black Bear-Human Conflict Resolution Strategies:

- Continue with Bear Aware Program
- Coordinate with local municipalities and land management agencies to improve waste management practices
- Protect human safety and property
- Provide conflict resolution training
- Use hunt structures to address nuisance bear situations adjacent to municipalities
- Collaborate with land management agencies that treat vegetation.

Wildlife Predation Strategies for Lions and Bears

- Continue to use site-specific predation plans and evaluate the need to expand on a regional basis
- Continue to use multiple bag limit objectives
- Continue to use contract personnel to remove mountain lions (Including A.P.H.I.S.)
- Test the removal of female lions to reduce predation
- Apply within areas where the ungulate population is declining due to predation.

Livestock Depredation Strategies for Lions and Bear

- Test the removal of female lions to reduce livestock depredation
- Collaborate with Wildlife Services (A.P.H.I.S), guides, ranchers and land management agencies to increase harvest through hunting and guiding
- Use current hunt structures (bag limits and seasons) to increase the harvest in areas experiencing high depredation rates
- Work with land management agencies to encourage appropriate livestock grazing practices, timing, and age class of livestock.

Implementation

- All strategies evaluated and implementation will occur through existing processes - E.g., evaluation of harvest limits through hunt guidelines process
- Strategy evaluation matrix available to public as presented to Commission.

The Commission discussed and asked questions on several items and expressed their appreciation to Mr. Wakeling for an excellent presentation.

Director Voyles reminded the Commission that this report was from the 2008 Director's Goals and Objectives and that the 2009 Goals and Objectives contain an element for evaluating and implementing the mountain lion and bear conservation strategies report using existing implementation procedures including the hunt guidelines process, changes to season structures, bag limits, population management hunts, harvest limits, harvest age and sex composition, and zone management. The Department will be reporting to the Commission on this 2009 Goal and Objective bi-annually.

Public Comment

Stephanie Nichols-Young, Animal Defense League of Arizona, addressed the Commission and thanked them and the Director for setting this goal and the process, and agreed that it was a very thorough report.

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Meeting recessed for a break at 2:43 p.m.

Meeting reconvened at 3:09 p.m.

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8. Approaches for Increasing Commission Contact With Constituents

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

Deputy Director Hovatter briefed the Commission on approaches that will allow Commissioners to engage with the public at additional venues and by additional means other than at Commission meetings. At its December meeting the Commission made a decision, for cost saving reasons, to move all Commission meetings for 2009 to the Department Headquarters in Phoenix. At that time the Commission expressed concern about becoming disconnected with their constituencies as a result of not holding meetings throughout the State, so the Commission directed the Department to find ways to continue to keep the Commission as connected as possible and to potentially increase that connectivity.

Mr. Hovatter briefed the Commission on Department efforts to provide activities for the Commission using the shared Commission calendar on the Department's Intranet. Those efforts include the following:

- The Department has entered and continues to enter all known clubs and organizations meeting dates and times. That includes regular member meetings, board meetings, and special events such as banquets and conventions
- A contact person and phone number will be added to each event, as well as other information such as a map for that location
- The Department continues to expand the clubs and organizations list to include more of the Watchable Wildlife clubs and others such as OHV clubs
- Regional Supervisors will be submitting events within their regions that might be suitable for inclusion, such as events where the Department might have a booth, for example the Yuma County Fair, the Tres Rios event, or selected OHV racing events
- The Department is soliciting clubs and organizations for invitations to the Commission with the caveat that the Commission cannot possibly attend all events that they are invited to
- The Department will add all hunt recommendation and hunt guideline development meetings to the calendar.

Chairman Hernbrode suggested that at the end of each Commission meeting, the Commission discuss the Commission calendar and the events that each Commissioner plans to attend.

The Commission agreed and the Department will add the Commission calendar as a regular item on the agenda.

Commissioner Freeman suggested a calendar that would be more compatible with the Outlook calendar.

Commissioner Martin commented that the Commission's efforts to attend various club meetings and events was a very good thing to do, but pointed out that those who attended Commission meetings in outlying areas attended because of agenda item issues. When people did take advantage of going to the Commission meetings, it was generally people from that community who approached the Commission on an issue related to their community and the meeting was not attended by the highly plugged in club members. So the Commission should not over inflate the impact that this is really having and going to the clubs is not addressing the real impact of Phoenix only meetings.

Mr. Hovatter added the following additional Department efforts for Commission/constituent connectivity:

- The Department contacted the Yuma Valley Rod and Gun Club and the Mogollon Sportsmen's Club, who routinely hosted a dinner/event when the Commission meetings were held in their communities, and offered that the Commission would still be willing to attend those events even if there was no Commission meeting
- The Department has discussed with the Attorney General's Office regarding posting notices when more than two Commissioners attend the same event
- The six Regional Offices have been linked for video conferencing the Commission meetings – improvement efforts are ongoing
- Items with high public interest are being placed on the Saturday portion of the agenda
- The Department has increased advertising for the Commission meetings

Chairman Hernbrode stated that this was all good for affiliated groups, but suggested finding ways to reach out to groups that are not affiliated.

Commissioner McLean suggested that the Department put adds in the local papers of the community where there is an issue that is going to be addressed, such as the Northern Arizona Shooting Range issue, and announce that the meeting can be attended via video conferencing at the local Regional office.

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9. Call to the Public

There were no requests from the public to speak.

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10. Director and Chairman's Report

Director Voyles briefed the Commission on The Wildlife Conservation Fund (WCF) Grant Program for Fiscal Year 2009. The WCF is a grant program started in 2007 to support projects, through a competitive application process, that help conserve, enhance and restore Arizona's diverse wildlife resources and habitats for present and future generations. Eligible applicants include state agencies, Indian tribes, or nonprofit 501(c) organizations. The WCF grant program received 28 applications with a total of \$300,000 in grant funding available. The Department awarded the following nine projects:

1. Integral Ecology Research Center, for the project *Borderlands Jaguar Detection Project* in the amount of \$30,000
2. Wildlife for Tomorrow Foundation, for the project *Creating Community Nature Tourism* in the amount of \$9,000
3. Arizona Board of Regents, University of Arizona, for the project *Habitat requirements of California black rails, Yuma clapper rails, and western least Bitterns: an adaptive management approach* in the amount of \$58,926
4. Yuma Crossing National Heritage Area Corporation, for the project *Yuma East Wetlands 21.5 Acre Projects* in the amount of \$49,845

5. Quail Unlimited Chapter #804, for the project *Mesquite (Prosopis spp.) Bosque Restoration within the Historic Floodplain of the Lower Colorado River* in the amount of \$5,439
6. Arizona Board of Regents, for the project *Mountain Lions and Critical Landscape Linkages* in the amount of \$58,791
7. Hohokam Middle School, for the project *Project Sharing at Youth Wilderness* in the amount of \$3,909
8. The Nature Conservancy, for the project *A landscape study of pronghorn habitat viability and management needs* in the amount of \$12,500
9. Northern Arizona University, for the project *Riparian Raptors* in the amount of \$68,045.

Director Voyles further reported on his activities since the last Commission meeting as follows:

- Met with Billy Cordasco and Mike Mongini from Babbitt Ranches along with Department staff to discuss their longterm planning and partnering relationship with the Department
- Traveled to Camp Pendleton in California to attend the First Annual Regional Summit and roundtable discussions hosted by the Marines Corps Installation West. Attendees included the Major General Michael Lehnert, USFWS Regional Directors for Region 2 and Field Office Supervisors, and the California Game and Fish Department. The Marine Corp is very concerned about the importance of wildlife conservation particularly for at-risk and threatened and endangered species on the habitats near and between the Marine Corp and the Department of Defense Installations
- Met with Stan Cunningham to discuss the Department and Universities working together
- Participated in the Department transport of Senator McCain to Lake Havasu
- Attended the Navajo Nation Coordination Meeting in Windowrock along with Department staff. They are interested in strengthening their partnership with the Department. They invited the Department to assist with their youth deer hunt in the last week of September and requested that the Department bring their video production staff
- Attended the National Wild Turkey Federation's 1st Annual Hunting Heritage Dinner and Auction in Yuma, hosted by the Yuma Desert chapter
- Attended a lunch meeting at the U of A in Tucson hosted by the School of Natural Resources along with other stakeholders to discuss the role of the School and its graduates now and into the future. Attendees included representatives from the AZ Cattle Growers, USFWS, USFS, The Nature Conservancy and others
- Met with Maricopa County Air Quality Director, Lawrence Odle, to discuss fugitive dust issues
- Met with Mike Anable, the new Natural Resources Policy Advisor for Governor Brewer
- Traveled to Washington DC to testify on the proposed amendments to the Wild Horse and Burro Act before a sub-committee of the House Natural Resources Committee
- Worked on budget matters with Department staff.

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

- Accepted an award from the Arizona Quality Alliance on behalf of the Department for their work in setting big game seasons and the associated public process
- Traveled to Phoenix two to three times to meet with legislative representatives regarding the budget
- Chaired his first HPC meeting

- Participated in the February 23 Commission teleconference meeting
- Met with Department staff for a debrief regarding the HPC meeting
- Attended the Natural Resources Committee and testified on proposed legislation regarding the waste of game meat and guides
- Attended a hunt recommendation meeting in Tucson
- Spoke at the jaguar media event

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11. Commissioner's Reports

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

Commissioner Woodhouse:

- Participated in the February 23 telephonic Commission meeting
- Met with Pat Barber and took a day long trip to Ajo to observe the Sonoran pronghorn project
- Talked with state representatives regarding proposed legislation, HB2235
- Attended the Yuma Valley Rod and Gun Club board meeting regarding HB2235
- Attended a retirement party for Department retiree Randy Smith
- Attended the Cibola Valley Irrigation District meeting
- Participated with the Department transport of Senator McCain to Lake Havasu and enjoyed the opportunity to have discussion with him
- Attended the National Wild Turkey Federation's Dinner and Auction in Yuma
- Plans to attend the Desert Bighorn banquet this evening
- Attended a luncheon for Governor Brewer hosted by the Yuma County Republican Party in Yuma

Commissioner Martin:

- Participated in the telephonic Commission meeting on February 23
- Attended multiple meetings and hearings at the legislature
- Attended a fishing event for special needs kids at Red Mountain Lake
- Spoke on Environmental Day at the legislature. Learned about the Earth Care Commission, a faith based organization that is very interested in environmental conservation and wildlife and suggested that the Department contact them
- Had a conversation with Todd Rathner about the NRA convention coming up in Arizona and his interest in having a Game and Fish booth at the convention
- Routine meetings with Department staff on various issues
- Worked with Department staff to send out a letter announcing the dates of the AFWA and the Commissioners Forum. Also spent time on the phone with folks in Texas to encourage the Texas Commission to take on the responsibility of chairing the Commissioners Forum this year.

Commissioner Martin provided the Department with contact information for the Earth Care Commission and also requested that the Department contact the NRA regarding the upcoming convention.

Commissioner Freeman:

- Met with Assistant Director Harry Seck regarding e-commerce
- Went with Assistant Director Ty Gray and met with the vice-president of Rueger at their manufacturing facility in an attempt to raise funds for the sponsorship of the Cowboy Mounted Shooting
- Met with Gene Elms along with regional law enforcement staff and the FAA. The Department will be providing an educational presentation to the pilot community on each day of the upcoming FAA Expo at the Williams Gateway
- Participated in the Department's transport of Senator McCain to Lake Havasu and enjoyed the opportunity to have discussion with him
- Spent two days at the Phoenix Zoo as part of an educational event on native species and met with Jeff Williamson
- Participated in the telephonic meeting on February 23
- Attended meetings and hearings at the legislature
- Had a briefing yesterday on HPAC issues
- Met with Commissioner McLean on the Northern Arizona Shooting Range

Commissioner McLean:

- Participated in the telephonic Commission meeting in February
- Attended an Arizona Antelope Foundation board meeting and discussed issues related to the translocation of antelope from outside Arizona to Arizona
- Started to the legislature to testify on HB2235, which was withdrawn from the agenda, and ended up having a lunch meeting with Director Voyles
- Attended the HPC meeting to assist in transitioning Chairman Hernbrode as the new Chairman of that committee
- Met again with the President of the Arizona Antelope Foundation and discussed several issues including the Northern Arizona Shooting Facility. Also talked with several others on that issue including former Commissioner Mike Golightly, Don Saba, members of the NRA, and others in the Flagstaff area
- Attended the Red Mountain chapter of the Rocky Mountain Elk Foundation banquet
- Talked with folks about the HB2235 proposed legislation
- Met with Commissioner Freeman and Department staff on the Northern Arizona Shooting Range.

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12. Approval of Minutes and Signing of Minutes

There were no minutes approved at this meeting.

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13. Future Agenda Items and Action Items

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

- Forward to all the Arizona Congressional Delegation the information issues packet that was put together for Senator McCain
- Coordinate with the U.S. Fish and Wildlife Service on the public notification of availability of the draft EA for the Kofa National Wildlife Refuge regarding the predation management portion, and inform the Commission via email or memo of that process once it is complete
- Coordinate with all legitimate stakeholders to produce as complete a list as possible of viable Northern Arizona Shooting Range alternatives and provide the Commission with a presentation at the June 2009 Commission meeting so the Commission can approve a Department objective at that meeting
- Agenda the Northern Arizona Shooting Range for discussion at the May Commission meeting in preparation for the June Commission meeting and subsequent direction to the Department
- Keep the Commission informed via memo and Commission presentations when necessary the status of the Department's e-commerce activities and the status of bringing all of the e-commerce applications in-house
- Identify the dates and times of non-affiliated groups meetings and place them on the Commissioner's calendar
- When building the Commission agenda, Executive Staff will examine and consider the importance of placing notices in local papers, etc. for those items that may effect those parts of the state.

Chairman Hernbrode asked Director Voyles to set up a meeting in which he and Commissioner Martin can meet Governor Brewer's new Natural Resources Policy Advisor.

Commissioner McLean suggested that when the time is appropriate, considering the budget and the new Governor's busy schedule, that the Chairman and Vice-chair attempt to meet with Governor Brewer on a regular basis as they did with the former Governor.

Chairman Hernbrode requested for the April Commission meeting, that the Commission look at the Commission calendar and informally decide which groups/organizations meetings each Commissioner will attend.

Director Voyles will have "calendar review" added as an agenda item towards the end of the meeting.

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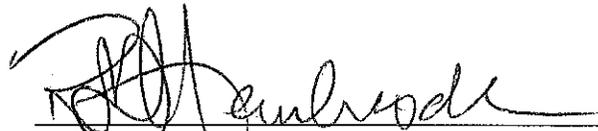
Motion: Freeman moved and Martin seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

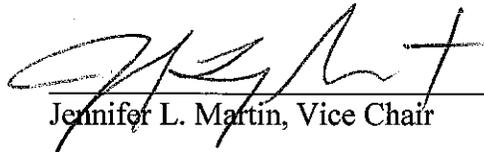
Vote: Unanimous

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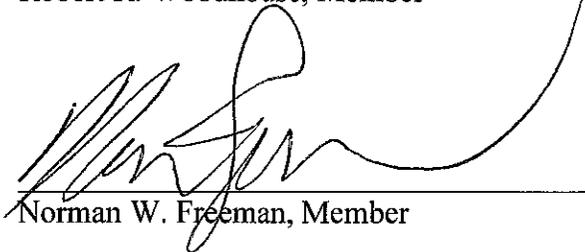
Meeting adjourned at 4:31 p.m.

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Robert D. Hembrode, Chairman

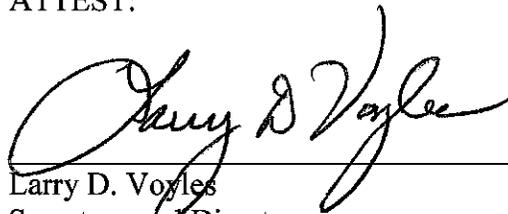

Jennifer L. Martin, Vice Chair


Robert R. Woodhouse, Member


Norman W. Freeman, Member

William H. McLean, Member

ATTEST:


Larry D. Voyles
Secretary and Director

**Game and Fish Litigation Report
Presented at the Commission Meeting
March 6, 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 15th.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The plaintiffs filed a notice of appeal on October 29, 2008. The court entered a time schedule order on November 4, 2008. **The plaintiffs (now appellants) filed an opening brief on February 13, 2009. The defendants (now appellees) are to file a responsive brief by March 16, 2009. The federal defendants, however, may seek a thirty day extension to file their 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. Kenneth Lee.

On January 27, 2009, the State filed a Motion to Dismiss Plaintiff's Complaint for failure to name the state agency as a defendant as required by A.R.S. § 12-908. On that date, the State also

filed a Conditional Answer to Plaintiff's Complaint in the event that the court denied the State's Motion to Dismiss. On January 28, 2009, Plaintiff filed a Motion to Amend his Complaint to add the Commission as a party to the action. On February 3, 2009, the State filed its Opposition to Plaintiff's Motion to Amend his Complaint. **This matter will be heard by the court at a hearing on March 9, 2009.**

(3/4/09) (JFO/SDC)

Lands Update
For the Arizona Game and Fish Commission
March 6, 2009
Phoenix, Arizona

FEDERAL LAND MANAGEMENT PLANNING

Apache-Sitgreaves National Forest

The Department provided comment to the Forest on the Comprehensive Evaluation Report (CER) dated December 2008. The Forest was seeking comment on the need for change identified in the CER, where the current forest plan does not provide adequate guidance. The Department commented on the need to restore fire-adapted ecosystems and the need to maintain the fine fuels necessary to allow fire to play its role in the restoration and maintenance of fire-adapted ecosystems. The need to address wildlife habitat connectivity and habitat fragmentation was also discussed.

Coronado National Forest

The Department has reviewed the Land Use Zones proposed by the Forest for the revision of the Forest Plan and has provided comments to the Forest. The Department's comments related to a few recommended changes in the proposed Land Use Zones, changes to the Desired Condition statements, and road issues.

The Annual BLM/the Department Region V/Forest Service coordination meeting is scheduled for April 21-22.

Kaibab National Forest

The Forest has released the Ecological Sustainability Report and the Species Diversity Report. The Department is currently drafting comments on these reports. The Species Diversity Report includes a list of Species of Concern (SOC) and Species of Interest (SOI). These are species that the Forest will consider as needing special management. However, it has not been clear to what extent these species will be incorporated into project planning for NEPA once the Plan Revision process is complete. The Department is currently comparing the SOC and SOI lists to recommendations that were made during the first round LMP planning in 2006. The Department's past recommendations included an evaluation of the species listed in the State Wildlife Action Plan versus what was listed on the FS SOC and SOI lists.

Coconino National Forest

The Department commented on the Forest's Draft Potential Wilderness Evaluation and Capability Results. This effort is part of the Plan Revision Process which includes an analysis of potential future wilderness areas. The Draft plan includes carrying forward 11 of 37 potential future wilderness areas. However, this is subject to change as the process moves forward. The Department's comments were very general at this time, as the process is just beginning. Highlights of the letter included issues related to management actions that the Department would like to continue discussing with the Forest Service. The letter makes reference to those issues outlined in the *Policies and Guidelines for Fish and Wildlife Management in National Forest*

and Bureau of Land Management Wilderness, June 2006. These issues include: wildlife surveys (fixed wing, helicopter, or vehicle), habitat treatments/modifications to enhance wildlife habitat, water catchments, wildlife translocations, population sampling, chemical treatments, fish stocking, wildlife damage control, fire management and hunter access.

The next phases of this analysis will be a detailed approach to address issues within each potential area through documenting information from Wildlife Managers. This information includes current and future habitat projects, survey information, and hunter access issues. The results of this analysis will be shared with the Forest. The Department will continue to work to gain assurances that we will be able to continue to carry out essential wildlife management functions on the Coconino National Forest should some of these areas become wilderness areas.

SB 1441 HABITAT RESTORATION AND ENHANCEMENT FUND

Sunset Restoration Project: The Clifton Ranger District has begun cutting and black lining activities within the project area. Thinning units have been laid out and pre-burn photo points have been installed on block A.

U.S. FOREST SERVICE

Apache-Sitgreaves National Forest

The Department conducted five data collection trips to three high-elevation trout lakes on the Forest since late December. This study is an effort to understand the factors that lead to winter fish-kills and develop strategies to reduce or prevent kills. The three lakes in the study, Crescent, Carnero and Lee Valley Lakes in Apache County, are fairly shallow, very productive and experience frequent fish-kills that impede the Department's ability to manage successful fisheries at these locations. The study is showing that depletion of dissolved oxygen occurs quickly and anoxic conditions occurring as fast as six weeks under ice cover. However, mid-winter increases of dissolved oxygen have been observed due to periods of light penetration and some level of photosynthesis under the ice. This oxygen production has occurred at different rates at different lakes and is likely tied to the types and levels of phytoplankton; but it is generally dependent upon snow depth on top of the ice which impacts light penetration. The study will continue to look at the factors influencing the different rates of photosynthesis and will also attempt to induce oxygen production at critical times by physically managing the snow pack on the ice.

Coronado National Forest

The Department has been working with the Forest on a Cooperative Agreement regarding evaluation of the proposed Rosemont Copper Project. The Forest is drafting a similar document with other federal, state, and municipal agencies. This agreement will give cooperator agency status to the Department and will outline the manner and extent of Department involvement in the Environmental Impact Statement. The Forest interdisciplinary team is currently working with the primary contractor, SWCA Environmental Consultants, to analyze comments received in the public scoping process and to consolidate the comments into preliminary issue statements for consideration by the Forest.

Kaibab National Forest

The Department has been invited to participate in the Forest Health Focus. The goal of this effort is to identify high-priority areas for mechanical and prescribed fire treatments on three Ranger Districts, produce data and outcomes that inform the work of forest managers and build strong public engagement and outcomes with a high degree of support. The Focus Group is now in the initial stages of prioritization and treatment options for several landscape scale areas. This effort is not intended to fulfill NEPA requirements. Instead, it is to plan to delineate executable sized treatment areas based on data driven and socially acceptable decisions. Once prioritization and treatment options are addressed, the Forest will move site-specific projects through the NEPA process. To date, the Department is cautiously supportive of this effort and will continue to stay directly involved especially as the treatment and implementation discussions occur.

Prescott National Forest

The Department participates in the annual coordination meeting with the Forest on March 5.

Tonto National Forest

The Department is currently planning the annual coordination meeting with the Forest. A date has not been set, but we hope to meet in March or early April. Details will be forthcoming.

BUREAU OF LAND MANAGEMENT (BLM)

Arizona Strip Field Office

The Annual BLM/AGFD coordination meeting is scheduled for February 19-20.

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. The Annual BLM/AGFD coordination meeting is scheduled for February 26.

Lake Meade National Recreation Area

The Annual BLM/AGFD coordination meeting is scheduled for February 25.

Lower Sonoran Field Office

The BLM is preparing a preliminary preferred alternative draft Resource Management Plan to be released for public review. The Annual BLM/AGFD coordination meetings are scheduled for February 12 (Region 6) and February 18 (Region 4).

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. The Annual BLM/AGFD coordination meeting is scheduled for March 11.

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. The Annual BLM/AGFD coordination meeting is scheduled for February 24.

Tucson Field Office

Middle Gila Transportation Management Plan

The Department met with the Tucson Field Office regarding the Middle Gila Transportation Management Plan which is scheduled for public release in late February. The plan will be available for public comment for 30 days. There will be no public hearings or meetings scheduled due to the long history of public involvement with this plan.

Safford Field Office

The Safford Field Office has received inquiries regarding solar energy development on two townships of BLM land south of Safford. No applications have been filed yet. The potential applicant is evaluating the site for feasibility. The Office will take no action until they receive an application. The Department has requested close coordination.

BLM NATIONAL MONUMENTS & CONSERVATION AREAS

Ironwood Forest National Monument (IFNM)

The Tucson Field Office continues to work on the development of a proposed final Resource Management Plan and Environmental Impact Statement for the Ironwood Forest National Monument. The Office 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. Various organizations have filed law suits against the BLM for these plans referencing off-road vehicle route designations and livestock grazing decisions as being incompatible with the presidential proclamations that created the monuments. The Annual Arizona Strip BLM/AGFD coordination meeting is scheduled for February 19-20.

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. The Annual BLM/AGFD coordination meeting is scheduled for February 12.

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 participating to proactively develop comments throughout the planning process. The Annual BLM/AGFD coordination meetings are scheduled for February 12 (Region 6) and February 18 (Region 4).

U.S. FISH AND WILDLIFE SERVICE

Kofa National Wildlife Refuge (Kofa NWR)

The Commission was provided an update on sheep restoration efforts in the Kofa NWR in May of 2008. Department sheep restoration activities are guided by the *Investigative Report and Recommendations for the Kofa Bighorn Sheep Herd* (Report) that was developed cooperatively by the Department and the United States Fish and Wildlife Service (USFW) and signed by the Director and the USFW Regional Director in June of 2007. The Report outlined 11 actions or approaches that would facilitate recovery of the Kofa sheep herd, and the Commission will be provided with an update on progress in each area. The identified activities are listed below:

1. Estimate population parameters of the Kofa bighorn sheep population.
2. Ensure year-round water availability for all bighorn sheep on the Kofa NWR.
3. Monitor disease occurrence within the Kofa NWR bighorn sheep population.
4. Reduce the potential for disease transmission between feral goats and sheep, and wild bighorn sheep.
5. Reduce the negative impacts of human recreational activities on bighorn sheep.
6. Continue management of the Kofa NWR bighorn population as a transplant source herd.
7. Continue to offer bighorn sheep hunting opportunities consistent with sheep conservation.
8. Raise public awareness of the value of bighorn sheep on the Kofa NWR and the need for active management to maintain the value.
9. Determine cause and extent of predation when bighorn population declines are documented.
10. Reduce predation mortality on sheep while the population is below the long-term average of 800 and there is evidence that predation is limiting bighorn population recovery.
11. Monitor recovery of the sheep population when predator control is implemented

GENERAL UPDATES

Maricopa County Ordinances P-28 and P-27

The Department has convened a group of representatives including US Forest Service, the Bureau of Land Management, Arizona Department of Environmental Quality, and Arizona State Parks. This group, the PM₁₀ Task Force, is working on the dust issue from a policy making level and is focused on issues affecting OHV use and access in Maricopa County, specifically Area A. The recommendations and resulting implementation from this forum will help shape the future of

OHV use in Maricopa County and will provide a template for future dust related issues. The task force will meet at least three times per year.

The Department is working with the ASLD on access issues in Maricopa County related to dust. ASLD has received notices of violation from the Maricopa County Air Quality Department and has considered several closures to protect themselves from future notices. The Department's Region 4 and 6 identified key routes on State trust properties that if lost would be most detrimental to continued access. The agencies are working together to identify a way to secure long term solutions to this issue.

The Department has established a task team to look at ways to address the PM-10 issue on ASLD properties. The team forwarded its recommendations and included proposed points of common interest, importance and benefit for use in future agreements that would assist with providing continued access opportunities. In addition the group drafted a proposed process map detailing methods for opening roads on ASLD properties.

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 and the Department are in the initial stages of scheduling a field visit along the project area to discuss wildlife connectivity issues. This meeting is likely to be scheduled for the latter part of April. The Department hopes that details from this site visit will be incorporated into the Design Concept Report and Environmental Assessment 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.

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

The Department continues to participate, and provide feedback in weekly project meetings. FNF Construction and ADOT are currently flagging the "clear-and-grub" limits for the project. When that is complete, they will begin installation of right-of-way fencing. When this occurs, the Department will provide site-specific guidance for locations of "jump-outs" that will provide egress for sheep that become trapped in the right-of-way. The Department is still awaiting FNF Construction's alternate plan proposals for the Bighorn sheep crossing structures that they will be asked to review and provide comments on.

Chino Valley Bypass

The Department attended the January 28th meeting of CYMPO's Executive Board. At that meeting, the Executive Board endorsed Corridor Alternative CV-8, ending between Roads 5 and 7 North (*between Chino Valley and Paulden*). Corridor CV-8, with a northern terminus in this location, was the alignment favored by the Department due to minimized impacts to high quality pronghorn habitat and avoidance of a Verde River crossing. This endorsement was upheld at the most recent CYMPO M-TAC meeting. Further planning for this bypass will not commence until CYMPO or ADOT allocates funds for the development of a Design Concept Report and requisite

environmental documents (NEPA). So for now, this project draws to a close, in what the Department can call a small victory in the conservation of important native habitat and species.

Building a Quality Arizona – bqAZ

ADOT invited the Department to a special Resource Agencies Community Workshop for the statewide collaborative transportation framework planning process called “Building a Quality Arizona”, or bqAZ. The purpose of this workshop is to gather input on three possible future transportation scenarios for the state that have been prepared based upon stakeholder and community input received over the past 12 months. The workshop will include a presentation by ADOT followed by interactive small-group discussions. The Department will attend the March 3 workshop.

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. In January, the Department met in the field with the project consultant and identified wildlife buffers for the Conceptual Master Plan for pronghorn habitat and aquatic habitats. We are still waiting to review a new plan that considers the Department’s concerns.

The City of Cottonwood continues to develop their annexation plan with ASLD in consultation with Yavapai County. An annexation agreement will be required; and public meetings will be held at some point in the process. The Department will continue to track the process through the coming year.

City of Flagstaff and Coconino County

Planning has begun on 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 will be staffing the wildlife/natural resource elements of the Plan. A Citizen’s Advisory Committee has been selected to guide the planning effort, and the Department has been asked to provide wildlife information to Committee members. Planning will continue through 2009-2010 with voter approval in 2011 and City/County adoption in 2012.

Coconino County

The Department has partnered with Coconino County, ADOT Flagstaff District, and the Arizona Wildlife Linkages Working Group to launch a ‘Coconino Wildlife Linkages Project’. The goal of this project is to identify critical wildlife habitats and corridors across the entire 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 late 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. The first Stakeholders' workshop is scheduled for March 9, and invitations have been distributed to land management agencies, towns, cities, transportation authorities, Native American tribes, and environmental organizations.

CO Bar Ranch Grassland Restoration

Over the last two years, the Department's Landowner Incentive Program has been cooperating with Babbitt Ranches to restore habitat for pronghorn and grassland birds on CO Bar Ranch. To date, over 20,000 acres of juniper-grinding treatments have been conducted in a corridor design to facilitate pronghorn movement between Coconino National Forest and Kaibab National Forest. Treatments have taken place on both private and State Trust Lands through variety of Landowner Incentive grant programs. An additional 10,000 acres of grassland restoration have been funded, with 6400 additional acres in the planning phase.

Navajo County

The Department met with the Woodland-Show Low Irrigation Company on February 17 to discuss approval of a project to install fish habitat structures in several lakes under the jurisdiction of the irrigation company. The support of the water right holders is the last hurdle before the structures can be installed in Rainbow, Show Low and Scott lakes in Navajo County to increase sunfish, bass and catfish populations. The project also includes Fool Hollow Lake and Lyman Lake, which do not need approval from this particular irrigation company. The details will be discussed at an irrigation board meeting later this month, hopefully allowing structures to be installed this year.

Apache County

The Department met with Lyman Lake State Park and Lyman Irrigation Company on February 18 to help develop a lake management plan for Lyman Lake in Apache County. The process will involve establishing a management emphasis for the lake based on biology of the lake, current conditions and use, constraints, and potential. The emphasis will lead to the development of management objectives and strategies by Department biologists and stakeholder groups.

The Department met with Bill Greenwood, Eagar Town Manager, on February 11 to discuss planning for a fishing derby at Becker Lake on Department property in Apache County. The derby is being planned as one of a number of Memorial holiday weekend events in Eagar/Springerville to attract visitors to the community. Department biologists discussed options for tagging trout, scenarios for different fishing contests, and opportunities to provide fishing techniques seminars and clinics at Becker Lake.

Little Colorado River

The Department met on January 20 to develop a plan to artificially propagate roundtail chub from the Little Colorado River (LCR) watershed. Roundtail chub populations in the LCR have been reduced to two small populations in Chevelon Creek and Clear Creek. Attempts to start a broodstock at the Silver Creek State Fish Hatchery have been only partially successful and the discussions will help overcome the setbacks. Artificial propagation of these LCR roundtail will

be critical in re-establishing these fish in suitable habitat within the drainage and help to prevent Federal listing.

Hopi Nation

The Navajo-Hopi Dispute Settlement regards Navajo families living for generations on Hopi Lands. For nearly 100 years there have been efforts to resolve this issue.

The most recent actions started in the early 1990s and involved transferring nearly 500,000 acres of federal, state and private lands to the Hopi Tribe to resolve the 1974 Navajo-Hopi Settlement Act. There was strong opposition to this proposal from Governor Fyfe Symington and the Commission took formal action to oppose this settlement act. A “white paper” was produced by the Department for presentation at the January 20, 1993 Commission meeting. This paper primarily addressed the lack of a public review process such as NEPA in making decisions and also the impacts to many thousands of Arizona hunters and visitors and the fiscal impact to both the Department and the State.

After a great deal of discussion, Congress passed the Navajo-Hopi Land Dispute Settlement Act of 1996. The purpose of this act was to “reach a peaceful resolution of the longstanding disagreements between the parties under the Act commonly known as the Navajo-Hopi Land Settlement Act of 1974.” One of the accomplishments was an agreement for Navajo families to remain on Hopi Partitioned lands for 75 years. Among the other actions were:

- The Secretary of Interior would work with the Hopis to take lands into Trust where
 - Lands lie in Northern Arizona.
 - They are lands that are “used substantially for ranching, agriculture or another similar use”.
 - Lands to the extent feasible are in contiguous parcels.
 - The Tribe has consulted with the State of Arizona concerning the lands proposed to be placed in Trust, including consulting with the State concerning the impact of placing those lands into trust on the State and political subdivisions; thereof resulting from the removal of land from the tax rolls in a manner consistent with the code of federal regulations.
 - No lands lie within a 5-mile radius of any incorporated town or city
 - The Secretary will take lands into trust under this Act expeditiously and without undue delay.
 - The Secretary will take action to the extent the Tribe acquires private lands and requests that the Secretary acquire through condemnation interspersed lands that are owned by the State of Arizona and are located within the exterior boundaries of those private lands in order to have both the private lands and the State lands taken into Trust for the benefit of the Tribe.
 - The Secretary will acquire the (state) lands through condemnation and with funds provided by the Tribe pay the State of Arizona fair market value for those lands.
 - No more than 500,000 acres of land can be taken into Trust.
 - The State of Arizona concurs with the United States that the acquisition is consistent with the interests of the State.
 - No private lands may be acquired by condemnation.

- Extensive language is in the Act regarding all water rights on newly acquired lands being adjudicated and allocated under State water rights laws and courts.

In 1997, the Hopi Tribe acquired the following private lands:

- Clear Creek Ranch – 151,500 acres
 - 77,150 acres of private land
 - 74,150 acres of State Trust Land
- 10X Hart – 70,000 acres
 - 39,200 acres of private land
 - 30,800 acres of State Trust Land
 - 1 Forest Service grazing permit (Deep Lake Allotment)
- They also acquired the following lands for which we cannot find acreage information
 - 26-Bar near Springerville (not currently under discussion for Trust status)
 - Aja ranch, just into Region 1, south of Winslow.

At this time it is our understanding the 166,000 acres of private lands in Coconino and Navajo counties have gone into Trust.

The Department met with Hopi representatives shortly after these acquisitions and on June 2, 1997 we issued a press release stating that “cooperation between Hopi Tribe and the Department begins on Tribal Acquisitions.” In the statement it says that both parties would work together to protect and sustain wildlife resources. Norman Honanie, a Hopi Land Team member (and still currently co-manager of the ranches) stated “the transition of lands into the hands of the Hopi Tribe includes an assumption of responsibility that must begin with policy development. This simply means that a responsible Hopi Tribal stewardship plan must include consultation with neighboring land and wildlife stewards.” The release also stated that joint surveys would start and that state hunters would have access in fall 1997.

Since 2000, each year we have met with the Hopi Tribe and secured access for hunters for the next fall season. For the past three years, we have formalized this access with agreements regarding payments for habitat projects. These agreements end on February 20, 2009.

To date, there has been a division of responsibility for the Hopi New Lands between the Hopi Land Team and the Hopi Department of Natural Resources. Most years, the Department’s annual coordination meetings have had representatives from both Hopi Departments. While they allow some ceremonial take of wildlife, the Hopi do not have a formal hunting process nor do they have statutes, rules, policies, etc. for hunting either for members or non-members. They have had discussions for several years regarding development of needed rules. Also, since 2000, we have had discussions regarding the need for collective decisions on hunt structures, surveys, harvest, etc. regarding wildlife that moves from Forest Service lands to the west onto the Hopi new lands.

We have our annual coordination meeting scheduled for March 13, 2009 at the Department’s Flagstaff Office and in addition to the Hopi Department of Natural Resources staff we have been told that the Chairman of the Land Team, Mr. Dale Sinquah, as well as Scott Canty, the Hopi

Tribal Attorney, and Mr. Norman Honanie, will be at the meeting to brief the Department on the Trust status.

City of Eloy

The City of Eloy is in the process of updating their General Plan. The Department met with the consultant who is writing the plan. One primary issue discussed was the identification of the critical landscape linkage between the Ironwood Forest National Monument, Picacho State Park, and BLM land to the north of Interstate 10. This linkage was modeled for wildlife movement by Dr. Paul Beier under contract with the Department. The Department also expressed interest in protecting hunting opportunities, natural open space, development of shooting facilities, urban fishing opportunities, and wildlife friendly development design.

Pinal County

The Department met with Pinal County planners and Parks, Trails, and Open Space Staff to discuss the Department's concerns regarding the Comprehensive Plan which is going through final internal review. The Department will meet with the County in a stakeholder workshop to further refine wildlife linkages at the county level.

Pima Regional Transportation Authority (RTA)

The Department holds a voting seat and has been participating on the RTA Wildlife Linkages Subcommittee which reviews proposals for research and construction using RTA monies. Currently, funding is limited to projects tied directly to road construction projects. The Town of Marana and Oro Valley submitted proposals to identify critical wildlife crossings and corridors across Tangerine Road. The Subcommittee unanimously voted to send the proposal up to the RTA Board.

Pima County Habitat Conservation Plan

Pima County released the latest draft of their Multi-species Conservation Plan for comment. The Department is reviewing the document and has attended several public meetings on the draft as well as a presentation to Tucson Basin land managers. The Draft can be viewed at the following link: <http://www.pima.gov/cmo/sdcp/MSCP/MSCP.html>.

Gould Turkey

The Department captured 69 Gould's Turkeys this winter as part of our on-going restoration efforts. Twenty (10M:10F) turkeys were captured in the Chiricahua Mountains and released into the Pinalenos to bolster that population we are reestablishing. We also captured 49 turkeys (20 males and 29 females) in the Canelo Hills area of GMU 35AB and released them into the Galiuro Mountains which is that last southeastern Arizona range that has good turkey habitat and lacks a turkey population. The captured birds were held and then sling-loaded into a remote wilderness area for release in cooperation (and permission) with the Forest Service. This marked the first time turkeys have been taken to a release site via helicopter. Of the Galiuro birds, 10 have radio packages (7F:3M) and will be monitored by air.

White Tank Mountain Linkages

The Department attended visioning sessions held by the City of Surprise for planning within Villages I & III. The future build out of the City will be planned under a Village Concept of

which there are 9 villages extending from the Phoenix metro area northeast along the US 60 highway corridor to the Hassayampa River. The City included a proposed wildlife habitat linkage designed by the Department and Maricopa County Flood Control District on area maps used for the visioning sessions. We are currently working with the City planners to analyze Department linkage designs against current zoning and development plans. The City will be supporting the Department's efforts to plan a stakeholders meeting in the near future as we continue to develop partnerships towards the land conservation necessary to preserve the linkages.

The Department attended the 3rd Technical Advisory Committee Meeting for the Turner Parkway Corridor Feasibility Study. Technical Memo 3- Environmental Overview and Technical Memo 4- Conceptual Drainage Study were presented. The Department provided Maricopa County Department of Transportation with linkage designs for the White Tank Mountains and they were included in feasibility study maps as "Wildlife Corridors". This is an important first step to conserving the linkages between the White Tank, Belmont and Vulture Mountains and the Hassayampa River corridor. Flood control designs will also preserve habitat/open space for wildlife and those areas were also presented as potential linkages.

The Department attended the 4th Project Advisory Group meeting, coordinated by MAG/ADOT/MCDOT and local partners, for the US-60/Grand Avenue Access Management Plan. The plan is a facility concept plan for the future US-60 transportation corridor between the City of Surprise and junction of SR 74 outside of Wickenburg. Planners propose to redesign the transportation corridor under the Arizona Parkway concept. The US 60 parkway and proposed future White Tanks Freeway will converge just west of Loop 303, creating a complex of freeways and parkways that will have to be stacked. In between all of these proposed transportation developments is the McMicken Dam and Beardsley canals. The associated Flood Control District properties are part of a proposed wildlife/multiuse corridor that the District has identified for the Wittman Area Drainage Master Plan. The Department has been evaluating this corridor opportunity for wildlife and supports the District's plans. However transportation plans will create a bottleneck with severe noise/activity levels that we believe will prevent wildlife from using the area. The Department will continue to work with the City of Surprise and the District on preservation of this corridor as part of the overall linkage plan for the White Tanks; but does not believe it will benefit some of the focal species including mule deer and Desert Tortoise.

A proposed aerial tramway that would transport visitors from the base of the White Tanks to the top, inside the Regional Park, has been cancelled. The proposal raised public concerns and lacked support by Maricopa County Parks.

The Maricopa County Flood Control District (District) conducted their alternatives analysis for the rehabilitation of the Buckeye FRS1, a flood control dam on the south side of the White Tanks. The District decided to implement Alternative 8, rehabilitation of the existing earthen dam as opposed other constructed channel alternatives. The Department supported Alternative 8 because it will retain the maximum amount of natural desert habitat across the flood control properties associated with the dam. The Department has been collaborating with the District to preserve this open space as a wildlife habitat linkage between the White Tanks and the

Hassayampa River. This is a positive step towards implementing the overall linkage plan for the White Tanks.

The Department is working on developing a stakeholders meeting to unveil the White Tanks linkages plan to a broader group of municipal, transportation and public land managers. The strategy is to develop a core group of stakeholders that will incorporate designs and implementation strategies into their respective jurisdictions and management activities.

Black Canyon Heritage Park

The Department continues to collaborate with the Black Canyon City Community Association (BCCCA) on the development of the Black Canyon Heritage Park, a proposed riparian preserve and community park. We have most recently provided technical review of grant applications and letters of support. The BCCCA, a non-profit organization, received a 27-acre parcel of land with 153 acre feet of water rights as a donation from the Albins Family. The parcel is adjacent to the Agua Fria River in Black Canyon City and includes portions of the rivers floodplain. The BCCCA intends to conduct riparian restoration and redevelop an existing pond for native fish propagation/refugia. The BCCCA is seeking funding from various sources and to date has been awarded funding by the Arizona Water Protection Fund and National Park Service. They have applied for funding of conservation easements through the Department's WCF grant program in addition to the Department's Access grant program for public access development to the park through an adjacent private land parcel. The Department is currently planning a field trip for the BCCCA and stakeholders to tour the Gilbert Riparian Preserve at Water Ranch Park and learn about how a similar project was implemented.