

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, May 15, 2009
Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

Vice Chair Jennifer L. Martin
Commissioner Robert R. Woodhouse
Commissioner Norman W. Freeman

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

Commissioner Martin acted as Chairman for this meeting and called the meeting to order at 8:00 a.m. Commissioners Hernbrode and Husted were not present with the exception that Commissioner Husted participated in the Executive Session agenda item via telephone. This meeting followed an agenda revision #1 dated May 12, 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: Woodhouse moved and Freeman seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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The Public Meeting reconvened at 9:35 a.m.

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Chairman Martin called the meeting back to order and lead those present through the Pledge of Allegiance. The Commission introduced themselves and Chairman Martin 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. Legislative Engagement and 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 updates on the following:

State of the Budget

- House budget draft passed out of Appropriations Committee and included the Game and Fish provisions requested by the Commission; total appropriation-\$37.4M
- Watercraft License Fund; only appropriated \$2,080,800; this will be fixed when the final budget bills are approved (see attached Watercraft Licensing Fund worksheet)
- FY-10 Fund Transfers: Watercraft licensing fund - \$950,000; Heritage fund: salary reduction -\$471,200; Off-highway vehicle recreation fund-\$124,800
- It is projected that the budget will not be completed until June.

State Legislation

- The Senate is not hearing any bills at this point in time
- HB 2157: Wildlife; aquatic invasive species progress; support on the Kavanagh amendment that the Commission agreed to was adopted during COW; waiting for third read
- HB 2064: Wildlife; guides; wasted meat; Konopnicki Floor Amendment as agreed to by the Commission was adopted; waiting for third read.

Congressional Legislation

- H.R. 2100: Mohave County Tri-State Shooting Range; introduced by Congressman Trent Franks; land conveyance from BLM to AGFD; status: 4/30/2009, referred to the Subcommittee on National Parks, Forests and Public Lands
- H.R. 2308: Sportsmanship in Hunting Act of 2009; introduced by Congressman Steve Cohen; status: 5/7/2009, referred to the House Committee on the Judiciary; prohibit interstate commerce of exotic wildlife for purposes of hunting; prohibit computer-assisted remote hunting (using computer to aim/discharge weapon)
- H.R. 2076: Border Security and Responsibility Act; introduced by Congressman Raul Grijalva; status: 5/4/2009, referred to the Subcommittee on Border, Maritime, and Global Counterterrorism; triple assigned: Homeland Security, Armed Services, and Agriculture Committees; federal agencies in cooperation with tribal, state and local officials to create border protection strategy; provisions include impacts to wildlife, habitat, migration corridors, hydrology etc. and mitigation costs associated with impacts of potential security infrastructure and activities.

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4. Information, Education and Watchable Wildlife Activities Briefing

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

The Commission was provided with an Information, Education and Watchable Wildlife Programs Update prior to this meeting (also available to the public), which presented new information as well as progress on related activities. The update covered activities and events that occurred since the April 2009 Commission meeting and was provided in fulfillment of the Department's commitment to brief the Commission on a regular basis.

Using a PowerPoint presentation, Mr. Gray highlighted the following items from this reporting period:

- Adobe Mountain Wildlife Center Renovations: Estimated cost for T-1 Line \$16,000; walk-through swing gates ordered and will be installed June 2009; sewer system repair; contractor to pothole existing utilities to confirm no conflicts with new gravity line; pumping out septic as needed until permanent system installed; Eagle Scouts project removed wood paneling from Quiet Room and replaced with washable material to allow proper cleaning, and put wheels on animal racks
- Webcasting Project: Equipment has been ordered; capabilities will include: "Live " webcast; potential archival viewing in the future; Regions will still use VTC to participate in the meetings in conjunction with a computer in Regional conference rooms to allow viewing the meetings on the web and power point presentations; VTC used for comments/blue slips
- Conservation Committee Workday: Will be July 17-19 at Buck Springs Area (Unit 5A); coordinated by AES/Conservationist Committee; project includes fence removal, crayfish removal, fish monitoring and education activities; AES supplying food and tents; Department supplying big tent and equipment, notification will go out next week; Conservation Committee meeting will be held in the afternoon followed by dinner
- Youth Turkey Camps: Units 23, 4A, 4B, 3C and Units 1&27; 37 Turkeys harvested; combined 187 campers (youth & parents); volunteers/partners included ADA, AES, Chandler R&G, NWTF, OE4all, ADA, AES, NWTF, RMEF; Gift bags provided – turkey calls, magazines, pens; music and food provided
- Two Hunting Heritage Grants awarded to the Department:
 - Mentoring Program Campaign: \$45,000 to be used for game camps, NSSF Best Practices Training, curriculum and event planning manual, and apprentice license; 25 \$1,000 grants for sportsmen's clubs to help put on game camps
 - Utilizing Senior Hunters: Partnership with Responsive Management; \$37,500 awarded to conduct research to explore potential opportunities for senior hunters in recruitment and retention efforts; research will complement the Mentoring Program Campaign efforts; relates to Director's Goals & Objectives #5 – Recruitment and Retention; has national implications; NSSF has offered to partner in a media campaign focusing on the Department receiving 2 grants and the anticipated research results
- Mogollon Sportsmen Association (MSA) Radio Ads: North American Model Outreach Campaign; MSA received \$10k WCF Grant; Plan includes seven scripts developed by

Department; MSA hired advertising company; several groups provided funds for air time; will target non-traditional radio stations; ads begin May 18; www.outdoorheritageaz.com will provide more information and measure campaign success.

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5. 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 the latest developments relating to the implementation of land and resource management plans and projects on private, state and federal lands in Arizona and other related matters, and included decisions or activities since the April 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 the following additional updates:

- The Western Governor's Association Steering Committee met yesterday to finalize maps that will be included in the Western Renewable Energy Zones Initiative that outlines where renewable energy zones would be available for development in twelve western states. The Department has not seen those maps yet but as soon as additional information is provided the Department will inform the Commission
- Director Voyles was invited to participate in the Framework Policy Committee for the Building a Quality Arizona (BQAZ) Initiative. The next meeting for this committee is June 18. The Department has been working with BQAZ for some time to outline the three alternative transportation plans. The Framework Policy Committee as well as other committees associated with BQAZ will refine that down to a single/final proposal for the transportation plan. This is a fifty-year plan for transportation in the State.

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6. Consent Agenda

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

a. Request for Commission Approval for the Department to Acquire a BLM Patent for the Userly Mountain Shooting Range in Maricopa County, Arizona.

Presenter: Josh Avey, Habitat Branch Chief

The Usery Mountain Shooting Range (Range) is composed of two tracts of land; a 40 acre piece acquired by the Commission through a federal Recreation and Public Purposes land patent in 1979, and approximately 110 acres patented to the Maricopa County Parks and Recreation Department (County). Both pieces were patented for development, maintenance and operation of a public shooting range. In 2001, the Commission and the County entered into an agreement to transfer ownership and management of the County portion of the shooting range to the Commission. Also at that time, an application to transfer these lands was submitted to the Bureau of Land Management (BLM) at their request. All due diligence issues have been resolved and we are now in a position to accept the transfer of the County portion of the Range.

The Department recommended that the Commission VOTE TO APPROVE THE DEPARTMENT TO ACQUIRE A BLM PATENT FOR THE USERY MOUNTAIN SHOOTING RANGE IN COCHISE COUNTY, ARIZONA, AND TO AUTHORIZE THE DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY TO ACQUIRE THIS PROPERTY AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

b. Request for Commission Approval for the Department to Acquire a BLM Patent for the Sierra Vista Shooting Range in Cochise County, Arizona.

Presenter: Josh Avey, Habitat Branch Chief

In 1983, the Commission began managing the Sierra Vista Shooting Range (Range) under a federal Recreation and Public Purposes lease. In June of 1993, and again in November of 1996, the Commission approved an extension on this lease while the Department pursued a federal patent for the Range. The patent process was delayed originally due to projected changes in the process to transfer public lands. Additionally, this project needed Arizona Department of Administration, Risk Management Section approval because of potential liability issues to the state associated with lead on the site. These issues have been resolved and we are now in a position to accept the patent.

The Department recommended that the Commission VOTE TO APPROVE THE DEPARTMENT TO ACQUIRE A BLM PATENT FOR THE SIERRA VISTA SHOOTING RANGE IN COCHISE COUNTY, ARIZONA, AND TO AUTHORIZE THE DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY TO ACQUIRE THIS PROPERTY AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

c. Request for Commission Approval for the Department to Acquire a BLM Patent for the Region IV Administrative Office Located in Yuma, Arizona.

Presenter: Josh Avey, Habitat Branch Chief

In 1993, the Commission obtained a federal Recreation and Public Purposes lease for 26.39 acres of Bureau of Land Management property located in Yuma County for development of a regional office complex. In 2004, the Commission relinquished 6.53 acres of the lease for the United States Fish and Wildlife Service's KOFA Wildlife Refuge Office. The remaining lease of approximately 20 acres has been renewed several times while the Department pursued a BLM Patent. At this time, all actions necessary for issuance of a patent have been achieved.

The Department recommended that the Commission VOTE TO APPROVE THE DEPARTMENT TO ACQUIRE A BLM PATENT FOR THE REGION IV ADMINISTRATIVE OFFICE IN YUMA, ARIZONA, AND TO AUTHORIZE THE DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY TO ACQUIRE THIS PROPERTY AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Motion: Freeman moved and Woodhouse seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEMS A, B AND C AS PRESENTED.

Vote: Unanimous
3 to 0

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7. Request for Commission approval on the Northern Arizona Regional Shooting Facility objectives, timeline and budget commitment.

Presenter: Josh Avey, Habitat Branch Chief

Mr. Avey briefed the Commission using a PowerPoint presentation. Per Commission Direction from the March Commission meeting, the Department coordinated with all legitimate stakeholders to produce a list of viable alternative approaches for the establishment of a Northern Arizona Shooting Range. This included identifying new sites and reconsidering previously evaluated ones with private property owners, Coconino National Forest staff, the Hopi tribe, Camp Navajo, the Willard Springs grazing permittee, and representatives from the Munds Park Community. Currently, the Department has evaluated a total of 13 sites and is scheduling additional site visits to be conducted in the coming weeks. In addition, the Department has completed a survey to determine the opinions on and demand for a public outdoor shooting range among sportsmen and women in the northern Arizona region who would be potential users.

Assistant Director Ty Gray provided the Commission with a briefing on the survey results. The full report has been made available on the Department's website. The survey, "Northern Arizona Hunters' and Shooters' Attitudes Toward a Shooting Range in Northern Arizona", was conducted by Responsive Management, Inc. in May 2009. The survey methodology was a telephone survey of hunters, supporters and Law Enforcement and the survey results were to ascertain preferences related to location, a regional verses local range, and single verses multiple micro ranges.

A regional facility would be a multi-purpose recreational facility intended for public use. The range would be professionally managed and would likely include some or all of the following: rifle and pistol ranges, shotgun ranges, archery ranges, a Law Enforcement training area, and other public use areas, and would be equipped to host large numbers of users, competition shooting, and such programs as Hunter Education camps. A local or community range would be a multi-purpose shooting facility but smaller in size and scope than a regional range. It would be cooperatively managed by a staff of local user groups through agreements and leases and would likely include rifle and pistol ranges, shotgun ranges, clay target areas, and archery proficiencies. It would typically serve those in the immediate area, hunter education groups, and local law enforcement.

The Commission discussed the timeline and confirmed with Mr. Gray that 72% of the supporters in the survey preferred a smaller local range if it were going to take 7-10 years to build a regional range.

Public Comment

Elaine Morrison, Company Agent for Windmill Ranch (Willard Spring grazing permittee), addressed the Commission in support of finding a range location other than Willard Springs and suggested the Horse Mesa location.

Bill McLean (former Game and Fish Commissioner), representing himself, addressed the Commission (via video conferencing) in support of a regional facility in northern Arizona as opposed to a smaller local range.

The Commission discussed that the timeline is crucial and has a lot to do with the preference for a local range. People want a range up and running as soon as possible and not 7-10 years from now. Also discussed was possibly building a small facility initially to get it up and running with the capability of developing it into a regional facility down the road as funds are available.

Motion: Freeman moved and Woodhouse seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO FIND A SITE LOCATION LARGE ENOUGH TO BECOME A MULTI-PURPOSE SHOOTING FACILITY WITHIN 3 TO 5 YEARS TO SERVE NORTHERN ARIZONA WITH THE INITIAL IMPLEMENTATION AS A LOCAL SHOOTING FACILITY; AND THAT THE LOCATION SITE BE WITHIN 30 MINUTES OF DOWNTOWN FLAGSTAFF; AND THAT THE SHOOTING FACILITY BE OPERATIONAL WITHIN 3 YEARS AT THE INITIAL LOCAL SHOOTING RANGE LEVEL AND TO BE DEVELOPED INTO A REGIONAL FACILITY AS FINANCING AND PUBLIC USAGE EVOLVES.

Mr. Avey advised the Commission that depending on the property that is selected, acquiring the property could be about a 2-3 year process and then 1-1 ½ years to build the facility.

Director Voyles advised the Commission that they would be restricting the Department to only those properties that can be acquired quickly in order to make the 3-year timeline to have a facility up and running.

Amended Motion: Freeman moved and Woodhouse seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO FIND A SITE LOCATION LARGE ENOUGH TO BECOME A MULTI-PURPOSE SHOOTING FACILITY WITHIN 3 TO 5 YEARS TO SERVE NORTHERN ARIZONA WITH THE INITIAL IMPLEMENTATION AS A LOCAL SHOOTING FACILITY; AND THAT THE LOCATION SITE BE WITHIN 30 MINUTES OF DOWNTOWN FLAGSTAFF; AND THAT THE SHOOTING FACILITY BE OPERATIONAL WITHIN 3 TO 5 YEARS AT THE INITIAL LOCAL SHOOTING RANGE LEVEL AND TO BE DEVELOPED INTO A REGIONAL FACILITY AS FINANCING AND PUBLIC USAGE EVOLVES.

Vote: Unanimous

3 to 0

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8. E-Commerce Update

Presenter: Harry Seck, Assistant Director, Special Services Division

Mr. Seck provided the Commission with an update on the status of the Department's E-Commerce activities. The Department is in the process of preparing a 3-5 year plan on the migration from current technology to a more robust state-of-the-art technology, which will include the online watercraft registration renewal, license sales and big game hunt applications being run in-house.

Currently, the online watercraft registration will be available by August 2009 and the online licenses sales capability is scheduled to be available by January 2010. The Department is still determining when the online big game hunt applications will be available but it should be later in 2010. Also, with the online license sales, the Department is working toward consumers being able to purchase their license online and print them.

Commissioner Freeman asked about consumers being able to print the tags and suggested that the Department investigate that further.

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9. Call to the Public

There were no requests to speak at this time.

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12. Shooting Sports Activities Briefing

Presenter: Jay Cook, Education Branch Chief

The Commission was provided with a Shooting Sports Activities Briefing prior to this meeting (also available to the public) on Department activities related to shooting sports. The report included shooting programs and shooting range development statewide and covered activities that occurred since the April 2009 Commission meeting. This briefing is part of the Department's ongoing commitment to provide the Commission with updates on a regular basis.

Mr. Cook recapped several items in the briefing using a Power Point presentation, which included the following updates and Commission actions:

Adair Shooting Range

- Range Acquisition:

- The Department met with the Arizona Department of Administration (DOA) to discuss issues regarding the potential transfer of the range and provided copies of the Phase I and II environmental study for review and approval
- The Department met with the President of Adair Inc. to discuss a timeline and other issues regarding the potential transfer
- A transfer would require Yuma County Board of Supervisors approval.

Motion: Woodhouse moved and Martin seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT (UPON RECEIVING THE LETTER OF APPROVAL FROM THE ARIZONA DEPARTMENT OF ADMINISTRATION) TO DRAFT A LETTER TO YUMA COUNTY TO REQUEST THE BEGINNING OF THE PROCESS TO TRANSFER THE OWNERSHIP OF ADAIR RANGE TO THE DEPARTMENT AND THAT THE LETTER INCLUDE AN OUTLINE IN CHRONOLOGICAL ORDER OF WHAT HAS BEEN DONE SO FAR INCLUDING PHASE I AND PHASE II.

Vote: Unanimous
3 to 0

Ben Avery Clay Target Center Programs/Events

- The Department was awarded the 2010 U.S. Open for skeet which will be held at the Ben Avery Shooting Facility Clay Target Center on April 16-18, 2010.

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Chairman Martin noted that since the agenda items were being taken out of order and it might be problematic for some members of the public, a Speaker Card could still be turned in and the Commission would re-open the agenda item that they wish to speak about.

Director Voyles stated that the Department will add a notice to that effect on future agendas.

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13. Update of Meet the Commission Awards.

Presenter: Marty Fabritz, Executive Staff Assistant

Mr. Fabritz briefed the Commission on the final list of Commission award categories for the 2009 Commission Awards to be presented in January, 2010 (attached to these minutes). The Department incorporated Commission input from the February 2009 Commission meeting and has developed the final list of award categories for approval for the 2010 Commission awards banquet.

The Commission discussed and agreed on the final list of award categories, but requested that the Chairman's Award be added to the list with the caveat that it would be at the Chairman's discretion whether or not to present a Chairman's Award.

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15. Review and Update of Upcoming Commission Calendar Activities and Events

The Commission reminded the Department that this agenda item does not need to be a regular monthly agenda item.

Harry Seck, Assistant Director, Special Services, reported that the Department has established a common Outlook Calendar for the Commission and that the Department is currently updating it with activities and events that the Commission may be interested in participating. Mr. Seck will provide the Commission with instructions on its use following this meeting.

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Meeting recessed for lunch at 11:27 a.m.

Meeting reconvened at 2:00 p.m.

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

Presenter: Gene Elms, Law Enforcement Branch Chief

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

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Meeting recessed for a break at 3:15 p.m.

Meeting reconvened at 3:25 p.m.

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11. Rehearing Request Regarding Previous License Revocation/Civil Assessment

Presenter: Gene Elms, Law Enforcement Branch Chief

On September 23, 2008, Kevin Presmyk was convicted in the Flagstaff Justice Court for possession of an unlawfully taken mountain lion and sentenced a fine of \$1,350.00. On February 6, 2009, the Commission revoked Mr. Presmyk's hunt, fish, guide and trap license for a period of five (5) years, invoking a civil assessment of \$1,500.00 and further requiring that he complete a Hunter Education course before obtaining any license in the State of Arizona. Mr. Presmyk has requested a rehearing of this matter and decision, and was notified of the rehearing by certified mail.

Mr. Presmyk was present but did not address the Commission. Mr. Elms informed the Commission that Mr. Presmyk requested the rehearing because the penalty was excessive.

Motion: Woodhouse moved and Freeman seconded THAT THE COMMISSION VOTE TO DENY THE REQUEST FOR REHEARING BY KEVIN PRESMYK.

Vote: Unanimous
3 to 0

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14. Call to the Public

There were no requests to speak at this time.

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16. Director and Chairman's Report

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

- Provided a Department overview presentation to the Senate Natural Resources Committee
- Attended an Intermountain West Joint Venture Board meeting in Salt Lake City, Utah
- Attended the Audubon Donor Appreciation Event at the Nina Mason Pulliam Rio Salado Audubon Center (met with John Flicker there)
- Met with Ben Tuggle, USFWS and Tod Stevenson, Director, New Mexico Game and Fish Department in Albuquerque
- Participated in a telephonic meeting of the AZ Wildlife Finance Corporation with Steve Hirsch and Jim Odenkirk
- Met with Mike Branham, Director of Arizona Juvenile Corrections regarding kids vocational work programs
- Met with the Biopolitics class held at the Department with Scott Bonar from the U of A and Department staff
- Met with Jim Thompson regarding access issues regarding the expansion of 40-acre ranchettes in some areas in Yavapai County that are already platted for subdivision
- Provided an orientation presentation to Commissioner Husted on the Director's Vision
- Participated in a video shoot on the Condor Lead Program with Department AV staff
- Met with David McKay with Natural Resources Conservation Service and discussed a number of issues including the Big Boquillas Ranch and cooperative efforts
- Met the Navajo Nation Delegation of the Arizona State Legislature to discuss the Big Boquillas Ranch
- Attended the Governor's Cabinet meeting
- Attended the Phoenix Zoo Celebration and tour with a behind the scenes view of the Zoo's conservation efforts with native species and endangered wildlife
- Drove up to Page Springs along with Kirk Young and Scott Gurtin for Gene Okamoto's retirement celebration lunch
- And attended the Canada/Mexico/U.S. Trilateral Conference in Miami, Florida this week.

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

- Attended the Arizona Wildlife Conservation event at the Botanical Gardens
- Attended the telephonic Commission meetings held since the last regular meeting
- Met with representatives on various legislative matters and also matters they were hearing about from their constituencies and provided additional information
- Met with Sky Island Alliance to meet their new Director and learn about their vision for the future of their organization. Discussion included future jaguar conservation

- Worked with Department staff in planning the Conservationists Committee Workday
- Met with Sierra Club Director Sandy Bahr to discuss a number of issues
- Participated in the meeting with the Director and the Navajo Nation Delegation at the Arizona State Legislature
- Participated in the Phoenix Zoo Celebration event as mentioned by Director Voyles.

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17. Commissioner's Reports

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

Commissioner Woodhouse:

- Participated in the telephonic Commission meeting
- Did not attend the Cibola Irrigation District meeting this month due to a conflict, however, the agenda was very brief
- Met with Department staff in Region IV on the Adair Shooting Range
- Met with Pat Barber, Region IV Supervisor on several issues
- Met with Yuma constituents at a Yuma Valley Rod and Gun Club meeting
- Plans to attend the First Annual Yuma Rod and Gun Club Fund Raiser Banquet tomorrow night.

Commissioner Freeman:

- Met with Department staff regarding HPAC, specifically on proposed revisions for the Charter
- Attended the telephonic Commission meeting
- Met with Department staff regarding online sales and IT issues
- Met with Department staff regarding the webcasting of Commission meetings
- Participated in a cowboy mounted shooting practice and had a lot of fun
- Visited the Adair Shooting Range and the Department's Region IV Office in Yuma
- Met twice with former Commissioner McLean on the Northern Arizona Shooting Range
- Met with Sandy Bahr with the Sierra Club about some issues
- Missed the meeting with Sky Island Alliance attended by Chairman Martin but plans to follow up and meet with them.

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18. Approval of Minutes and Signing of Minutes

There were no minutes approved or signed.

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19. Future Agenda Items and Action Items

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

- Upon completion of coordination with BLM and Bureau of Reclamation, the Department will send a letter to Yuma City to request that the County begin coordinating with the Department the transfer of the ownership of the Adair Shooting Range
- The Department will notify the public regarding Time Certains and the practice of agenda items being taken out of order and will include that in the beginning of the agenda
- The Department will only add the Commissioners Calendar item to the agenda when needed or requested by the Commission
- The Department will provide the Commission with instructions on how to access the new Commissioner's Calendar in Outlook.

Commissioner Freeman requested that as the Department's IT and online activities progress, that the Department look into developing a privacy policy, and that this item be placed on a future agenda for discussion.

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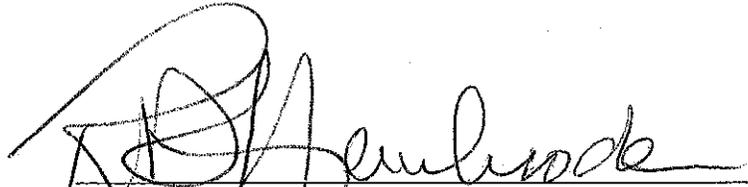
Motion: Freeman moved and Woodhouse seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

Vote: Unanimous

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Meeting adjourned at 3:48 p.m.

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Robert D. Hernbrode, Chairman



Jennifer L. Martin, Vice Chair

Robert R. Woodhouse, Member



Norman W. Freeman, Member



Jack F. Husted, Member

ATTEST:



Larry D. Voyles
Secretary and Director

Game and Fish Litigation Report
Presented at the Commission Meeting
May 15, 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 and intervenors filed motions for thirty day extensions to file responsive briefs. The court granted the motions and extended the date to file the briefs to April 15, 2009.

The court issued an order on April 27, 2009, granting the plaintiffs an additional 21 days from the date of the order to file a reply brief. The reply is now due on May 18, 2009.

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. **At a hearing on March 9, 2009, the Court granted Plaintiff leave to amend his Complaint. Plaintiff filed his Amended Complaint on March 10, 2009, and re-filed the same Amended Complaint on April 6, 2009. On March 27, 2009, the State filed a Conditional Answer to Plaintiff's Amended Complaint concurrently with a Motion to Dismiss Amended Complaint or Alternatively for Change of Venue. The State's Motion will be heard by the Court on May 26, 2009.**

(5/11/09) (JFO/SDC)

Lands Update

For the Arizona Game and Fish Commission

May 8, 2009

Phoenix, Arizona

FEDERAL LAND MANAGEMENT PLANNING

Coronado National Forest

The Department provided formal comments on the Proposed Travel Management Plan (PTMP) for the Santa Catalina Ranger District. In general, Department input has been incorporated, and the Department is supportive of the current PTMP. The Department asked the Forest to provide clearer visualization (i.e. a map) regarding the dispersed camping restrictions, as the road number list provided to the public is not very clear. We also asked that the area of the old Laquachi Archery Range be designated as Roaded Backcountry, and that an access road be designated a short distance into the Forest to provide dispersed hunter access.

The Forest plans to release a PTMP for the Nogales Ranger District soon, and the decision will be made for both these ranger districts together. The PTMP for other three Coronado Ranger Districts will follow at a later date.

Coconino National Forest

The Forest recently released their Wilderness Evaluation Report. The Department is currently in the process of carefully analyzing all 37 potential wilderness areas that met inventory criteria, with extensive review of 11 that may be carried forward to the next phase of possible designation. The Department is working with the Forest to provide a detailed description of current and planned habitat improvements, timing and execution of wildlife surveys, and hunter access issues for those 11 areas.

Kaibab National Forest

The Department submitted comments on the Forest's Ecological Sustainability Report: Species Diversity Section. The Department recommended that the Kaibab consider addition of all the State Wildlife Action Plan's (SWAP) Species of Greatest Conservation Need (Tier 1a, b, c) to their lists of Species of Concern (SOC) and the Species of Interest (SOI), with particular interest on Golden Eagle and Western Burrowing Owl. The Forest has informed the Department that there will be a formal process to update or modify the species list every 5 years. In addition, the Dept recommended that the Forest consider a more extensive list of threats to wildlife like those listed in the SWAP.

The Forest recently signed the Decision Notice and a Finding Of No Significant Impact (FONSI) was released for the Tusayan Ranger District's Travel Management Rule. The decision allows cross country motorized travel to retrieve a legally harvested and properly tagged elk. Hunters can travel up to 1 mile from any designated road, take one vehicle in a direct and safe route that minimizes resource effects and make the minimum number of trips during any elk season and for 24 hours following the close of a season. The Department is currently reviewing the FONSI and will continue to remain engaged in the process. Implementation is expected fall 2009. The Williams District is aiming for an EA release of their plan by the end of August, and the North Kaibab is expecting release of an analysis for a minimum road system this month.

SB 1441 HABITAT RESTORATION AND ENHANCEMENT FUND

Sunset: Since the last update the Clifton Ranger District has treated with prescribed fire 19,500 acres within Block A. Acres thinned is now at 110.

U.S. FOREST SERVICE

Four Forests Initiative

The US Forest Service (USFS) Southwest Regional Office is considering an accelerated, landscape-scale forest restoration project on four forests (Coconino, Kaibab, Apache-Sitgreaves, and Tonto), aka the Four Forests Restoration Initiative (4FRI). Discussions are in their early phases, and the Department is participating in a collaborative steering group building a general framework for this effort. The Four Forests Initiative calls for mechanical tree thinning and fire to restore fire-adapted ecosystems and reduce fire risk in Arizona forests. The effort seeks private sector involvement to offset costs of restoration, accelerate treatments, and bring economic development to rural communities in northern Arizona. 2.4 million acres will be considered, but the first phase may thin 300,000 acres over 10 years. The collaborative steering group is made up of multiple agencies, non-governmental organizations (NGO's), local governments, and wood product industries. Several press releases have gone out on this subject: the first was from the USFS Regional Forester announcing the Initiative; recently, the Grand Canyon Trust, the Center for Biological Diversity, and Arizona Forest Restoration Products (AZFRP – the industry proposing an oriented-strand board (OSB) plant near Winslow) signed an agreement to work together to utilize forest restoration by-products. The Department is actively supporting landscape-scale forest restoration that protects Arizona's communities, restores fire-adapted ecosystems, and enhances wildlife habitat. Details regarding tree diameter caps, land area to be treated, and flexibility in treatment design are all topics still heavily debated among steering group members, and the Department will remain actively engaged in the resolution of those issues.

Apache-Sitgreaves National Forest

Department personnel met with the Forest on April 2 for an annual Apache trout coordination meeting. Most of the recovery actions for Apache trout occur on this Forest and the Department has been working to keep the Forest as a willing partner in these efforts, holding coordination meetings once a year to discuss and resolve issues, and to plan out activities for the upcoming field season. Department personnel also presented a brief history of Apache trout recovery and issues that have come up and resolved in the past to the new Forest Supervisor, Chris Knopp. The meeting went so smoothly that the discussion involved questioning the need for future coordination meetings.

On April 8, Department personnel participated in a tour of the Rodeo-Chedeski Prescribed Fire Analysis area with members of the Forests, Natural Resources Working Group, and various community fire chiefs. The purpose of the tour was to familiarize those in attendance with the ongoing analysis, which aims to allow for the application of prescribed fire throughout most of the areas south of Highway 260 burned by the Rodeo-Chedeski fires of 2002. In addition to addressing current and future fuel loading concerns, project benefits include maintenance of browse and herbaceous forage production. The Department expressed its support for the proposed project, and continues to work closely with the Forest on the analysis.

Coronado National Forest

The Department continues to work with the Nogales Ranger District and the Coronado Supervisor's office on the Peña Blanca Lake dredging project. We held a volunteer campout on April 4-5 and built about 80 fish habitat structures for the lake. Further fish-habitat campouts will occur as soon as the contractor finishes dredging the south end of the lake.

On April 23-24 the Department and the USFWS surveyed Rucker Creek in the Douglas Ranger District to inventory aquatic species for an upcoming Biological Assessment. Three species were captured, Mexican stoneroller, *Campostoma ornatum*, the Yaqui form of the long-fin dace, *Agosia chrysogaster*, and rainbow trout, *Oncorhynchus mykiss*. The stream had very low flow for this time of year, but the fish population was still doing well. No frogs or garter snakes were seen.

Coconino National Forest

The Department recently met with the Mogollon Ranger District to review implementation plans for the Upper Beaver Creek Watershed Fuels Reduction Project. Plans call for fuels reduction, restoration, and prescribed fire on an approximately 50,000-acre area in the Beaver Creek Watershed. District biologists have incorporated significant wildlife design features such as movement corridors for turkeys, protection for northern leopard frog breeding sites, and tassel-eared squirrel thinning treatments. Pre- and post-treatment measurement on the squirrel plots is being done in coordination with the Department's Research Branch and will help inform future treatment design in ponderosa pine projects.

The Department recently reviewed the Buckhorn Range Allotment Management Plan (AMP) for the Red Rock/Mogollon Ranger Districts. The Buckhorn AMP calls for a reduction of utilization from 40% down to 30% within the winter range of the allotment, which runs along the north rim of West Clear Creek and is about 35,000 acres in size. While the Department supports the Districts' decision to reduce utilization, concerns remain over monitoring. Guidance for monitoring comes from the Forest Service Handbook 2209.13 Chapter 90, where an adaptive management approach calls for permittee monitoring of range condition and Forest review only every 5-10 years. The Department remains concerned about the Forest's ability to adequately monitor and adapt to impacts associated with range allotments. Ocular estimates by the permittee may not be objective, quantitative, or frequent enough to ensure the Forest's agility to respond to needed changes within and between seasons. The Department also raised these concerns on the Fossil Creek Allotment Management Plan and is currently reviewing the Decision Notice which was just released to determine how our concerns regarding Chapter 90 are being addressed by the Forest. One additional AMP has just been released for scoping: Walker Basin, which occurs just north of the Buckhorn, and will have similar utilization and monitoring concerns. The Department will remain actively engaged in review of these allotments because of their potential to significantly impacts critical riparian habitats and important big game winter ranges.

BUREAU OF LAND MANAGEMENT (BLM)

Havasu Field Office

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.

Phoenix District Office

The Department is currently developing preliminary input on the proposed Jojoba Solar Project. The project is proposed for development on BLM lands in the Little Rainbow Valley area south of the Buckeye Hills and just east of SR 85. The solar project will impact approximately 5 square miles of Lower Sonoran Desert Scrub habitat. The Department's primary concerns include habitat connectivity and loss, depletion of water resources, impacts resulting from site development and facilities, and project monitoring to evaluate project impacts and inform adaptive mitigation solutions. The project is within an area designated as a wildlife habitat linkage for movement of wildlife species between Buckeye Hills, Maricopa Mountains, and Sonoran Desert National Monument.

Yuma Field Office

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

Tucson Field Office

To facilitate interagency coordination, the Department has agreed to meet quarterly with the BLM Tucson Field Office, and the first meeting was held on May 5th. The agenda included discussions of the Middle Gila Travel Management Plan and the Ironwood Forest National Monument Resource Management Plan.

The Tucson Field Office has released the Middle Gila Transportation Plan and Environmental Assessment for 60 Day comment and public review. The Department has reviewed the plan and provided comments to the Tucson Field Office. The Department was an active participant in development of plan, which has had extensive public participation over the last decade. Nevertheless, the Department does not entirely support the proposed action, because of the proposal to allow unlimited use of extreme rockcrawling routes in xeroriparian areas. These routes are not needed for transportation, and we believe that vital wildlife habitat will be damaged.

Safford Field Office

The Department received a query of the Heritage Data Management System from the Safford Field Office regarding a proposed solar energy development on two townships (~72 sq miles) of BLM land south of Safford, off of 181 near Tanque Road. This solar project site would have all vegetation removed, the land would be graveled, and the entire site would be fenced. The land would be entirely covered with solar mirrors pointed at 600-foot tall towers. No other use of this public land would be allowed. The Department has requested close coordination on this project. We will send a letter identifying some of the wildlife issues with utility-scale solar development (public land converted to a single commercial use, habitat loss, water use, fragmentation, etc.), and the need for assessment and mitigation of wildlife impacts, monitoring, and research.

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 final draft of the Ironwood Forest National Monument Plan will be available in mid May for Department Review. The Department has made extensive comments on former drafts of the plan.

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. One law suit against both BLM and FWS alleges that the Resource Management Plans fail to protect California condors in the Grand Canyon from lead ammunition.

Agua Fria National Monument

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

Sonoran Desert National Monument (SDNM)

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

MULTIPLE AGENCY COORDINATION

The Department, the Bureau of Land Management Gila District, and the Coronado National Forest met for the annual Coordination Meeting on April 21-22. This three-way meeting format was value-added for all. The Department will continue to coordinate with the partner agencies as needed throughout the year.

U.S. FISH AND WILDLIFE SERVICE

Kofa National Wildlife Refuge (Kofa NWR)

Efforts to capture and collar additional lions on the Kofa NWR have resulted in the capture and collaring of one adult male lion. FWS monitoring of waterhole cameras have shown evidence of at least three lions still routinely using the Kofa Mountains Complex. The Commission voted to extend the Department's self-imposed moratorium on lethally removing offending lions captured and collared on the Refuge through July 31. The U.S. Fish and Wildlife Service (Service) requested the Department extend the moratorium due to the complexity of conducting the

environmental assessment (EA) for managing mountain lion predation on desert bighorn sheep on the Refuge, and the Service's estimated timeline of the end of the public scoping period for the EA. The Service anticipates completing the EA by the end of 2009. The total number of collared sheep is approximately 40. Efforts continue on a study to document and monitor body condition of bighorn sheep on Kofa NWR. The annual bighorn sheep survey on Kofa NWR was completed in October 2008 and the resulting population estimate was 436. This estimate is similar to the previous two years. Additional information on the management of bighorn sheep, lions, and water on the Kofa NWR can be found on the Department's web site.

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

San Bernardino National Wildlife Refuge (SBNWR)

The Department has been working with the staff at SBNWR and funds from the USFWS to propagate beautiful shiner, *Cyprinella formosa*, at the refuge. We have set up a facility, including a large breeding tank and two incubation tanks in a lab at the refuge headquarters. We currently have 15 broodstock, and they have produced eggs. Offspring will be stocked into ponds at the refuge and, through a Habitat Conservation Plan, at the Bar Boot Ranch. This is the first attempt to breed this Threatened fish in captivity and should go a long way in recovery efforts for this listed species.

GENERAL UPDATES

Arizona Department Of Transportation (ADOT)

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

This project is part of a larger I-17 plan and focuses on widening the existing freeway from the SR 179 exit to the I-40 interchange in Flagstaff. On April 23rd the Department attended a field review of the I-17 project. This field meeting was intended to visit all the locations along the section of I-17 that experience the highest number of collisions with wildlife, and those locations that telemetry data tells us that the animals cross or attempt to cross the freeway. Most of the collision and crossing sites occur above the rim in a section near Munds and Rocky Park, Newman Park, and Kelly and James Canyon's. Discussed at the field meeting were options for underpass spanned bridges, overpass arches (similar to those in Banff National Park), and modifications to the creation of larger box culverts for better wildlife crossing opportunities. All of these potential crossing structures would have funnel fencing tying them together so that animals don't get trapped in the roadway. These comments will be synthesized by the Consultant working on the project and incorporated into a Wildlife Accident Reduction Study. Ultimately, the Department is working toward getting these initial sets of recommendations into the Environmental Assessment as "placeholders" until more of the specific crossing data is retrieved from the GPS collars from over 75 elk that have transmitters along the freeway

Bow and Arrow Land Exchange

The Department continues to work cooperatively with the City of Flagstaff to pursue an exchange of Department-owned Bow and Arrow Park for 20 years of reclaimed water discharge from 3 sites along the Rio de Flag in addition to public access to 3 acres of City property for the purposes of watchable wildlife development. Interagency review of a cooperative agreement is

close to finalization, pending resolution of some concerns surrounding the City's obligations to deliver water during drought. The City of Flagstaff Water Commission is currently working on a drought contingency plan to identify which of their reclaimed water customers gets cut off first in the event of drought, and the Department is actively participating in this process to ensure the Bow and Arrow Agreement remains high priority in the drought contingency plan. Department personnel are actively meeting with City staff to expedite finalization of the agreement and City Council approval.

Annual Fish Surveys

Department personnel conducted annual fish population surveys at a number of lakes in March and April. Good carryover trout were found in Scott Reservoir, Show Low Lake, Carnero Lake, and Sponsellar Lake. Moderate carryover trout were found in Crescent Lake, Luna Lake, and Chevelon Lake. Of particular note, there were few signs of winter fish kills. Rainbow trout carried over well in Carnero Lake, Apache trout and Arctic grayling carried over well in Lee Valley Lake, while only brook trout carried over at Crescent Lake, which experienced a partial fish kill of rainbow trout.

Building a Quality Arizona – bqAZ

A Department workgroup has been coordinating with ADOT over the last few weeks to incorporate as much wildlife data as possible into the bqAZ framework before the Draft Statewide Recommended Transportation Framework Scenario is completed. Several draft maps have been created using combinations of the Department's Area of Conservation Priority (ACP) data, big game data, AZ Linkages, etc. as a first step in identifying areas for transportation avoidance, mitigation, and those areas of least conflict. It is expected that these maps may go through several iterations in order to best describe these areas. The maps are being reviewed by Habitat staff in the Regions as well as others that work on wildlife connectivity issues. Because ADOT is under a mandate to develop one recommended scenario of the bqAZ framework within a few weeks, the Department is working diligently to meet this deadline.

Cochise County

The Department, as a partner in the Wildlife Linkages Workgroup, met with Cochise County planners as well as the Cochise County Public Lands Advisory Committee to introduce the idea of a regional wildlife linkage analysis in the county. The Department would like the County to join the Wildlife Linkages Workgroup as a full partner to complete a wildlife linkages assessment at the county scale. This is part of a statewide effort which has already started in Maricopa and Coconino counties.

Fish Management Planning

Department personnel met with Round Valley Irrigation, Luna Irrigation, Springerville-Eager Town leaders, Apache-Sitgreaves National Forest, and leaders from a new lake association (angler group advocating better management of sportfish lakes) on March 9 and 12 to discuss a fish management planning process for lakes on the east side of the Region in Apache County. Each lake was discussed in detail including the past management, biology of the lake, and what has and has not been working. The group also brainstormed general management goals for each water. Department personnel will take the management goals, attempt to balance opportunities with angler demand with a regional perspective, develop strategies to help reach those goals, and then meet again with the group to discuss the plan before it is finalized.

Great Western/Glassford Hill Extension Design Concept Report (DCR)

The Great Western DCR is a roadway development study being carried out by AECOM for Central Yavapai Metropolitan Planning Organization (CYMPO). The purpose of the study is to identify an alignment for a limited access roadway connector from a location near the Glassford Hill Traffic Interchange on SR 89A to Road 5 South and the Southern connection of the Chino Valley Bypass. Participants on the TAC include CYMPO, Yavapai County, Chino Valley, Prescott, and Prescott Valley, ASLD, AGFD, and Prescott ADOT. The Department will continue to be actively involved in this planning effort, which includes compliance with the National Environmental Policy Act (NEPA). Monthly project meetings continue, but no new developments have arisen. The Department is still seeking partnership to fund a pronghorn research and collaring effort in the proposed project footprint. If funded, the project will provide the telemetry data necessary to provide sound, project-related management decisions.

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

The Department will meet with ADOT to discuss the fencing design change proposed for the MP 2-17 SR 93 project. In order to increase likelihood that bighorn sheep overpasses will function effectively, the Department proposed an expansion of 7' Funnel fencing associated with the crossing structures. At the upcoming meeting, ADOT will share their perspective on the fencing. ADOT hopes to reach an agreement on the fence specifications at this meeting. No further information has yet become available from Contech Bridge Solutions Inc. regarding the proposed, alternative Conspan Arch, sheep crossing structures.

Maricopa County

The Department attended the Agency Stakeholders meeting for the Rainbow Valley Area Drainage Master Plan. The Maricopa County Flood Control is currently analyzing flood control alternatives for the Rainbow Valley area south of Phoenix that address 4 goals:

- Provide flood hazard protection for the public safety
- Provide multipurpose benefits to the community
- Compatible with regional land planning
- Implementable plan

The goal of providing multipurpose benefits includes preserving wildlife movement corridors and protecting or enhancing natural resources. The Department has been working with the BLM and the District to incorporate linkage designs between the Sierra Estrellas and Maricopa Mountains/Sonoran Desert National Monument into various land use plans. The City of Goodyear, BLM, Maricopa County Parks Department, and Maricopa County Flood Control District have stated they support the departments goals and implementation of the linkage designs into their various land use plans.

The Department met with the Ellman Corporation, City of Surprise, and Maricopa County Flood Control to discuss ways to design open space for the proposed Desert Trails community. The purpose of the meeting was to enhance wildlife habitat linkage goals that will benefit the White Tank Mountains and surrounding desert valley. Plans are to preserve desert wash corridors and limited amounts of floodplain in an undeveloped state. All road crossings will have bridge and/or culverts that meet department guidelines for wildlife movement. The developer will coordinate with the Department in the future on other design elements to protect and enhance wildlife movement through the development. This community is the first to be built since the Department began working with the City and Flood Control on White Tank Mountain linkages.

Maricopa County Ordinances P-28 and P-27

Department Personnel continue to work with Maricopa County Air Quality Department (MCAQD), Sheriff's Office (MCSO), County Parks, Arizona State Parks, Arizona State Land Department, the US Forest Service, and the Bureau of Land Management on implementation of the recently enacted P-28 and P-27 Ordinances. These strict liability ordinances are designed to address dust abatement issues in unincorporated Maricopa County by making operation or parking of vehicles on lands other than roads (as defined in ordinance) unlawful. In late June the Department met with the Maricopa County Division of Air Quality and the Sheriff's office to draft a policy allowing hunters and anglers access and parking privileges on some of the non-exempted properties in unincorporated Maricopa County. This policy is still under review by the County's legal staff. The Department was recently informed that Director Lawrence Odle was evaluating the Department and Commission's comments along with the P-28 policy making negotiations prior to continuing with revisions on Ordinance P-28. There is currently no timeline for when revisions for Ordinance P-28 would go before the Maricopa County Board of Supervisors. Ordinance P-27 is also under going revisions but is currently on hold.

On February 25th, 2009 Director Larry Voyles met with Director Lawrence Odle to discuss Ordinances P-27 & P-28. During this meeting Director Odle stated that he is assessing several comments pertaining to the Ordinances and weighing the alternatives prior to finalizing revisions to send to the County Board of Supervisors. As a result of the February 25th meeting the Department will be taking Director Odle and staffers for an aerial tour of Maricopa County on May 21, 2009 to show those areas utilized for wildlife related activities that will be most heavily affected by Ordinance P-28. The Departments are also working together to create a conference addressing dust ordinances and OHV regulations for regulatory agencies within Area A. The conference is anticipated to take place in October of 2009. The Arizona Game and Fish Department will also include dust concerns in the latest revision of the OHV Rules and Regulations and the Desert Wells Multi use Area brochures.

On May 2, 2009 Department personnel made a presentation to the American Sand Association pertaining to OHV rules and regulations. Included in the panel presentations were the regulations governing HPA PM₁₀ days and Ordinance P-28.

The Department has also been working with the Arizona State Land Department on access issues in Maricopa County related to dust. ASLD has received 30 notices of violation from the Maricopa County Air Quality Department 29 were directly attributed to OHV use. ASLD has considered several closures to protect themselves from future notices. The Department and ASLD are scheduled to meet again on May 11th, 2009.

Northern Pike Removal

Department personnel worked for two weeks in early March mechanically removing illegally introduced northern pike from Rainbow Lake, Navajo County. Over 200 pike were caught and removed, however, the numbers and sizes of large pike indicated that mechanical removal efforts conducted over the last several years have had only minor reductions on the population. Other alternatives to control or remove northern pike from the lake are currently being considered.

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 Subcommittee has not met so far this year.

Pinal County

The final draft of Pinal County's comprehensive plan has been held up due to numerous objections regarding potential Prop 207 (takings) claims which may arise as a result of the open space component of the Land Use Plan.

The County has informed the Department that the linkages between open space blocks will be removed from the Land Use Plan. Although these linkages were developed independently by the County's stakeholder group, they were the only potential wildlife corridors linking blocks of open space depicted in the Land Use Plan. The County will continue to keep the Open Space and Trails Master Plan (OS&TMP) incorporated into the comprehensive plan, but the open space component will no longer be part of the Land Use Plan and so will not carry the same regulatory authority.

The Department supports incorporation of the OS&TMP and has met with the County expressing the desire to be a partner in revising the OS&TMP when it comes up for a five-year revision. The Department has recommended additional open space linkages for wildlife, especially between the Tortolita and Catalina Mountains and between Ironwood Forest National Monument and Picacho Peak State Park.

The Department has begun initial inquiry with County planners to plan for stakeholder workshops for the Regional Wildlife Linkages Assessment.

Pinal Partnership

The Department participates on the Pinal Partnership Open Space, Trails, and Public Lands Committee. The Committee is working on several products including a brochure describing significant natural attractions, a map showing natural features, open space, and planned development, and a slide show describing benefits of open space. The Arizona Land and Water Trust is investigating the potential for using all these products as a starting point to begin a discussion in Pinal County regarding an open space acquisition bond initiative similar to the program in Pima County.

Ranch Management Efforts

Following last month's Coordinated Resource Management Planning meeting for the Gediordia Allotment in unit 15CSouth, the Department, BLM, and Arizona Desert Bighorn Sheep Society (ADBSS) have initiated efforts to cost-share the renovation of Basin Well – an important, but currently defunct perennial water in bighorn sheep habitat. The Department, BLM and Willard Springs Ranch LLC have approved funding the project. We are waiting on a final commitment from ADBSS.

The Department continues to coordinate with the BLM and management from Francis Creek Ranch to investigate the development of three wildlife waters that would benefit resident antelope and wildlife populations on Goodwin Mesa. The water developments, located in

Wilderness, were identified in the Upper Burro Creek Wilderness Management Plan, the Aquarius Habitat Management Plan, and Arizona Statewide Pronghorn Operational plan. The Department plans to meet with partners for a second site visit, and to continue discussing this opportunity on May 13th.

The Department, in cooperation with the BLM, continues to install wildlife-friendly fencing that will exclude cattle from roughly 4 miles of riparian habitat on Crozier Ranch's Wright Creek – located in unit 18A.

Renewable Energy

The Department generally supports the development of renewable energy, and believes with proper site placement and safeguards; impacts to wildlife and wildlife habitat can be avoided, minimized, or mitigated. The Department is participating in several efforts to identify potential renewable energy zones in Arizona. The Western Governors' Association (WGA) and U.S. Department of Energy launched the Western Renewable Energy Zones Project (WREZ). The WREZ Steering Committee is comprised of governors, public utility commissioners and premiers.

The Arizona Game and Fish Department has been participating in the WREZ process to provide the WGA with wildlife data and information to help inform the WREZ process concerning wildlife sensitivities and possible conflicts with utility scale renewable energy development. Although the categorization of wildlife sensitivities was uniformly applied throughout the western states, AZ was able to provide some of the most comprehensive data sets and information. This has become a contentious issue for renewable energy companies and developers who are prospecting in AZ, and is viewed by some as a significant barrier to development. The WGA WREZ process has developed maps using the Department's wildlife data that lend to a visual misinterpretation of the development potential for AZ. The Department is working closely with the WGA, the Governor's office, Arizona Corporation Commission, Senator Allen's office, and various other stakeholders to provide information and guidance on how wildlife data and information should be interpreted in regards to renewable energy development.

Sonoran Valley Parkway

The Department met with BLM Phoenix District and consultants with SWCA to discuss potential wildlife and habitat impacts as a result of the development of a 6 lane parkway through Rainbow Valley, south of Phoenix and recently annexed by the City of Goodyear. The parkway alignment will transect the Sierra Estrellas to Sonoran Desert National Monument linkage. The City of Goodyear has contracted development of an Environmental Impact Statement for the proposed parkway. Construction of the parkway will most likely be a phased approach beginning with a 2 lane paved road. The Department will be working with the consultants, City of Goodyear and BLM on wildlife habitat connectivity goals for the linkage area, as well broader mitigation measures to design a parkway that minimizes impacts to wildlife and maximizes permeability in recommended crossing locations. The proposed parkway will be adjacent to several utility corridors and a future interstate highway.

Sport Fish Stocking Environmental Compliance Update

The Department, along with the U.S. Fish and Wildlife Service (Service), is continuing the environmental analysis of the sport fish stocking program. The analysis includes Endangered Species Act and National Environmental Policy Act compliance for the 150+ sites that are stocked across the state of Arizona. The analysis began last spring and a one year extension (thru June 2009) of our current stocking activities was fashioned to allow the longer term 10-year analysis to take place. Due to the complexity and time requirements of the 10-year analysis, another extension is being sought. The Department is working with the Service to approve the extension and continue to provide sport fish stocking in the interim.

SR 87

The Department met with ADOT and Tonto National Forest to discuss mitigation measures for highway impacts to desert tortoises. Highway improvement plans include reconstruction, widening, and erosion control. There will be a few culvert replacements and extensions. The project area traverses high quality tortoise habitat between Sugarloaf Mountain and Four Peaks on the Tonto National Forest. The Department has conducted long-term monitoring and research on tortoises in this area. Data indicates that tortoises occur on both sides of the highway but provides no insight on the location or occurrence of tortoise movement across SR 87. The Department will be providing recommendations on culvert improvements and/or location of fencing to encourage tortoises to cross under the highway through culverts to prevent road mortalities. ADOT is not considering the development of bridges or extensive culvert modifications.

White Mountain Flyfishing Club

Department personnel met with representatives of the White Mountain Flyfishing Club on February 26 to discuss concerns from the club regarding the Region's fish sampling surveys. They were concerned that too many fish, especially large trout, were being killed during fish population surveys in key lakes in the Region. The Standardized Fish Sampling Protocol was explained in detail, giving insight to why surveys were conducted as they are, dispelled a few rumors about the numbers of fish dieing in survey nets, and discussed ways to reduce fish mortalities during Department surveys. The group was very satisfied with the response and discussion, and invited biologists to share this information to the rest of the club. A regional biologist presented similar information to the entire club at one of their regular meetings in April.

Workman Creek Uranium Mine Remediation

The Forest Service solicited comments on their plan to remediate hazards associated with uranium mine addits along Workman Creek. Gamma radiation is the big issue with old mine spillage that was stockpiled in the 1970s along Workman Creek at the campground. Gamma radiation is also a hazard at the entrances to some of the uranium addits. They are going to remove contaminated soils at the campground, and realign a few quad trails that go past some of the addits. The Department supports their plan because it will enable the Forest Service to re-open the campgrounds along Workman Creek to overnight use.

**ARIZONA GAME AND FISH DEPARTMENT
WATERCRAFT LICENSING FUND**

WATERCRAFT LICENSING FUND (A.R.S. §5-323)

SOURCE: Registration Fees for the licensing and numbering of watercraft. Fund is appropriated by the Legislature.

PURPOSE: Administration and Enforcement of watercraft registration, boating safety laws and for providing information and education programs related to boating and boating safety.

HB 2633 WATERCRAFT LICENSING FUND APPROPRIATIONS

FY 09 Appropriation	\$3,491,700
FY 10 Lump Sum Reduction	\$1,410,900
FY 10 TOTAL APPROP	\$2,080,800
FY10 Line Item Appropriations	\$1,821,800
LCR MSCP	\$350,000
WC Grant Program	\$250,000
WC Safety Ed. Program	\$1,175,000
Performance Incentive Pay	\$46,800

PROPOSED AMENDMENT TO HB 2633 RELATED TO THE WATERCRAFT LICENSING FUND

FY 10 Lump Sum Reduction	\$1,410,900
FY 10 TOTAL APPROP	\$2,080,800
INCLUDE- FY10 Line Item Appropriations	\$1,821,800
LCR MSCP	\$350,000
WC Grant Program	\$250,000
WC Safety Ed. Program	\$1,175,000
Performance Incentive Pay	\$46,800
INCLUDE- Remaining FY 10 Appropriations	\$550,000
Law Enforcement Activity (PS/ERE/AOO/Travel/Equip)	
FY 10 TOTAL APPROP	\$2,080,800 \$4,452,600

Currently, the Watercraft Licensing Fund generates approximately \$5,500,000 in revenue. Any non-appropriated funds remain unexpended in the Watercraft Fund. The Department is requesting an additional appropriation in order to maintain our watercraft registration (revenue generation) capability and to perform boating law enforcement activities in those high priority areas of the state.