

Minutes of the Meeting of the  
Arizona Game and Fish Commission  
Friday, May 1, 2015  
Saturday, May 2, 2015  
Bullhead City Council Chambers  
1255 Marina Blvd.  
Bullhead City, Arizona 86442

PRESENT: (Commission)

(Director and Staff)

Chairman Robert E. Mansell  
Vice Chairman Kurt R. Davis  
Commissioner Edward "Pat" Madden  
Commissioner James R. Ammons  
Commissioner James S. Zieler

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

Chairman Mansell called the meeting to order at 8:00 a.m. and led those present through the Pledge of Allegiance. The Commission and Director Voyles introduced themselves and Director Voyles introduced his staff. This meeting followed an agenda revision #2 dated April 30, 2015.

\* \* \* \* \*

### 1. Call to the Public

Tom Brady, Mayor of Bullhead City, welcomed the Commission to Bullhead City and expressed appreciation for their cooperative relationship with the Department.

Kevin Ward, representing local waterfowl hunters, recommended the Commission look into an issue at the Havasu National Wildlife Refuge. The refuge needs to plant the agricultural fields within the Pintail slew with grain crops to provide nutrition for ducks and geese and to enhance the opportunity for waterfowl hunting. Currently, the farming operation has ceased and the refuge has stated that it has no intent to resume farming practices.

Hildy Angius, Mohave County Supervisor for District 2, welcomed the Commission and thanked them for holding their meeting in Bullhead City; also thanked the Commission for all their work on Willow Beach.

Larry Adams, former Arizona Game and Fish Commissioner, thanked the Commission for the restoration of Willow Beach Fish Hatchery, and suggested that the State of Nevada should be a financial partner in regards to the hatchery, because they share the benefits.

Rusty Braun, Bullhead City resident and owner of marina and fish tackle and bait shop, thanked the Commission for what they have done for anglers regarding the restoration of the hatchery.

\* \* \* \* \*

### 2. Consent Agenda

The following items were grouped together and noticed as consent agenda items to expedite action on routine matters, and/or they were previously presented to the Commission as a “first read” item. These items were provided to the Commission prior to this meeting and the Department requested that the Commission approve these matters as presented, subject to approval or recommendations of the Office of the Attorney General. Director Voyles presented these items to the Commission and no items were pulled for discussion. The Commission took action on the following:

a. Lands and Habitat Program Update

**Presenter:** Joyce Francis, Habitat Branch Chief

The Commission was provided with a written Lands and Habitat Program Update (attached) prior to this meeting (also available to the public) of Department activities and events related to the implementation of land and resource management plans and projects on private, state and federal lands in Arizona and other matters related thereto. The update covers activities and events that have occurred since the February 6, 2015 Commission meeting. The update was placed on the consent agenda for approval or to be pulled from the consent agenda for questions and/or discussion.

b. Shooting Sports Activities Briefing

**Presenter:** Marty Fabritz, Shooting Sports Branch Chief

The Commission was provided with a written Shooting Sports Activities Briefing prior to this meeting (also available to the public) of Department activities related to shooting sports, including shooting programs and shooting range development statewide. The briefing covers activities that have occurred since the February 6, 2015 Commission meeting. The briefing was placed on the consent agenda for approval or to be pulled from the consent agenda for questions and/or discussion.

c. Information, Education and Wildlife Recreation Activities Briefing

**Presenter:** Anthony Guiles, Assistant Director, Information, Education and Recreation Division

The Commission was provided with a written Information, Education and Wildlife Recreation Activities briefing prior to this meeting (also available to the public) of Department activities and events related to Information, Education and Wildlife Recreation Programs. The briefing covers activities and events that have occurred since the February 2015 Commission meeting, including the proposed Wildlife Center project. The briefing was placed on the consent agenda for approval or to be pulled from the consent agenda for questions and/or discussion.

d. Law Enforcement Program Briefing

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

The Commission was provided a written update (also available to the public) on activities and developments relating to the Department’s Law Enforcement Program. The update covers

activities and events that occurred since the February 6, 2015 Commission meeting. The update is in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding the Department's law enforcement activities and presents highlights of new activities, as well as progress toward ongoing issues and efforts related to wildlife, watercraft and off-highway vehicle law enforcement. The update was placed on the consent agenda for approval or to be pulled from the consent agenda for questions and/or discussion.

e. Approval to Repeal Commission Policy A2.27, Disposal of Exceptional Trophy Quality Heads, Hides, Horns and Antlers

**Presenter:** Jim Hinkle, Assistant Director Field Operations Division

The Department requests that the Commission repeal Commission policy A2.27, Disposal of Exceptional Trophy Quality Heads, Hides, Horns and Antlers. There is no longer Commission participation in the Wildlife Assets Committee, therefore the Department recommends repealing the Commission Policy and adopting a Department policy establishing requirements for wildlife assets.

The Department recommends THAT THE COMMISSION VOTE TO REPEAL A2.27, DISPOSAL OF EXCEPTIONAL TROPHY QUALITY HEADS, HIDES, HORNS AND ANTLERS.

f. Approval of Memorandum of Understanding (MOU) with the University of Pittsburgh

**Presenter:** Amber Munig, Big Game Management Program Supervisor

The Department requests Commission approval of an MOU to allow the Department to establish a framework for collaboration and cooperation between the Department and the University of Pittsburgh. The Department works with a variety of universities who provide specialized expertise and technical services that support the Department's Mission and benefit Arizona's wildlife resources. This MOU would establish formal lines of communication and provide a legal and procedural framework for subsequent collaboration at the project level, both of which will help assure the quality and high standards of the Department's work. The University of Pittsburgh conducts research that has relevance to wildlife management in the U.S. Southwest and has recognized expertise in wildlife research, therefore the University of Pittsburgh represents a valuable research partner. This MOU would establish a working partnership with Regents of the University of Pittsburgh for mutually beneficial research opportunities for the common purpose of guiding wildlife management decisions.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE REGENTS OF THE UNIVERSITY OF PITTSBURGH AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

g. Approval of El Coronado Ranch Forest Legacy Conservation Easement and All Associated Agreements

**Presenter:** Joyce M. Francis, Habitat Branch Chief

The Department requests that the Commission approve holding a Conservation Easement on the El Coronado Ranch, located in Cochise County, Arizona, through a USFS Forest Legacy Grant, in partnership with The Trust for Public Land and the Arizona State Forester. El Coronado Ranch is 1,920 acres held by private landowners Josiah and Valer Austin, and is located within a critical watershed along Turkey Creek in the Chiricahua Mountains. The Arizona State Forester and The Trust for Public Land worked very closely with the landowners to apply for the USFS Forest Legacy Program grant, which was awarded for funding in January, 2015, for the purchase of a conservation easement on the El Coronado Ranch. Turkey Creek Canyon consists of riparian forest habitat with Madrean pine-oak woodland along its slopes. Forest Legacy funds require that the holder be a government agency.

The protection of this ranch with a Forest Legacy conservation easement will prevent habitat fragmentation and degradation of a very important creek and riparian habitat and offer multiple benefits for wildlife habitat. If the Commission holds this conservation easement, the Austin's have agreed to allow the Department access to the El Coronado Ranch for project specific needs, such as non-native, invasive species eradication, access to the turkey barn, and access to their other ranches through separate agreement, on a project specific basis. Protection of the ranch also furthers the federal recovery plan for the Fishes of the Rio Yaquai, which specifically identifies West Turkey Creek's population in the U.S. for federally-listed fish included in that recovery plan. As holders of the conservation easement, the Department would be responsible for the required yearly monitoring and reporting as well as enforcement. Annual monitoring of the easement will be provided by Tucson Audubon through agreement.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE HOLDING A CONSERVATION EASEMENT ON THE EL CORONADO RANCH, LOCATED IN COCHISE COUNTY, ARIZONA, THROUGH A USFS FOREST LEGACY GRANT AND AUTHORIZE THE DEPARTMENT TO ENTER INTO ALL RELATED AGREEMENTS NECESSARY TO COMPLETE THE TRANSACTIONS.

h. Renewal of an Arizona State Land Department Right-of-Way at Emigrant Canyon.

**Presenter:** Joyce Francis, Habitat Branch Chief

The Department requests that the Commission approve the renewal of a ten-year Right-of-Way, No. 018-054207 for continued access into Emigrant Canyon in Cochise County. In May of 1994, the Commission approved a ten-year Right-of-Way from the State Land Department for roadway access through Emigrant Canyon. The current 10-year Right-of-Way expires April 19, 2015.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE RENEWAL OF THE TEN-YEAR RIGHT-OF-WAY, NO. 018-054207 FOR CONTINUED ACCESS INTO EMIGRANT CANYON IN COCHISE COUNTY AND AUTHORIZE THE DEPARTMENT TO ENTER INTO ALL RELATED DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTIONS.

i. Approval of Memorandum of Understanding (MOU) with Babbitt Ranches L.L.C.

**Presenter:** Al Eiden, Landowner Relations Program Manager

The Department requests Commission approval of an MOU with Babbitt Ranches L.L.C. in order to cooperate regarding Wildlife Related Recreational Access Routes in Game Management Units 7, 9, and 10. Babbitt Ranches L.L.C. and the Department agree to implement the MOU by promoting the Babbitt Ranches Statement of Values, *The Constitution of Babbitt Ranches*, consistent with the Department Core Concepts and Guiding Principles, and the Outdoor Recreation Ethics Attitude Book. Babbitt Ranches L.L.C. and the Department also agree to implement mutually agreed upon outreach efforts to inform recreational users about land use and recreational ethics.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE MOU BETWEEN BABBITT RANCHES L.L.C. AND THE DEPARTMENT.

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

**Vote:** Unanimous

\* \* \* \* \*

### 3. Legislative Engagement and State and Federal Legislation

**Presenter:** Jorge Canaca, Legislative Liaison

Mr. Canaca provided a PowerPoint presentation and briefing on the current status of selected state and federal legislative matters. The presentation included the following:

#### State Legislation Update

The Legislature has sine died. The general effective date for enacted legislation is July 3, 2015. The Department is working to implement any bills that impact the Department and to finalize a legislative summary report to distribute at the June Commission meeting.

Interim Activities: The Department is preparing to call for 2016 legislative proposals. The process for proposals is as follows:

- May/June - Request Proposals
- July - Research Issues
- August - Team Review
- September - Present vetted Proposals
- September - Governor's Deadline?
- Oct/Nov - Draft Language/Stakeholder Meeting
- December - Final Commission Direction/Secure Sponsors
- January 2016-Introduce Bills

**Legislative Excursions:** The Department works to educate legislative and congressional members and staff on issues facing the Department. The Department is planning legislative excursions to discuss potential topics such as Mexican gray wolf, Grand Canyon Bison, hunter access, monument designation, wildfire impacts, shooting recreation opportunities, species listings, and burros.

#### Congressional Update

**S 782, Bison Management Act:** Senator McCain and Senator Flake sent letters this week to the Chair of the Senate Environment Natural Resource Committee and requested a hearing on the Bison Management Act. The Department will prepare a letter from Chairman Mansell in support of holding a hearing on this legislation. The Department is also assisting the Senators in organizing letters of support from constituents. If a hearing is granted, the Department requests that Chairman Mansell provide testimony at the hearing.

**Monument Designations:** In an excerpt from the DOI Senate Budget Hearing on February 24, 2015, Secretary Jewell made the following statement: “The Department has no current plans to propose a designation of monuments in Arizona under this authority. Moreover, the Department engages in robust consultation with national, state, local, and tribal stakeholders prior to the designation of any monument, in keeping with the President's commitment.”

Mr. Canaca reported that the Arizona Game and Fish Department has not been contacted.

\* \* \* \* \*

#### 4. Key Systems Development Initiatives

**Presenter:** Doug Cummings, Branch Chief, Information Systems

Mr. Cummings presented an overview of key systems development initiatives using a PowerPoint presentation. The presentation included future functionality for the Portal, Portal operations, and the development of other related systems driving data integration and the ability to deliver additional functionality and content into the Portal. The presentation also included:

- Current status of post Portal launch (over 6,000 accounts established)
- Customer feedback includes questions, ideas for improvement, and compliments
- Draw result issues and solutions
- Improvement in performance
- Added features and content management
- Advertising targeted for June 2015

Mr. Cummings provided a Conceptual Delivery Model for current and future development that included:

- Online Sales and Reconciliation
- Portal 1.X
- Portal 2.X
- Paperless Dealer Sales
- Tag Surrender

- Game Data Management 1.X
- Hatchery Management 1.X
- FINS.2.X
- Online Draw Performance

Commissioner Davis recommended that the Department's team look at a broader timeline and strategy related to going paperless and target a complete package rather than meet the current January deadline, which puts it together piece by piece.

Chairman Mansell asked the Department to discuss Commissioner Davis' recommendation with the team and asked Commissioner Davis if he would participate in those discussions.

Commissioner Davis agreed.

\* \* \* \* \*

## 5. Wolf Briefing

**Presenter:** Jim deVos, Assistant Director, Wildlife Management Division

Mr. deVos provided a PowerPoint presentation and a general wolf briefing that included an update on all actions the Department has taken since the last Commission meeting to accomplish the direction provided by the Commission at the August 5, 2014 Commission Meeting. The following updates were provided:

### Legal Activity Update

Center for Biological Diversity v. USFWS:

- Arizona Game and Fish filed a motion to intervene on April 15.

NM Cattle Growers Association v. USFWS:

- The court granted the motion to transfer the case to the District Court in Arizona.

### Summary of AGFD Activities Since the Last Commission Meeting

- Met with Arizona Farm Bureau Board
- Provided information to Assistant Attorney General
- USFWS released 2 adult wolves on April 22 to replace 2 animals illegally killed
  - Soft release; wolves self-released from mesh pen within 2 hours
  - Consistent with Commission guidance
  - Potential cross-fostering of 2 pups between May 15-30.

### Legislative Monitoring

SB 1466; Livestock loss board; compensation fund: Establishes a 9-member Livestock Loss Board to address the depredation of wolves on livestock operations

- Signed by Governor Ducey; effective July 3, 2015
- Scheduling an internal meeting to discuss next steps

- Developing a list of sportsmen with livestock knowledge to submit to Governor's staff for consideration.

### Public Comment

Barbara Pape, community member, addressed the Commission questioning the need for Mexican wolf reintroduction and the money spent on this animal.

The Commission and Department discussed with Ms. Pape why the Department participates in Mexican wolf recovery.

**Motion:** Davis moved and Madden seconded THAT THE COMMISSION VOTE TO PROVIDE THE DEPARTMENT DIRECTION TO CONTINUE TO INTERACT WITH THE FISH AND WILDLIFE SERVICE FOR THE DEVELOPMENT OF AN ACCEPTABLE MANAGEMENT APPROACH FOR THE MEXICAN WOLF.

**Vote:** Unanimous

\* \* \* \* \*

Meeting recessed for a break at 9:12 a.m.

Meeting reconvened at 9:28 a.m.

\* \* \* \* \*

### 6. Request to Approve Proposed Rulemaking Amending R12-4-202, Disabled Veteran's License.

**Presenter:** John Bullington, Assistant Director Special Services

Mr. Bullington briefed the Commission on the Department's proposed rulemaking amending R12-4-202, Disabled Veterans License. The Department's Disabled Veteran's License was selected for the first wave of the Lean Transformation of Arizona State Government. The Department proposes to amend R12-4-202 to enact amendments developed as a result of working with the Transformation Office through the Permit Blitz process. The Department proposes to amend R12-4-202 to allow the Department to accept a benefits letter issued by the U.S. Department of Veterans Affairs or downloaded from their website as proof of eligibility and allow applicants to attest that application information is true and correct, instead of requiring a notarized signature. This proposed change will save both the applicant and Department time and resources.

If approved by the Commission and in accordance with the exemption authorized by the Governor's Office, the Department will submit this rulemaking to the Secretary of State's office for publication in the *Arizona Administrative Register*. The Department will accept public comment for 30 days after the Notice of Proposed Rulemaking is published. Once the public comment period has passed, the Department will present Final Rulemaking to the Commission for their consideration.

**Motion:** Ammons moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE THE NOTICE OF RULEMAKING DOCKET OPENING, NOTICE OF

PROPOSED RULEMAKING, AND ECONOMIC IMPACT STATEMENT AMENDING R12-4-202, DISABLED VETERAN'S LICENSE.

**Vote:** Unanimous

\* \* \* \* \*

6A. Approval to Amend Commission Policy A2.39, License Classification; Fees

**Presenter:** Jennifer Stewart, Rules and Risk Branch Chief

Ms. Stewart briefed the Commission on the Department's recommendation to amend Commission policy A2.39 that provides the Commission's process for establishing License Classifications and Fees authorized under A.R.S. §§ 5-321, 5-322, 5-327, and 17-333. The amended policy (attached) references A.R.S. § 5-322 and includes the application fee. These changes update the policy to reflect current statutory authorities and provide additional flexibility for Commission actions.

**Motion:** Madden moved and Zieler seconded THAT THE COMMISSION VOTE TO APPROVE THE MODIFICATION TO COMMISSION POLICY A2.39, LICENSE CLASSIFICATION; FEES, AS PRESENTED.

**Vote:** Unanimous

\* \* \* \* \*

7. Briefing regarding the status of Burro populations in Arizona

**Presenter:** Pat Barber, Yuma Regional Supervisor

Mr. Barber provided the Commission an informational briefing using a PowerPoint presentation regarding the status of burro populations in Arizona. The presentation included photos, maps and data regarding the abundant populations of burros in Arizona, their adverse impacts to critical habitats, and potential adverse effects to native wildlife species. The following information was also provided:

Overview of Wild Free-Roaming Horse and Burro Act of 1971

- Protects Horses and Burros on Public Lands
- Established Herd Areas (HA) where horses and burros were located on public lands in 1971
- Created Herd Management Areas (HMA) where horses and burros could be feasibly managed within HA's
- Required management to "to be carried out in consultation with wildlife agency of the State"
- Required to do surveys to determine current population size
- Stated the Secretary "shall manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands."

- Established Appropriate Management Level (AML): population size that maintains balance
- Secretary “shall immediately remove excess animals from the range so as to achieve appropriate management levels.”

#### Issues:

Over population (excess animals in terms of Act) of burros can have significant negative impacts on vegetation, habitats, water sources and thus wildlife

- Statewide AML is 1,316, current populations estimated at 4,411 or 3.4X statewide AML
- Two significant gathers in the last 4 years, and no indication any will occur in the near future
- Most burro populations centered on the most sensitive riparian habitats
- Burros have expanded into new areas establishing permanent populations; 734 burros projected to be outside of HMAs in 2015, up from 588 in 2014
- Burros compete with native wildlife for high quality forage
- Burros can persist on vegetation of lower nutritional quality-higher fiber content: can digest faster and consume more vegetation/time
- Burros dominate/outcompete wildlife at water sources in times of drought
- Native predators may take unprotected foals, rarely take adults
- The population range for burros and their corresponding impacts could expand beyond current HMAs into additional sensitive areas

#### Excess Animals:

- Adoptions are not meeting demand; BLM has chosen not to euthanize excess animals.
- Holding facilities are frequently full; BLM has room for only a limited number or no additional animals in holding facilities limiting or preventing new removals
- In FY2015 BLM had 48,335 horses and burros in holding facilities for a program cost of \$43,235,000 (compared to a \$1.2 million capture/removal budget)
- Activists litigate against removals, and are delaying or preventing removals and diverting resources from horse and burro management.

An excerpt from the Department of the Interior, Inspector General Report on Wild Horses and Burro Program 2010, Page 1 states “We found that BLM lands cannot sustain the growing population of wild horses and burros and that the growing population of these animals must be addressed to achieve and maintain a thriving natural ecological balance of the authorized uses of the land.”

#### Summary:

- Burros are not native and did not evolve with the Sonoran Desert Ecosystem
- The Department is not opposed to the Act, nor fighting for removal of burros from the landscape
- History indicates that burro populations at or below AML have minimal impacts to wildlife
- Not the typical “wild horse vs. livestock” issue

- Burros can have negative impacts to public trust wildlife species and desert and riparian habitats, when above AML the thriving ecological balance is not maintained and wildlife will be impacted

The Bureau of Land Management is responsible for managing burro populations within established Appropriate Management Levels (AML) to ensure a thriving ecological balance per the Free Roaming Wild Horse and Burro Act. Data indicates that populations above AML negatively impact wildlife and habitats. The Department recognizes there are financial, political, and social challenges associated with burro management, but those challenges do not excuse the BLM and the federal government from their statutory responsibilities to manage burros within Arizona.

With Commission consent, the Department intends to:

- Continue to interact with the BLM as they work to fulfill their statutory mandate to manage burro populations within AMLs and in compliance with the Act
- Collect, analyze, and review data on burro impacts to wildlife and their habitats that will support the need to manage populations to be within ecological balance
- Raise public awareness of the chronic overpopulations, their impact to habitats and state trust species, and the financial costs to the State
- Seek out partnerships with governmental and non-governmental organizations to support more effective burro management approaches
- Seek congressional support to require the Department of Interior to comply with the provisions of the Act
- Maintain the state's standing by commenting on any and all BLM activities, plans, or burro related actions in the event litigation is required.

Director Voyles noted that the burros outside of the HMAs are still protected under the Wild Horse and Burro Act.

Commissioner Davis discussed with Mr. Barber the scientific data that quantifies the damage to habitat and in turn the damage to other wildlife species.

Director Voyles pointed out that BLMs option in the Wild Horse and Burro Act to euthanize excess animals has been hindered because Congress has placed riders on the Appropriations Bill that prohibits the expenditure of any federal funds to euthanize or destroy horses or burros.

Commissioner Davis suggested adding to the list of Department actions: 1) that the Department contemplate changing the Act to allow for other management tools when the burros are outside the HMAs, and 2) that the Department develop a legal strategy related to the damages caused by wild burros.

Director Voyles added that the Department will look into working with Congressional partners to remove the rider that hinders the ability of the Department of Interior to apply the requirements in the Act when animals cannot be adopted out or when there are more animals than can reasonably be handled.

#### Public Comment

Bullhead City Mayor Tom Brady encouraged the Commission to do whatever they can to address the wild burro issues in the Bullhead City/Kingman area. They have had 24 burro/vehicle collisions since 2012 (the Commission was provided with a handout of statistics related to burro accidents and issues in the Bullhead City area).

Commissioner Davis stated that the Department is limited to wildlife related issues, but suggested that Bullhead City might want to consider taking legal action due to public safety concerns and related issues.

Larry Adams, former Arizona Game and Fish Commissioner, commented on burro impacts to native wildlife and how it really needs to be emphasized to the BLM. This issue needs action right away.

\* \* \* \* \*

#### 8. Nongame Subprogram Activities Briefing; April 1, 2014 through March 31, 2015.

**Presenter:** Michael Rabe, Chief, Nongame Wildlife Branch

Mr. Rabe provided a PowerPoint presentation and briefing on Department activities regarding the Nongame Wildlife Subprogram. A written briefing was also provided and available to the public. The purpose of the briefing is to provide an update on activities of the Nongame and Endangered Wildlife Subprogram from April 2014 through March 2015. The update consisted of: 1) a brief narrative regarding the status of endangered, threatened, and candidate wildlife in Arizona, 2) U.S. Fish and Wildlife Service (USFWS) proposed rules concerning the Endangered Species Act for wildlife in Arizona and species likely to be addressed after 2016, and 3) Department activities of select Nongame Wildlife projects. The following information was included in the presentation:

##### Status of endangered, threatened and candidate wildlife in Arizona

The federal status of four Arizona species changed since the last Commission update, including Northern Mexican and narrow-headed gartersnakes (listed Threatened), yellow-billed cuckoo (listed Threatened in the western United States), and New Mexico jumping mouse (listed Endangered). At this time, there are 31 endangered species, 15 threatened, 9 candidates, and 7 experimental populations in Arizona. The seven experimental populations in Arizona are California condor, Aplomado falcon black-footed ferret, Sonoran pronghorn, Mexican wolf, Colorado pikeminnow, and woundfin.

The Department comments on all listing proposed rules involving wildlife in Arizona. The following table summarizes the current and pending proposed listings, the USFWS proposed status changes, and predicted implications for the Department should the proposed status become final. Proposed rules listed in the table were precipitated by a settlement between the USFWS and litigants in 2011 called the Multidistrict Litigation settlement. This settlement resulted in a work plan for listing decisions nationwide, and is the primary reason for the high number of listings the Department commented on in the last year.

Proposed USFWS Service rules for wildlife in Arizona

Species	Location	Proposed Status Change	Date Comments Due	Implications for Department Properties
New Mexican Meadow Jumping Mouse	White mountains along perennial streams.	Listed endangered in July 2014. Awaiting final designated Critical Habitat.	Comments submitted on listing and Critical Habitat. Final rule to be published by January 2015.	Minor: PS ranch included in Critical Habitat but ranch management unlikely to be affected; accounted for in CAMP for recreational fishing impacts.
Northern Mexican gartersnake	Upper Verde River and Oak Creek, including Page Springs and Bubbling ponds hatchery; Tonto Creek; Bill Williams River and tributaries; southeastern Arizona; formerly on Agua Fria River.	Listed threatened in August 2014. Awaiting revised proposed Critical Habitat.	Comments submitted on first publication of proposed Critical Habitat. Revised proposed Critical Habitat to be published by September.	Little to none: Page Springs, Bubbling ponds, Horseshoe Ranch and Upper Verde River Wildlife Area recommended for exclusion because of Department's commitment to conservation.
Narrow-headed gartersnake	Perennial streams draining the Rim in northern Arizona.	Listed threatened in August 2014. Awaiting revised proposed Critical Habitat.	Comments submitted on first proposed Critical Habitat. Revised proposed Critical Habitat to be published by September.	Little to none: found mostly on Forest Service and tribal lands. Fisheries management already takes narrow-headed gartersnake into consideration.
Sprague's Pipit	Grasslands in southern Arizona.	Candidate. Petition to be listed. Awaiting USFWS decision if listing warranted.	Awaiting USFWS decision if listing warranted or remove. Decision to be published by September.	Minor: Wintering population only in Arizona. Unlikely to have Critical Habitat in Arizona
Hualapai Mexican Vole	Northwestern Arizona	Delisting. Awaiting final to delist.	Petition to delist submitted AGFD. Final rule to be published by September.	Positive: Department petition to delist based upon genetic research.
Yellow-billed cuckoo	Perennial streams below Rim in southern and central Arizona, and cottonwood restoration sites along Colorado River, Bill Williams Refuge.	List as threatened in distinct population segment in western US only in November 2014. Awaiting critical habitat designation.	Comments submitted on proposed threatened status and distinct population segment. Final rule to be published after September.	Minor: may impact Federal agency planning overlaps much of already designated willow flycatcher Critical Habitat, but sections of new Critical Habitat will be included.
Lesser long-nosed bat	Southern Arizona deserts.	Down-list from endangered to threatened. Awaiting final rule.	Comments submitted AGFD agreed with down-listing, Awaiting final rule.	Positive: Department involvement and data contributed to down-list proposal.

Species petitioned for listing but not addressed in the current Multidistrict Litigation settlement

Species	Outstanding Action	States in Range	Land ownership	Primary stressors	Lead FWS Region	State FWS Lead
Bylas springsnail	12-Month Petition Finding	AZ	BLM SCAT	Water modification; livestock grazing	R2	AZ
Gila tryonia	12-Month Petition Finding	AZ	BLM	Groundwater depletion; reduction of spring flows	R2	AZ
Grand Wash springsnail	12-Month Petition Finding	AZ	BLM	Groundwater depletion; loss of spring flows; livestock	R2	AZ
Huachuca woodlandsnail	12-Month Petition Finding	AZ NM	USFS DoD-US Army Ft Huachuca	Inbreeding	R2	AZ
Kingman springsnail	12-Month Petition Finding	AZ	BLM PVT	Groundwater depletion	R2	AZ
Pinaleno talussnail	12-Month Petition Finding	AZ	USFS	Fire	R2	AZ
Quitobaquito tryonia	12-Month Petition Finding	AZ	NPS	Groundwater depletion	R2	AZ
San Xavier talussnail	12-Month Petition Finding	AZ	PVT	Mining	R2	AZ
Sonoran talussnail	12-Month Petition Finding	AZ	USFS PVT	Mining; nonnative species	R2	AZ
Squaw Park talussnail	12-Month Petition Finding	AZ	City of Phoenix, Maricopa County & PVT	Residential development; recreational activities	R2	AZ
Verde Rim springsnail	12-Month Petition Finding	AZ	USFS & PVT	Water development; groundwater depletion; fire	R2	AZ
Wet Canyon talussnail	12-Month Petition Finding	AZ	USFS	Recreation; fire	R2	AZ
Virgin River spinedace	90-day finding	UT NV AZ	mostly BLM and USFS, some private, state, county, municipality	Water development, flow depletion, changes in channel mophology, decreased water quality, non native predation, inadequate reg mechs, drought, flooding, climate change, entrainment	R6	UT
Arizona toad	90-Day Petition Finding	CA NV UT NM AZ		Not yet evaluated	R8	
Relict leopard frog	Proposed Listing or Candidate Withdrawal	AZ NV UT		Small pop size, predation, disease	R8	NV
Arizona night lizard	90-Day Petition Finding	AZ		Not yet evaluated	R2	AZ
Bezy's night lizard	90-Day Petition Finding	AZ		Not yet evaluated	R2	AZ

#### Species petitioned for listing after the Multidistrict Litigation settlement

Colorado Desert fringe-toed lizard	90-Day Petition Finding	CA AZ		Not yet evaluated	R8	
Yuman Desert fringe-toed lizard	90-Day Petition Finding	CA AZ		Not yet evaluated	R2	AZ

Arizona striped whiptail	12-Month Petition Finding	AZ		Habitat degradation due to urban and agricultural development; improper livestock grazing	R2	AZ
Desert massasauga	12-Month Petition Finding	AZ NM CO TX		Conversion of habitat to cultivated cropland; heavy livestock grazing; vehicular mortality	R2	NM
Sonoran Desert tortoise	Proposed Listing or Candidate Withdrawal	AZ, CA, NV, UT			R2	
Black rail	12-Month Petition Finding	Atlantic coast from CT to S. FL along the Gulf Coast to TX			R4	

### Activities of major nongame wildlife projects in Arizona

The following summarizes activities of select nongame wildlife projects from April 2014 through March 2015:

#### Black-footed Ferret

- Fifty-one individual BFF were counted in Aubrey Valley in 2014, the second highest ferret count in the country. BFF numbers have been declining since 2013
- Twenty-eight BFF were released on the Espee Ranch in May and October. This was the first BFF released on the Espee Ranch since 2009.

#### Oral Sylvatic Plague Vaccine (SPV) field trials for Gunnison's Prairie Dogs

- The Department completed the second year of the SPV field trials on the Espee Ranch in summer 2014
- An SPV field day was held on the Espee Ranch in October. Over 50 people attended the event including state, Federal, and NGO representatives, along with members of the media.

#### California Condor

- The 2014 hunting season continued to set a new voluntary lead reduction participation record with a hunter participation rate of >91%. Of the hunters participating, 68% used non-lead ammo, 23% packed out their lead-shot gut pile
- The Department began distributing non-lead ammunition at our Phoenix and Flagstaff front counter to reduce the acquisition difficulty for hunters, and approximately ~75 people made use of this service. We are expanding this effort to the other regional offices in 2015
- The condor program increased voluntary participation with the Kaibab Paiute tribe at the gut pile removal effort. Plans are also in place for a self-checkout gut pile station on tribal lands in 2015
- In Arizona, four nesting attempts produced three nestlings of which two fledged in 2014
- In Zion Canyon Utah, the first ever nesting attempt failed
- Twenty satellite transmitters deployed in 2014 are providing information to better understand where lead poisoning occurs.

#### Conservation Agreements

- Since summer 2014, the Department has led a multiagency effort to craft a Candidate Conservation Agreement for the Sonoran desert tortoise. This historic agreement summarizes the existing tortoise conservation measures being implemented by cooperating State and Federal agencies. Importantly, this document and the conservation measures therein, will be considered in the ongoing Sonoran desert tortoise Species Status Assessment that the USFWS will use to decide whether or not to list the tortoise under the ESA. Signatures from all parties are expected by the end of April 2015
- Since autumn 2014, the Department has drafted a new Candidate Conservation Agreement with Assurances (CCAA) for roundtail chub and headwater chub, and is in the process of revising an existing CCAA for Page springsnail
  - These agreements are voluntary and provide guarantees to the landowner for no restrictions to existing land use practices should any of the covered species become federally listed in the future
  - The chub CCAA was submitted to the USFWS for processing and signature in early 2015
  - The springsnail CCAA will be ready to submit in May.

#### Jaguar/Ocelot Monitoring

- There have been 40 events and 43 new photos taken of the same individual jaguar in scattered locations of the Santa Rita Mountains; the latest photo was taken on February 14, 2015
- There have been 12 events and 11 new photos and one video taken of two different individual ocelots in Arizona; one of the individuals was last photographed in May 2014 and the other was last photographed in December 2014.

#### Mexican Wolf

- Four wolves were illegally killed in Arizona between April 1, 2014 and March 31, 2015
- In April 2014, the Hoodoo Pack and Coronado Pack were released in Arizona
- Fourteen confirmed wolf livestock depredations have been documented during this period
- Population surveys for 2014 estimated 109 wolves in Arizona and New Mexico, the highest count since program inception. Fifty-five of those wolves were counted in Arizona
- There were 65 collared wolves at the end of 2014 among 19 packs and 4 single wolves in both Arizona and New Mexico
- In Arizona, 23 pups were produced by 8 packs, and 20 pups were alive at the end of 2014.

#### International and Borderlands Program

##### Sonoran pronghorn:

- The Department participated in a September 2014 meeting to update the Mexican Conservation Action Program for the Pronghorn, including all the subspecies present in Mexico. The Sonoran Pronghorn Recovery Team continues to develop a Population and Habitat Viability Assessment, as well as updating the Sonoran Pronghorn Recovery Plan with binational components. Our presentation on the Sonoran pronghorn recovery was well received by the participants and the collaboration between Sonora and Arizona

lauded as an example to be emulated by other Mexican border states and neighboring U.S. states.

#### World Wetlands Day Ceremony in Mexico

- On February 3, 2015, the Department attended a World Wetlands Day ceremony held in the City of Cancun, Quintana Roo, Mexico. During the ceremony, Director Voyles presented a Wetlands Conservation Award to Mr. Luis Fueyo, head of Mexico's National Commission on Natural Protected Areas (CONANP by its Spanish acronym), in recognition of his leadership and outstanding contribution to Mexico's wetlands.

#### Wetlands training and migratory birds conservation

- On February 2-15, the Department and CONANP implemented the 17th Wetlands Workshop in Mexico in the City of Cancun and the Sian Ka'an Biosphere Reserve, Quintana Roo, Mexico. Workshop participants included twenty-two state and federal natural resource managers and members of non-governmental organizations.

#### Black-tailed Prairie dog and black-footed ferret

- The Department was invited to attend a workshop hosted by the Instituto de Ecología – UNAM and supported by CONANP on December 8-9, 2014. The purpose of the workshop was to analyze the information on demographic trends in populations in Mexico, standardize monitoring and restoration programs in Mexico, as well as consolidate the Alliance for Prairie Dog Conservation in Mexico. The Department presented information on current methodologies used for the black-tailed prairie dog re-establishment program
- The Department demonstrated current techniques and protocols for spotlighting and capturing black-footed ferrets to researchers from the Instituto de Ecología – UNAM. Three individuals from UNAM traveled to Seligman to participate in the spotlighting event and research current methods used on the project.

#### Sonoran Pronghorn

- Twenty-nine fawns were recruited in the Cabeza Prieta captive breeding pen during the 2014 fawning season. There are 31 fawns so far for the 2015 fawning season
- Fifteen fawns, including 11 females, were recruited into the Kofa captive breeding pen in the 2014 fawning season. There are 13 fawns so far for the 2015 fawning season
- During the annual releases in December 2014 from the Cabeza, 69 pronghorn were handled, vaccinated and marked. Twenty-one pronghorn were moved by trailers to Kofa NWR, 9 by trailers to Organ Pipe Cactus NM and 2 by helicopter to BMGR-West
- Two new waters were constructed, one on Kofa, and one on Cabeza
- The wild herd on Kofa now numbers 47 adults. At least 9 fawns were recruited in the wild in 2014
- The biennial range-wide survey counted 168 pronghorn in 26 groups, leading to an estimate of 202 pronghorn. Three groups, totaling 18 pronghorn, were known to have been missed. Counting the number of pronghorn observed and missed, the minimum number is 186. These are the highest survey results since the 1994 survey
- An aerial survey also took place in the Pinacate area in Sonora, Mexico. We observed 18 groups, totaling 76 pronghorn, on the survey transects. The estimate based on the group-

size adjusted sighting rates is 122 pronghorn in the Pinacate area. The number of pronghorn observed and the population estimate were the highest since the 1993 survey.

#### Three Forks Springsnail

- Over the summer of 2014, the Department led a unique group of partners—the National Wild Turkey Federation, the Phoenix Zoo, the Nature Conservancy, USFS and USFWS—in completing habitat improvements and protections for Arizona’s smallest endangered species, the Three Forks springsnail
- Crews modified the habitat of two historic spring boxes at Three Forks, and installed fenced enclosures around six snail-occupied springs along Boneyard Creek.

#### Virgin River Fishes

- In June 2014, the Department and Utah Division of Wildlife Resources restored 17 miles of habitat for six species of native fish in the Virgin River Gorge in northeastern Arizona.
- This effort was the largest rotenone treatment the Department has ever conducted and the first multi-state treatment
- For the first time in decades, the Virgin River Gorge was free of invasive nonnative fish
- This effort contributes to the recovery of endangered woundfin and Virgin River chub.

#### Gila River Basin Native Fishes

- On a single day in November 2014, Department biologists led a multi-agency effort to stock three species of endangered fish (Gila topminnow, desert pupfish and loach minnow) into upper Bonita Creek, northeast of Safford, and endangered Gila chub into Mule Creek, New Mexico.

#### Tarahumara Frog

- Tarahumara frogs were last seen alive in Sycamore Canyon in 1974, and were completely lost from Arizona by the early 1980s, due largely to an amphibian fungal disease
- In September 2014, the Department repatriated Tarahumara frogs into Sycamore Canyon in the Pajarita Wilderness, Coronado National Forest. Staff and volunteers backpacked 285 frogs and 279 tadpoles into four sites in the canyon
- Through cooperative efforts among the Department, Arizona-Sonora Desert Museum, Coronado National Forest, and other partners, these unique frogs have returned to this historical habitat for the first time in 40 years. Department biologists continue to monitor the success of this repatriation.

#### Chiricahua Leopard Frog

- In June 2014, Department biologists partnered with New Mexico Department of Game and Fish (NMDGF), USFWS New Mexico Ecological Services Office and Turner Enterprises to release 69 Chiricahua leopard frogs and 119 tadpoles to Dix Creek near Clifton. The frogs were raised at Ted Turner’s Ladder Ranch in New Mexico
- This release is noteworthy because Chiricahua leopard frogs have not been seen in this Recovery Unit since 2011, and marks a significant partnership with NMDGF. We continue to monitor the success of this release.

#### Mexican Gartersnake

- The Mexican gartersnake was listed as Threatened under the ESA in July 2014. Major threats to this relatively secretive species include habitat loss and invasive species, and the Department is actively engaged in Mexican gartersnake conservation
- In 2012, Department biologists discovered a new population of Mexican gartersnakes on the lower Bill Williams River below Alamo Dam. More recently, the Department has verified another new and an apparently thriving population of Mexican gartersnakes on the Big Sandy River, over 50 miles upstream from the Bill Williams site. Discoveries like these and the ecological insights they provide contribute to a better understanding of the overall biology and distribution of Mexican gartersnakes, and ultimately to species delisting.

#### Raptor Management Program

- The Department finished a three-year assessment of fall raptor migration along the Aubrey Cliffs. The monitoring was precipitated by the proposal of a wind energy facility where pre-construction monitoring had failed to detect concentrations of raptor migrants. Without this Department effort, the proposed wind energy facility may have been built in one of the highest raptor use areas known in Arizona.

#### Golden Eagle Surveys

- The Department recently completed a four-year nest survey and occupancy assessment for golden eagle breeding areas across Arizona's non-tribal lands. The Department documented over 200 occupied golden eagle breeding areas in Arizona
- Department efforts are focusing on a 5-year productivity assessment of the population which will inform the conservation and possible establishment of take thresholds for issuance of permits under the Bald and Golden Eagle Protection Act.

#### Bald Eagle Management Program

- The 2014 breeding season had the lowest productivity rates in a decade. However, this low appears to be cyclical drop
- Productivity in 2015 is on track to be one of the best years on record with six new breeding areas bringing the statewide total to a record 74 breeding areas.

#### New Mexico Meadow Jumping Mouse

- The Department participated on a national team to begin development of management strategies for the New Mexico meadow jumping mouse. A Rapid Assessment survey was developed as a quick way to evaluate habitat within the proposed Critical Habitat.

#### Mount Graham Red Squirrel

- The fall census was conducted at the end of September resulting in a conservative estimate of 274 (+/- 10) squirrels. This is approximately last year's estimate of 272 (+/- 11)
- The USFWS collected four juvenile red squirrels (i.e. three females and one male) during the first year and transported them to the Phoenix Zoo as part of their captive rearing and husbandry pilot project. The USFWS plans to collect up to eight individuals (up to four females) over the 10-year project.

The Commission thanked Mr. Rabe and the Nongame Branch for all the good work they do in managing so many species.

\* \* \* \* \*

#### 9. Sonoran Desert Tortoise Briefing

**Presenter:** Mike Rabe, Chief, Nongame Wildlife Branch

Mr. Rabe provided a general briefing and PowerPoint presentation on the current status of the proposed listing of the Sonoran desert tortoise. The presentation included a map of Sonoran desert tortoise distribution in Arizona as well as historical and current data. The Department has been actively managing Sonoran desert tortoises since the mid-1980s. The Sonoran desert tortoise (SDT) was declared a closed season species by the Arizona Game and Fish Commission in 1989, prohibiting take. The SDT is a Tier 1A Species of Greatest Conservation Need. The Arizona Game and Fish Department has produced or funded over 100 reports and peer-reviewed journal articles on the SDT.

Department Biologists do not support listing the Sonoran desert tortoise for the following reasons:

- Tortoise population estimated to be relatively high (~2 million individuals)
- Relatively broad distribution
- No evidence of genetic regression (reduced genetic variation is often cited as a contributor to extinction)
- No immediate threat to linking habitat

The Department has been working on a Candidate Conservation Agreement for 2014-15 with 17 signatories from federal and state agencies. The agreement complements existing conservation and management plans designed to conserve Sonoran desert tortoise populations and habitat in Arizona. It is voluntary and flexible, and organizes a cooperative, range-wide approach to Sonoran desert tortoise management and conservation. The agreement will be considered in the Species Status Assessment (SSA) and subsequent listing decision.

The SSA is the new way the USFWS makes listing decisions and is thought to be more efficient. The purpose of the SSA is to:

- To review, summarize and analyze relevant and existing information on a species-put the best available science in one document
- Identify significant data gaps
- Inform listing determinations
- Inform recovery planning
- Contacts should be made with state nongame and Heritage programs, researchers, and other knowledgeable individuals to obtain a comprehensive and current picture.

To date, the USFWS has not cooperated with their Arizona Game and Fish or other partners to produce an unbiased SSA. The Department has a Memorandum of Understanding (MOU) with the Arizona Ecological Services Office that requires that we work cooperatively to manage threatened and endangered species throughout the State of Arizona. The MOU also affords the

Department an opportunity to participate in developing and implementing each recommendation formulated and each action undertaken within the State of Arizona pursuant to the authorities of the ESA, within the constraints of State and Federal law.

Commissioner Davis made the following statement for the record: The Arizona Game and Fish Department has a history of using science to make management decisions on all wildlife issues, not just science that justifies a predetermined outcome. Listing decisions for the Sonoran desert tortoise must and should follow the same paradigm. We've heard today that the Department's biological team of experts believes that the Sonoran desert tortoise does not warrant listing. As the listing decision is made for the Sonoran desert tortoise, it is important that the USFWS recognize the expertise of the Department's scientists and fully involve our team and staff in assessing the science in the Species Status Assessment. It is also essential that the USFWS recognize the statutory authority of this Department, as well as the long standing collaboration between the agencies as was memorialized in a Memorandum of Understanding between the agencies. To do otherwise is and should be unacceptable to this Commission. Therefore, I make the following motion:

**Motion:** Davis moved and Madden seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO TAKE ALL MEASURES TO ENSURE THAT THE BEST AVAILABLE SCIENCE IS USED TO ASSESS IF THE SONORAN DESERT TORTOISE WARRANTS LISTING; FURTHER, THE COMMISSION DIRECTS THE DEPARTMENT TO WORK CLOSELY WITH THE DEPARTMENT'S ASSISTANT ATTORNEY GENERALS TO ENSURE THAT LEGAL STANDING IS ESTABLISHED AND MAINTAINED ON THIS ISSUE; IT IS ALSO ESSENTIAL THAT THE DEPARTMENT CONTINUE TO DEVELOP BOTH, A CANDIDATE CONSERVATION AGREEMENT (CCA) AND A CANDIDATE CONSERVATION AGREEMENT WITH ASSURANCES (CCAA) TO PROVIDE ACTIVE CONSERVATION PROGRAMS AND POSSIBLY NEGATE THE NEED FOR LISTING THE SONORAN DESERT TORTOISE; AND TO BROADLY INTERACT WITH EFFECTED ENTITIES TO COORDINATE THESE CONSERVATION PROGRAMS; THE COMMISSION ALSO DIRECTS THE DEPARTMENT TO PROVIDE UPDATES TO THE COMMISSION AS APPROPRIATE AND TO AFFORD THE COMMISSION THE OPPORTUNITY TO PROVIDE THE DEPARTMENT ADDITIONAL DIRECTION WHEN APPROPRIATE.

**Vote:** Unanimous

\* \* \* \* \*

Meeting recessed for a break at 10:55 a.m.

Meeting reconvened at 11:15 a.m.

\* \* \* \* \*

#### 10. Shooting Range Development Grant Requests for FY 2016

**Presenter:** Marty Fabritz, Shooting Sports Branch Chief

Mr. Fabritz provided a PowerPoint presentation and briefing on the Department's Shooting Range Development Grant Program for fiscal year 2016. The presentation included background information about the program, program goals, and eligibility requirements and limitations. The

Department's Shooting Range Development Grant Program received nine grant applications for fiscal year 2016 and the Department requests Commission approval for seven of the applications for a total of \$99,551.50 (out of \$100,000 available). The following is a summary of the grant applications received for the FY16 Shooting Range Grant cycle and the Department's recommendations:

Papago Archery Range, City of Phoenix Parks and Recreation Department (Phoenix): Requested \$30,000 for construction of a shade canopy over shooting line, increase backstop berm height and signage for added safety at Papago Park. Department recommends funding total amount requested.

White Mountain Trap and Skeet Club (Show Low): Requested \$6,844.00 for equipment to provide additional sporting clay and five stand opportunities. Department recommends funding total amount requested.

Yuma Trap and Skeet Club (Yuma) : Requested \$11,507.50 to install new and replace old lighting on trap/skeet fields and to install new fluorescent lighting in clubhouse classroom. Department recommends funding total amount requested.

Tri-State Shooting Park (Bullhead City): Requested \$31,700.00 for construction of ADA accessible restrooms, sidewalks and septic system. Department recommends funding total amount requested.

White Mountain Trap and Skeet Club (Show Low): Requested \$6,000.00 to improve access to the range by applying materials on the roadways. Department recommends funding total amount requested.

Pima Pistol Club (Catalina): Requested \$26,248.14 for construction of new shade ramada and concrete slab. Department recommends partial funding \$6,500.00 of total amount requested.

Heroes Regional Park Archery Range (City of Glendale): Requested \$33,024.00 for construction of an archery range at Heroes Regional Park. Department recommends partial funding \$7,000.00 of total amount requested.

Mohave Sportsman Club, 7-Mile Shooting Range (Kingman): Requested a total \$14,800.00 in two grant applications for archery range upgrades and 1000 yard range improvements. Department recommends not funding.

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

\* \* \* \* \*

## 12. Approval of a License Agreement Renewal with the Federal Aviation Administration

**Presenter:** Joyce Francis, Habitat Branch Chief

Ms. Francis briefed the Commission on the Department's request to renew a License Agreement with the Federal Aviation Administration for the purpose of maintaining a telecommunications navigation beacon on the Three Points Shooting Range in southern Arizona. The Department first executed this agreement in 1981. In addition to authorizing the beacon, the agreement authorizes the placement of associated power lines, maintenance on equipment, and access to the site. The agreement prohibits the licensee from any actions or activities that would interfere with the range. The current agreement is for five years and will expire in September of 2015. The FAA has expressed a desire to renew the agreement; therefore, the Department is requesting authorization. The terms and conditions would remain the same.

Commissioner Davis requested that this item not be put on consent. He would like to have some additional discussions with Ms. Francis and Department staff related to the FAA and some of their interactions with other local governments that have been problematic.

The Commission was in consensus that this item be brought back on the regular agenda for discussion.

\* \* \* \* \*

### 13. FY 17 Proposed Budget & FY 16 Modification

**Presenter:** Ty Gray, Deputy Director

Mr. Gray provided a PowerPoint presentation and overview on the Department's draft budget proposal for FY 17 and proposed modifications to the FY 16 budget. The presentation included a review of the budget cycle and timeline, review of Commission priorities for budget preparation, discussion of fund sources, including flexibility, opportunities and challenges within each fund source, and a review of Department recommendations for an amended FY 16 budget and proposed FY 17 budget. The final budget will be presented to the Commission for approval at the June Commission meeting.

\* \* \* \* \*

### 16. Approval of Law Enforcement Boating Safety Fund (LEBSF) Grant Allocation Formula for FY 2016

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

Mr. Elms provided a PowerPoint presentation and briefing on the proposed LEBSF Grant Allocation Formula for FY 2016 (attached). ARS §5-323 requires that 35% of watercraft registration fees shall be allocated as follows: 15% to the state lake improvement funds to be used as prescribed by section §5-382, and 85% to the law enforcement boating safety fund to be used as prescribed in section §5-383. In the 2011 Legislative Session, ARS §5-383 was modified to require the Arizona Game and Fish Commission to annually approve the funding allocation formula for the Law Enforcement Boating Safety Grants and the responsibility for administering the fund was transferred to the State Treasurer. The Commission is required to approve the formula annually. The proposed formula is the historical formula which has been

used by State Parks to distribute funds to the counties. This formula is updated every three years to reflect current Watercraft Survey data and revised salary data from the counties.

Mr. Elms' presentation included charts, graphs and information regarding watercraft licensing revenue, historical data, law enforcement activity, and allocation challenges. The Department has reviewed the allocation formula and processes per Commission direction and has identified improvements for FY 2017. Those improvements include: Create a focus group with county sheriffs, define RBS activity hours, develop an equitable relationship between program activity and officer allocations, present LEBSF reporting training to the counties, and promote better reporting of activity and expenditures.

#### Public Comment

Lt. Nelson, La Paz County Sheriff, supports additional officers on the waters, not less; expressed the need for this fund by La Paz County; supports the allocation formula as presented.

**Motion:** Madden moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE THE LAW ENFORCEMENT BOATING SAFETY GRANT ALLOCATION FORMULA FOR FISCAL YEAR 2016 WITH A THE CURRENT FORMULA AS PRESENTED.

**Vote:** Unanimous

\* \* \* \* \*

#### 19. 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:** Davis moved and Madden seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

**Vote:** Unanimous

The Commission had a working lunch during Executive Session

\* \* \* \* \*

Meeting recessed for lunch at 12:30 p.m.

Meeting reconvened at 2:00 p.m.

\* \* \* \* \*

#### 14. 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.

\* \* \* \* \*

Meeting recessed for a break at 3:57 p.m.

Meeting reconvened at 4:07 p.m.

\* \* \* \* \*

15. Rehearing Request Regarding Previous License Revocation/Civil Assessment.

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

Mr. Elms presented a request for rehearing by Fred E. Oslie regarding the revocation of his license privileges. On February 6, 2013, Mr. Oslie was convicted in the Yuma Justice Court for Take wildlife without valid license (dove). On June 14, 2013, the Commission revoked Mr. Oslie's hunting, fishing and trapping licenses for a period of three years and further required him to complete a Hunter Education Course before obtaining any license(s) to take wildlife in the State of Arizona. Mr. Oslie has requested a rehearing of this matter and decision because he would like to be able to continue to hunt with his son and grandchildren. Due to his age and a degenerative disk disease, Mr. Oslie worries this won't be possible in the near future. Mr. Oslie was notified of the re-hearing by certified mail. The Commission was provided with all pertinent documents related to this case.

Mr. Oslie was present.

Chairman Mansell addressed Mr. Oslie and stated that the Commission read all of the documents provided to them regarding Mr. Oslie's case, including the character witnesses, and in regards to the three year revocation period, Chairman Mansell stated that it was a lenient revocation period compared to most. While Mr. Oslie stated that he felt like an Arizona resident, he acknowledged that he was a California resident, and you can't be a resident in two states. For these reasons, Chairman Mansell made a motion to deny the petition.

**Motion:** Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO DENY MR. FRED OSLIE'S REQUEST FOR A REHEARING.

Mr. Oslie addressed the Commission and asked them to reconsider for his last year of revocation due to his health issues.

Commissioner Zieler asked Mr. Oslie if he had completed the Hunter Education Course within the past two years.

Mr. Oslie stated that he has completed the course in the past, but not within the past two years.

**Vote:** Aye - Mansell, Madden, Ammons, Zieler

Nay - Davis

Passed 4 to 1

\* \* \* \* \*

15A. Petition by James E. Giese for the Reinstatement of Bonus Points or Issuance of Another Tag

**Presenter:** Kevin Hodgkins, Acting CFO, Business & Finance

Mr. Hodgkins briefed the Commission on a request by James E. Giese to have his bonus points reinstated or to be issued another tag due to his inability to use his tag. Mr. Giese was drawn for a fall 2014 archery-only bull elk tag in Units 1, 2B and 2C valid from September 12 through September 25. In his petition dated April 17, 2015, Mr. Giese explains that he flew out to Arizona on September 11, 2014 to take part in his hunt. He became ill and had to fly back to Illinois on September 20, 2014. Mr. Giese is requesting he be allowed to purchase another tag or that his bonus points be reinstated. There is currently no provision in rule to allow the Department to provide any relief under these circumstances.

Chairman Mansell stated that he also had an archery bull elk tag in 2014 and he was not able to use it due to circumstances beyond his control. He is in the same category as Mr. Giese regarding not being able to use his tag.

**Motion:** Ammons moved and Zieler seconded THAT THE COMMISSION VOTE TO DENY THE PETITION BY MR. JAMES E. GIESE.

Commissioner Davis clarified for the record that the Commission does not have the authority to reinstate bonus points or issue another tag. The motion to deny has nothing to do with the circumstances. A solution to most of these cases will become effective in rule next January.

**Vote:** Unanimous

\* \* \* \* \*

17. Update on the Stakeholder Resolution Workgroup Recommendations to Reduce and Fund Operation and Maintenance Costs for Heritage Acquired Properties.

**Presenter:** Jim deVos, Assistant Director, Wildlife Management Division

Mr. deVos provided an update with a PowerPoint presentation on the options put forth by a Department led stakeholder resolution workgroup to address increasing operation and maintenance (O&M) costs for Heritage acquired properties. As requested by the Commission, the Department has continued to work on developing strategies to provide alternative funding to address the approximate 1.6 million dollars associated with the management of Heritage properties.

In March 2014, the Commission provided direction to the Department and set forth the following tenets:

- Any proposals put forward for consideration must provide for adequate protection of current Heritage properties
- Future Heritage Fund acquisitions must have O&M built-in
- Avoid further use of sportsmen's dollars to subsidize O&M of Heritage properties

- Must not negatively impact the Nongame Endangered Wildlife Program and the Department's science foundation
- Solutions should not rely on federal grants
- Solutions should provide flexibility for current and future Commission actions

The Department formed the Heritage O&M Committee of nine members, established a charter, and held three meetings. Recommendations were developed for long and short-term considerations and were presented to the Commission at its September 2014 meeting. The Commission requested further evaluation of the following strategies:

- Evaluate a relationship with 501(c)(3)
- Potential uses of a 'Heritage stamp' or similar licensing mechanism
- Civic crowd funding as a mechanism to generate revenue - support property O & M costing
- Options for disposal of currently owned properties - reducing O & M costing.

Mr. deVos provided the following updates from the Heritage O&M Committee evaluation:

Evaluation and research of a potential Heritage stamp revealed that the value would be minimal and in some cases developing the stamp would exceed the revenue. It was determined that rather than a broad approach with a voluntary stamp, a cause specific issue may generate more revenue through mechanisms such as the Customer Portal.

Civic crowd funding seems to work well with some causes, but as an approach for O&M, it did not seem to hold much promise. The Department intends to explore this approach further in the future through the Customer Portal.

Regarding disposal of currently owned properties, the committee is looking at potential changes to the Heritage language that would allow parceling off Heritage properties that no longer serves the purpose for which it was acquired, and is looking at purchasing conservation easements where the Commission would not own the property in fee title.

In evaluating a relationship with a 501(c)(3), Department staff met with Board members for Wildlife for Tomorrow (WFT). WFT expressed support for the Department's land management program and voted to approve entering into a cause-specific Memorandum of Understanding (MOU) with the Department whereby an endowment fund would be established to generate long-term O & M funding to support the Department's Heritage acquired properties. Preliminary discussions have occurred but much work remains including considerable involvement with the Department's Assistant Attorney General.

As for other funding sources, the Department's Customer Portal will provide great opportunity to better market goods and services to support Heritage acquired properties. Additionally, other opportunities include interactions with leadership of various organizations; focus on cause-specific issues, and completion of the Wildlife Management Line of Business.

The Commission was in consensus for the Department to bring back recommendations for Commission action.

Commissioner Davis commented that the recommendations as discussed will not solve the entire funding needs for Heritage O&M. The question now is whether to run potential legislation next year that would give the Department the ability to tap into Heritage funds for O&M. He believes that this should be part of any recommendation that comes back to the Commission.

The Commission was in consensus.

\* \* \* \* \*

#### 18. Annual Report on the Department Fair Chase Committee

**Presenter:** Tom Finley, Kingman Regional Supervisor

Mr. Finley provided a PowerPoint presentation and update on the Fair Chase Committee's monitoring and evaluation efforts of new and evolving technologies and practices as they relate to hunting and the concept of Fair Chase. The update included the Committee's efforts to monitor Fair Chase issues and evolving technologies at the 2015 SHOT Show, and Fair Chase issues versus preferences and the evaluative process that was used by the committee to weigh potential issues. The committee evaluated four specific evolving technologies as fair chase issues and developed recommendations regarding those technologies as follows:

Smart Rifle: Currently illegal with laser sighting; provides for locating or take without acquiring skills/competencies; makes harvest almost certain and/or prevents wildlife from eluding detection and/or take.

Recommendation: More outreach is needed to inform hunters that the smart rifle, by nature of its laser supported sighting system is an unlawful device; other components of smart rifles including tracking platforms, tag and shoot applications, and computer driven, electronically supported/guided firearms should be included in rule.

Unmanned Aerial Vehicle (drone): Currently legal per aircraft rule; provides for pursuit and or take without being present in the field; makes harvest almost certain and/or prevents wildlife from eluding detection and/or take.

Recommendation: More outreach is needed to inform hunters that unmanned aerial vehicles are aircraft and subject to the same rules as other aircraft; Drones (UAVs) should be included in aircraft definition in rule.

Bow Mag: Not legal in archery/muzzleloader season; potentially legal in general season with firearm definition clarified.

Recommendation: More outreach is needed to inform sportsmen that the Bow Mag or similar items may not be used in an archery only or muzzleloader season; the firearm definition should be reviewed and more clarity provided in rule.

Wireless Trail/Game Camera: Currently legal; allows for locating or taking without acquiring skills/competencies; provides pursuit and/or take without being present in the field; makes harvest almost certain and/or prevents wildlife from eluding detection and/or take.

Recommendation: That the Commission evaluate, in public forum, a rule change to make trail/game cameras sending a wireless remote signal an unlawful device and that the Department conduct research to study the biological impacts of trail camera use and monitoring activities at wildlife waters.

**Motion:** Madden moved and Mansell seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO CONDUCT OUTREACH TO: BETTER INFORM HUNTERS THAT THE SMART RIFLE BY NATURE OF ITS LASER SUPPORTED SIGHTING SYSTEM IS AN UNLAWFUL DEVICE; BETTER INFORM HUNTERS THAT UNMANNED AERIAL AIRCRAFT ARE AIRCRAFT AND SUBJECT TO THE SAME RULES AS OTHER AIRCRAFT; BETTER INFORM SPORTSMEN THAT THE BOW MAG OR SIMILAR ITEMS MAY NOT BE USED IN ARCHERY-ONLY OR MUZZLELOADER SEASON; AND DURING THE NEXT OPEN APPROPRIATE RULEMAKING PROCESS: EVALUATE OTHER COMPONENTS OF SMART RIFLES INCLUDING TRACKING PLATFORMS, TAG AND SHOOT APPLICATIONS AND COMPUTER DRIVEN, ELECTRONICALLY SUPPORTED GUIDED FIREARMS, FOR INCLUSION IN RULE; STRENGTHEN THE AIRCRAFT DEFINITION TO INCLUDE DRONES OR UNMANNED AERIAL VEHICLES; STRENGTHEN THE FIREARM DEFINITION TO CLARIFY HOW ITEMS SUCH AS BOW MAG ARE CLASSIFIED; EVALUATE LANGUAGE TO MAKE TRAIL/GAME CAMERAS SENDING A WIRELESS REMOTE SIGNAL AN UNLAWFUL DEVICE; AND TO SEEK RESEARCH OPPORTUNITIES TO STUDY BIOLOGICAL IMPACTS OF TRAIL CAMERA USE AND MONITORING ACTIVITIES AT WILDLIFE WATERS.

**Vote:** Unanimous

\* \* \* \* \*

#### 21. Approval of Minutes and Signing of Minutes

**Motion:** Ammons moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM MARCH 6-7, 2015.

**Vote:** Unanimous

The Commission signed the minutes following approval.

\* \* \* \* \*

#### 17. (continued) Executive Session

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

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

**Vote:** Unanimous

\* \* \* \* \*

20. Litigation Report

There were no comments or questions on the Litigation Report, but the Commission took action related to discussion in Executive Session regarding the purchase of real property.

**Motion:** Madden moved and Zieler seconded THAT THE COMMISSION VOTE TO APPROVE ITS DIRECTION TO THE DEPARTMENT AS PROVIDED IN EXECUTIVE SESSION.

**Vote:** Unanimous

\* \* \* \* \*

**Motion:** Madden moved and Zieler seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING FOR TODAY.

**Vote:** Unanimous

\* \* \* \* \*

Meeting adjourned at 5:48 p.m.

\* \* \* \* \*

\* \* \* \* \*

Meeting reconvened Saturday at 8:00 a.m.

\* \* \* \* \*

Chairman Mansell called the meeting back to order and led those present through the Pledge of Allegiance, followed by introductions. Chairman Mansell announced that this is an informal meeting for presentations and discussions with regional staff and the public. Six times a year, the Commission holds meetings on the road for the purpose of interacting with the community and to learn about matters in each region.

Awards and Recognition

Director Voyles, assisted by Mike Ingram with the Shikar Safari Club International Foundation, presented Wildlife Manager Jimmy Simmons with the 2014 Shikar Safari Wildlife Officer of the Year Award. Each year this award is presented to conservation officers in all 50 states. The award recognizes officers for their outstanding performance and dedication to protecting and preserving wildlife.

\* \* \* \* \*

1. Bullhead City Community Forum

**Presenter:** Tom Finley, Kingman Regional Supervisor

Mr. Finley facilitated an informal forum and discussion of current and future matters involving the Arizona Game and Fish Department and the Bullhead City community. The community forum included presentations from five outside agencies/organizations on the partnerships developed with Arizona Game and Fish with a focus on the Kingman-Bullhead City area. Topics presented and discussed included the following:

- Bureau of Land Management – Project collaboration, including habitat restoration efforts presented by BLM Field Manager Ruben Sanchez. Projects included bighorn sheep, wildlife water developments, prescribed fire and mechanized removal of vegetation, artificial nests for burrowing owls, abandoned mine remediation, rangeland health and wildlife habitat monitoring, relict leopard frog introduction, wild burro population surveys, and public outreach.
- Colorado River Nature Center – Collaborations/joint management by AGFD, BLM and Bullhead City for the purpose of wildlife and public recreation management of the property presented by Brenda Richardson with Bullhead City. The presentation included current completed projects as well as future development plans.
- Mohave County Board of Supervisors – Collaboration with the county on various projects presented by Board of Supervisors Hildy Angius and Jean Bishop. The presentation included Willow Beach trout stocking efforts, remote water sensing, the Coalition Youth Team, bird and bat boxes, future plans for a Kingman fishing pond and resolutions for issues at the Havasu National Wildlife Refuge.
- Topock Elementary School – Projects ranging from tortoise habitat and adoption, waterfowl camp, catchment repairs, classroom education, and archery in schools, presented by Topock Elementary School Principal John Warren.
- Tri-State Shooting Range – Current collaboration with shooting range presented by Robbie Love, Vice President of Tri-State Shooting Park. The presentation included an overview of the Tri-State Shooting Park, its Scholastic Clay Target Program, Hunter Education Program, shooting area cleanup, and wildlife waters.

Former Arizona Game and Fish Commissioner Larry Adams addressed the Commission regarding concerns about increasing private ownership of lands along the Colorado River and the need for preservation for the people of Bullhead City, including the establishment and work needed for the historic backwater area.

Jack Hakim, former Mayor of Bullhead City, expressed his appreciation for the Arizona Game and Fish working with Bullhead City on several projects.

The Commission expressed their appreciation for the community members that participated in this forum and for the presentations.

\* \* \* \* \*

Meeting recessed for a break at 10:22 a.m.

Meeting reconvened at 10:37 a.m.

\* \* \* \* \*

22. Director and Commissioner Comments (from Friday’s agenda)

The Commission was in consensus to waive this agenda item.

\* \* \* \* \*

23. Future Agenda Items and Action Items (from Friday’s agenda)

Deputy Director Gray recapped action/future agenda items from this meeting as follows:

- Department staff will work with Commissioner Davis on a broader approach and timelines regarding paperless products
- The Department will provide updates to the Commission as needed regarding the Sonoran desert tortoise
- The Department will bring back the license agreement renewal with the FAA as a regular item at the June Commission meeting
- The Department will bring back feasible solutions at a future date regarding the Heritage O&M
- Regarding fair chase, the Department will implement the Commission’s direction on outreach and evaluation of proposed rule changes.

\* \* \* \* \*

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

**Vote:** Unanimous

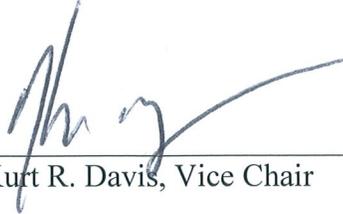
\* \* \* \* \*

Meeting adjourned at 10:40 p.m.

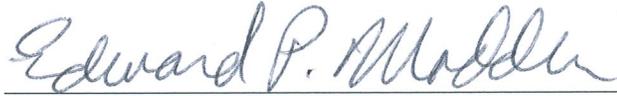
\* \* \* \* \*



Robert E. Mansell, Chairman



Kurt R. Davis, Vice Chair



Edward "Pat" Madden, Member

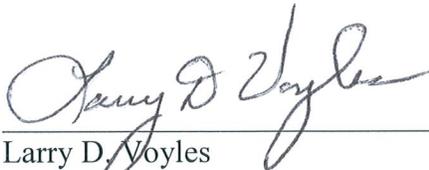


James R. Ammons, Member



James S. Zieler, Member

ATTEST:



Larry D. Voyles  
Secretary and Director

**Game and Fish Litigation Report  
Presented at the Commission Meeting  
May 1-2, 2015**

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

**1. *Center for Biological Diversity v. Jewell, CV-15-00019-JGZ.* Plaintiffs filed this lawsuit on January 15, 2015, alleging violations of the Endangered Species Act ("ESA") and the National Environmental Policy Act ("NEPA"). Plaintiffs contend that the U.S. Fish and Wildlife Service's ("FWS") final revised rule governing the Mexican wolf experimental nonessential population, and a research and recovery permit issued under Section 10(a)(1)(A) of ESA impede Mexican wolf recovery and survival. Plaintiffs also allege the final environmental impact statement ("EIS") and a biological opinion associated with the final rule are inadequate. Plaintiffs seek a court order to set aside and remand to the FWS portions of the final rule, the permit and final EIS.**

**On April 15, 2015, the State of Arizona on behalf of Game and Fish filed a motion to intervene in support of the FWS. At the same time, Arizona filed a motion to dismiss the lawsuit because the Court lacks subject matter jurisdiction. The federal defendants filed an answer to the complaint on April 22, 2015.**

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

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

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

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

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

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

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

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

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

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

On March 7, 2014, the Tenth Circuit granted New Mexico's motion for clarification, in which New Mexico requested that the Court's decision would not affect the District Court's

decision dismissing as to Director Lane. The District Court's decision as to Director Lane stands. On March 18, 2014, the District Court dismissed without the prejudice the case against the Chairman.

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

**3. *Holden and Guynn v. Arizona Game and Fish Commission***, Maricopa County Superior Court CV 2014-013211 (filed October 14, 2014). The Plaintiffs, whose Title 17 criminal charges were dismissed by the justice court (Guynn) or resulted in an acquittal following a justice court bench trial (Holden) were civilly assessed by the Commission for the loss of wildlife to Arizona. Their 28-page complaint alleges that A.R.S. §17-314 does not authorize the Commission to impose civil assessments and claims several due process violations in the manner in which the hearing was noticed and conducted. They seek an order from the court declaring the Commission's actions unlawful, enjoining the Department and Commission from levying the civil assessments, and requiring the Department to issue resident/nonresident hunting licenses to Plaintiffs and permitting them to apply for big game tags.

On November 13, 2014 the Department filed a motion to dismiss the complaint in its entirety for lack of subject matter jurisdiction. Plaintiffs filed a motion to disqualify the Attorney General's Office from representing the Department and Commission which the superior court granted, relying on a relict 1929 statute (A.R.S. §17-103). The Commission voted to appeal the decision to the Court of Appeals. A special action petition will be filed in the Court of Appeals by April 30.

**MEMO**

**F-2a**

**TO:** Larry D. Voyles, Director

**FROM:** Jim deVos, Assistant Director  
Wildlife Management Division 

**PRESENTER:** Joyce Francis, Habitat Branch Chief

**TITLE:** Lands and Habitat Program Update

**DESCRIPTION:** The Commission will be provided an update on developments relating to the implementation of land and resource management plans and projects on private, state and federal lands in Arizona and other matters related thereto.

**DATE:** April 24, 2015

Summary:

This update is in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding decisions and actions on all lands in Arizona. The Department's update will present new information, as well as progress toward resolving ongoing issues and concerns on all lands in Arizona since the February 2015 Commission meeting.

JDV:JF:af

Attachment

## **Lands Update**

For the Arizona Game and Fish Commission

April 24, 2015

Phoenix, Arizona

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

**General Planning Status** – Please see attached table.

#### **Four Forest Restoration Initiatives (4FRI)**

- The Final EIS (FEIS) and draft Record of Decision (ROD) were published on December 5, 2014. The 45-day objection period closed January 20, 2014. The ROD was signed April 17, 2015.

#### **Arizona Public Service (APS) and Salt River Project (SRP) Agricultural Improvement and Power District**

- The scoping period for the preliminary EA on the proposed APS/SRP management of vegetation within the utility corridors on forests in Arizona ended in January. The EA would allow the use of herbicides within their right-of-way corridor to manage vegetation. The Department met with APS and SRP for further information and clarification. The Department provided written comments to BLM and USFS that outlined herbicide Best Management Practices and general concerns the Department had on use of herbicides.

#### **Apache-Sitgreaves National Forest (A-S)**

- The Final EIS is expected to be out in June 2015.
- As of the March 31, 2015 A-S annual coordination meeting, work will not resume on the TMR until early 2016.
- The Department reviewed and provided written comment on the scoping material for the Upper Rocky Arroyo Restoration Project. As proposed, the project will encompass approximately 33,000 acres on the Lakeside Ranger District (District) within the A-S. Actions being proposed include mechanical treatment of approximately 23,000 acres, prescribed burning, decommissioning of approximately 7.5 miles of level 1 and 2 roads, obliterating and rehabilitating approximately 11.8 miles of user-created roads, and establishing an OHV trail route. The Department expressed its support for forest restoration within the project area, and requested further coordination with the District to address site specific prescriptions, the need to protect aspen post-treatment, and to evaluate potential impacts of the specific roads identified to be decommissioned or obliterated.

## **Coconino National Forest**

- No changes

## **Coronado National Forest**

- No changes

## **Kaibab National Forest**

- The Department continues to serve on the ID team for the South Zone Grassland Restoration Project. The team released a draft Proposed Action to employ techniques to improve grassland, savannah, and meadow habitat and wildlife movement corridors within a >500,000 acre project area.

## **Prescott National Forest**

- The Department is awaiting the Record of Decision to be released in the Federal Register for PNF's Land and Resource Management Plan. The Department continues to work collaboratively on the Strategic Action Plan committee.
- The Chino Ranger District has initiated the Chino West Planning, landscape level NEPA planning for the implementation of management actions in PNF's Land Resource Management Plan; Regional personnel are actively involved in this planning effort.

## **Tonto National Forest**

- The Forest Service SW Regional Office responded to the objections filed in January on the EA for the Bighorn Sheep Population Management Project in wilderness areas on TNF. The Department, TNF, and the SW Regional Office held a conference call for direction on how to proceed. The direction included revising the Purpose and Need Statement, requiring reinitiation of the entire process. The SW Regional office and TNF have been working together on the draft Minimum Requirements Decision Guide (MRDG). The Department has reviewed the draft and sent comments. The Department and the TNF are attending the advisory meeting in Tucson for a panel discussion. The SW Regional Office is drafting the EA.
- The Department continues to participate on the ID Team for the Plan Assessment Phase of the Forest Plan Revision. Most recently, the Department provided input into the fisheries portion of the assessment. The Forest Assessment Report is still being drafted.
- The Department continues participating on the implementation ID Team for travel management planning. The Department has gathered data to inform the dispersed camping portion and provided it to the TNF.

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

- The Department continues to work with BLM to develop a strategy for regional mitigation for the solar energy zones. Department staff provided BLM information to assist in evaluating potential sites for regional mitigation.

### **Kinder Morgan Los Lobos Pipeline and St. Johns CO<sub>2</sub> Gas Unit Environmental Impact Statement**

- Kinder Morgan notified the BLM on January 21, 2015, that they intended to withdraw their application for a right-of-way permit for the Lobos CO<sub>2</sub> Pipeline Project. As announced by Kinder Morgan on January 21, the project timing is being reassessed because of current market conditions related to the significant decline in oil prices. Kinder Morgan will continue to re-evaluate the timing of its planned investment to develop the St. Johns source field and construction of the Lobos Pipeline. The BLM is no longer processing Kinder Morgan's application for a right-of-way grant. The BLM notified Kinder Morgan that they would still have the opportunity to file a new application for a right-of-way grant at a later date if market conditions provide such an opportunity. Should a new application be filed, the BLM would initiate a new National Environmental Policy Act review. The public would be notified of this effort through publication of a Notice of Intent in the Federal Register.

### **Kingman Field Office**

- The Department made some revisions to the Cooperating Agency MOU for NEPA on the Bagdad Mine Change of Mining Plan and returned it to BLM for approval.
- The Colorado River District hosted public scoping meetings on April 1<sup>st</sup> and 2<sup>nd</sup> in Bullhead City and Kingman respectively, relating to a burro management EA that is being initiated by Kingman Field Office for management of burros in the Black Mountain Ecosystem.

### **Lake Havasu Field Office**

- Havasu BLM is in the early stages of processing a Special Recreation Permit for a rocketry club in the area near Hope AZ. The club has the potential to impact sheep and deer in the Granite Wash Mountains. We need to learn more as this application is in the early stages of processing.

### **Phoenix District Office/Lower Sonoran Field Office**

- The scoping period has begun for the Horseshoe/Copper Creek allotment Coordinated Resource Management Plan and Preliminary EA.

## **Tucson Field Office**

- The Department attended three meetings in February/March to assist the Tucson Field Office with updating their Resource Management Plan (RMP) for the Las Cienegas National Conservation Area. The Department was able to provide input on wildlife, habitat and recreation projects as well as recommend a timeline and project prioritization. The Department is planning on attending future RMP meetings as planned by the BLM.

## **Yuma Field Office**

- Yuma BLM has scheduled route evaluations for Imperial Hills for week of April 13. This is a heavily used OHV area with a bighorn sheep population. As a vocal group of public is opposed to any route closures, this will be controversial when released to the public.

## **BUREAU OF RECLAMATION (BOR)**

### **Central Arizona Project (CAP) Wildlife Crossings**

- The Department has been invited to attend a meeting with BOR regarding wildlife crossings along the CAP.

### **San Carlos Irrigation Project**

- The project includes the rehabilitation and modernization of the Bureau of Indian Affairs/San Carlos Irrigation Project water delivery facilities for conveying water to both San Carlos Irrigation and Drainage District and the Gila River Indian Community lands. The project is starting up again after being on hold the last several years; although there are no new details yet. The Department is concerned with how the project will affect flow on the Gila River between the Coolidge and Ashurst dams.

## **DEPARTMENT OF DEFENSE**

### **Army Corps of Engineers**

- The Corps issued a Notice of Intent (NOI) to prepare a draft Environmental Impact Statement for the Lone Star Ore Body development at the Safford Mine. The mine is owned by Freeport-McMoran. The Department is reviewing the NOI and will send scoping comments to the Corps and request coordination under the Fish and Wildlife Coordination Act.

## **TRANSPORTATION**

### **I-11 Wickenburg to Nogales**

- Department staff attended an introductory kick-off meeting on February 20, 2015 for the upcoming Tier I DEIS for I-11 (Wickenburg to Nogales). ADOT and FHWA are entering the next phase of I-11 environmental review, and expect to have a consultant on board by late fall 2015 to start work on this document. Unlike regular EISs, they are using a Tiered EIS approach. Tier 1 will look at the alternatives from a broader scale than a regular EIS.

### **South Mountain Freeway**

- The Department has met with ADOT for discussion of the comments submitted. The ROD was issued for the freeway, which includes five multiuse crossings and associated fences to reduce vehicle-wildlife collisions and promote wildlife connectivity between the South Mountains, Gila River, and the Sierra Estrella.

### **SR 303 Hassayampa Freeway**

ADOT has reinitiated planning meetings for the SR 303L Hassayampa Freeway to SR30 corridor feasibility study. The draft study was completed in October 2012.

### **North/South Corridor**

- The study is considering a connection between US60 and I-10 (north/south). The Department provided the hexagon analysis from the passenger rail study to the project lead to initiate discussion of performing a similar analysis for informing the EIS analysis process. The Department met with the project team for further discussion of developing a similar analysis for wildlife resources.

### **SR 30**

- The SR30 is the resurrection of the 801 planning. SR 30 planning involves an east/west segment between the Proposed Loop 303 and the Proposed Loop 202, north of the Gila River. Planning for the 801 stalled summer of 2014. ADOT held a public meeting in Jan. 2015 to reinitiate planning and solicit public input on four potential alignments and the no-build option; and renamed the project SR30. The Department recommended including analysis of impacts to not only surrounding developments and plans, but also to conservation investments (eg. Department owned lands) and conservation plans (eg. Tres Rios) in the project vicinity.

## **GENERAL UPDATES**

### **Mittry Lake Wildlife Area – Lower Colorado River Multi-Species Conservation Plan (LCR MSCP)**

- The LCR MSCP has constructed a cottonwood willow habitat restoration project on lands within the Mittry Lake Wildlife Area. For public safety reasons, the area was closed to public access during construction. LCR MSCP has indicated a desire for the area to remain closed to motorized access due to concern over damage to the young trees. The Department is negotiating retaining historical motorized access on a 4 mile long two track to allow for public access to the Mittry Lake Wildlife Area.

### **City of Safford Fry Mesa Dam**

- The Department met with the City of Safford to discuss their plans to evaluate options for Frye Mesa Dam. Also in attendance were Graham County, the U.S. Forest Service, and the City of Thatcher and the City of Pima. The dam, built in 1929 and taken over by Safford several years ago, was constructed as a city water supply, but has never been used as such. The dam valve does not function properly and water is usually running over the spillway. The city considers the dam a liability and would like relief from their responsibilities and liabilities in maintaining the dam. There was little interest from other entities in assuming responsibility for Frye Mesa Dam, but all expressed support in assisting Safford with maintenance and needed funding. All recognize Frye Mesa Reservoir's value to the community as a recreational fishery and picnic site. Safford will develop a list of their responsibilities and transmit them to the other agencies so they can determine avenues where they might be able to assist the city.

### **Willow Beach Fish Hatchery**

- On Friday April 3rd, Senator John McCain visited Bullhead City to sign an agreement with the US Fish and Wildlife Service that will officially re-open, and re-establish funding for Willow Beach Fish Hatchery to continue sport fish stocking on the Colorado River for the next 10 years. The ceremonial event was attended broadly by the public and other government officials.

### **Pinal County Peralta Regional Park Master Plan**

- Pinal County is partnering with the National Park Service Rivers, Trails and Conservation Assistance Program to begin the development of a site specific Master Plan for a regional park off of Peralta Road in northern Pinal County. The Department conducted a field visit to provide input to the working group. This master plan will set precedent for the future parks proposed by the County. The Department continues to work with the County and stakeholders through the process.

## **Pinal County CAP Recreation Trail Master Plan**

- Pinal County has invited the Department to participate on the Working Group for the CAP Recreation Trail Master Plan. The project has an aggressive timeline and is anticipated to be completed by spring 2015. The Department continues to participate as a stakeholder in the monthly meetings and field trips to the site.

## **Horseshoe Ranch CRMP**

- The Interagency Team has worked to complete objectives and strategies in addition to adaptive management strategies. They also held a meeting to update stakeholders and kick off the NEPA scoping process.

## **Gila River Restoration**

- The Department has initiated discussions with the Maricopa County Flood Control District, Gila River Watershed Partnership, BLM and NAU regarding opportunities for restoration efforts along the Gila River. The collaborative group will have their third meeting in April.

## **Pinal Open Space and Trails Committee**

- The Department continues to participate each month on the committee and the Natural Watercourse/Riparian Technical Subcommittee. Following education and outreach, the Open Space and Trails Committee may pursue a ballot measure for a bond initiative and property tax which would benefit habitat wildlife habitat and open lands.

Forest	Status	Next Step	Projected Next Step Completion
<b>Apache Sitgreaves</b>	<u>LRMP</u> - Draft released Jan 2013, Dept. commented. <u>TMP</u> - Dept. commented on 2010 draft (forest wide), process halted due to Wallow Fire.	A/S finalizing LRMP. TMP process will resume once LRMP is finalized.	Final LRMP June 2015. TMP process to begin again early 2016 (as of A/S coord mtg 3/31/15)
Issues:	<u>LRMP</u> - 7100 new acres of Wilderness recommended (mostly expanding existing Wilderness) <u>TMP</u> - draft allows for Motorized Big Game Retrieval (MBGR) 1 mile from road for elk, mule deer & bear. Provides for 658 miles of corridors for dispersed camping 300 ft off established roads.	Region working with A/S to identify additional camping sites in areas deficient in 2010 draft. FWS has completed the draft Biological Opinion for the LRMP. The A-S will be in the process of reviewing the draft BO, and preparing comments for consideration by the FWS in preparation for the final BO.	
<b>Coconino</b>	<u>LRMP</u> - Draft released Dec 2013, Dept. commented; currently in revision and ROD expected 4/2015. <u>TMP</u> - Final 2011 (forest wide), MVUM's available; AGFD appealed plan on MBGR and dispersed camping decisions, appeal denied.	Coconino finalizing LRMP. Department working with Coconino to review comments and resolve issues. Coconino to open scoping process to revise TMP.	Final LRMP ~April 2015. TMP revision process ~Early 2015, Dept will request cooperating agency status.
Issues:	<u>LRMP</u> - draft reduces motorized access 6%, inconsistent with current TMP, recommends small additional Wilderness acreage, potential pre-emption of Dept. authorities. <u>TMP</u> - limited dispersed camping 300ft from specifically identified roads, 30ft from all other roads. MBGR for elk only, 1 mile from roads except GMUs 5A & 5B.	Region working with Coconino planning team to resolve LRMP issues. TMP evaluated on as-needed basis for revision.	

<b>Forest</b>	<b>Status</b>	<b>Next Step</b>	<b>Projected Next Step Completion</b>
<b>Coronado</b>	<u>LRMP</u> - draft released Dec 2013, Dept. commented.	Coronado finalizing LRMP.	FEIS NOA in Fed Register est 9/2015
	<u>TMP</u> - drafts in process (district by district).	Coronado finalizing TMPs through 2015. Region addressing district-specific road closures and access issues in TMPs.	TMP decisions by district: Department has commented on Safford and Catalina. Forest will issue Douglas, Nogales, Sierra Vista in 2015.
Issues:	Reduces use of locatable mineral withdrawal. General inconsistencies and State Land access issues. NO MBGR. MVUM's show access through roads that have locked gates. District-specific road closures and access issues.	Comment on draft EA for Douglas, Nogales, and Sierra Vista TMPs	District Draft EATMP Timeline per SOPA 1/16/14: Douglas 2-2015 Nogales 3-2015 Sierra Vista 4-2015
<b>Kaibab</b>	<u>LRMP</u> - Final Feb 2014.	Dept. comments (excluding Wilderness recommendations) incorporated in Final LRMP.	Note: Wilderness recommendations subject to future process and not appealable.
	<u>TMP</u> - completed by district. MVUM's available. AGFD appeal on North Kaibab TMP declined.		
Issues:	LRMP recommends small areas of additional Wilderness to clarify boundaries. North Kaibab TMP: MBGR restricted to bison and elk only. Current designated dispersed camping opportunities at lower elevations insufficient to accommodate late season deer hunters and other campers. Tusayan & Williams TMP: MBGR 1 mile from road for elk in designated areas. Dispersed camping in camping corridors, or 30 feet from road.	Tusayan & Williams TMP revision in progress; Region working with FS to expand dispersed motorized camping opportunities.	

<b>Forest</b>	<b>Status</b>	<b>Next Step</b>	<b>Projected Next Step Completion</b>
<b>Prescott</b>	<u>LRMP</u> - Draft released 2012. <u>TMP</u> - no new TMP, amending 2005 plan for travel management.	Prescott finalizing LRMP.	FEIS expected in Federal Register 01/2015, with ROD signed by Forest Supervisor in early 2015.
Issues:	MBGR: Elk only, within 1 mile of designated open road. May be changed by amendment. Dispersed camping 300' from centerline of designated roads. Recommended new Wilderness 23,000 acres. MVUM's available.		
<b>Tonto</b>	<u>LRMP</u> - Initiating Planning Process/public scoping 2014. <u>TMP</u> - elevated to EIS from EA. Draft released with comment period extended to September 18th.	AGFD participating as Cooperating Agency throughout LRMP and TMP processes; in addition, participate on both ID Teams in addition to the TMP	Final LRMP ~Fall 2017

<b>Forest</b>	<b>Status</b>	<b>Next Step</b>	<b>Projected Next Step Completion</b>
<i>Issues:</i>	Consistency across forests, enforceability, MBGR 1 mile off road for elk and bear only. MVUM's are inaccurate.	April - <u>TMP</u> - The Department submitted the initial round of dispersed camping data and analysis; the second round is nearly submitted with analysis. Currently, the only changes are in Alt. C (preferred/developed with AGFD). These changes now include designation of more than 60 miles of spur trails to 2,000+ sites (numbers may change due to second submission of data) for dispersed camping. No buffer will be in the alternative like previous. If Neil chooses to include deer, the Departments needs have been met through this	ID Team met in April to review any comments, update and finalize specialist reports.

<b>Field Office /District</b>	<b>Status</b>	<b>Next Step</b>	<b>Projected Next Step Completion</b>
<b>Arizona Strip</b>			
AZ STRIP RMP (including Grand Canyon-Parashant and Vermillion Cliffs NMs)	ROD Feb 2008	n/a	
Colorado City TMP	We have faced very few issues with respect to maintaining appropriate motorized access. Where they have occurred, BLM has afforded opportunities to negotiate and successfully resolve.		ROD Expected 2015
Littlefield TMP	" "		ROD Expected 2015
St. George Basin TMP	" "		ROD Expected 2015
Remainder of AZ Strip Field Office TMP	EA initiated 2014, Department staff are fully engaged in the process.		ROD Expected 2016

<b>Hassayampa</b>			
RMP	ROD for Bradshaw-Harquahala RMP and Agua Fria National Monument signed February 2009. Plan does not allow MBGR. Dispersed camping allowed, routes to campsite open in TMP. Recreational shooting allowed, BLM may close areas to shooting if resource damaged documented.		
Black Canyon Recreation and Travel Management Plan	BLM has completed route evaluation meetings to identify travel alternatives for each route for the TMP. The Department participated in the analysis process with BLM staff and provided input on the development of a draft range of alternatives.	Next steps: BLM ID Team to review results; incorporate other recreation components (eg. Trail heads or other infrastructure development) to support route alternatives; combine travel and recreation actions into final set of alternatives; scope alternatives to public prior to developing EA. Project may get put on hold after the ID Team review of route evaluation alternatives	
Box Canyon Travel Mgmt Re-evaluation	Decision on Wickenburg Travel Management Plan was issued last Summer Town of Wickenburg appealed decision Box Canyon area. BLM has agreed to re-evaluate the Box Canyon area (judge remanded only that portion of the decision) and is working with Wickenburg to re-evaluate with a more focused approach.	BLM will be initiating re-evaluation as a NEPA process	
Harquahala Wilderness Plan	Scoping Comment Period ends February 9, 2015	Department requesting representative on ID team developing Plan	Unknown
Vulture Mountain Recreation Area	Partnership between Maricopa County Parks and BLM Hassayampa Field Office to manage recreation in 71,000 acres of BLM land in the Vulture Mountains	Department involved in developing plan. Plan completed. Management details in negotiation	Unknown

<b>Kingman</b>			
Resource Management Plan	ROD Signed 1993; route evaluations currently being conducted. Plan Life: 20 years, with amendments as needed. Plan does allow MBGR outside of wilderness. Dispersed Camping allowed on BLM lands. Off Highway Vehicle travel allowed on existing roads, trails and navigable washes. Antler collection and recreational shooting allowed. No wilderness expansion or special area designations	Continuing implementation, 2014 Burro Surveys. Review Route Evaluations.	
Bullhead Travel Management Plan	FONSI/ROD signed March, 2009	amended by management action.	
<b>Lake Havasu</b>			
<i>RMP</i>	RMP ROD signed July 2007. Plan does not allow MBGR. Dispersed camping allowed, routes to campsite open in TMP. Recreational shooting allowed, BLM may close areas to shooting if resource damaged documented.		
<i>TMP</i>	FONSI signed for Bullhead Unit March 2009, Havasu Unit September 2013. Route Evaluations begun for Bouse Unit	Complete Route Evaluations for Bouse Unit. Waiting for funding	Unknown
<b>Lower Sonoran</b>			
<i>RMP</i>	RMP for Lower Sonoran Field Office and Sonoran Desert National Monument ROD signed September 2012. Plan does not allow MBGR. Dispersed camping allowed, routes to campsite opened in TMP. Recreational shooting allowed, BLM may close areas to shooting if resource damaged documented. Temporary road closures in SDNM continue as BLM is attempting to obtain funding to complete rehabilitation of damaged routes.		
<i>TMP</i>	in this Field Office (efforts in Hassayampa Field Office)	Uncertain	

<b>Phoenix District</b>			
<i>Issues:</i>	No issues with District Office		
<b>Safford</b>			
<i>RMP</i>	Gila Box Riparian completed 1998; Las Cienegas TMP/RMP completed;		
<i>TMP</i>	scoping comments sent 11/2014 for San Pedro Riparian; Gila Unit TMP scoping completed; Middle Gila completed 2010;		
<i>Issues:</i>			
<b>Tucson</b>			
<i>RMP</i>	Ironwood Forest NM RMP completed; Aravaipa RMP/TMP draft review 12/2014;	Draft EA for SPRNCA TMP; Dept reviewing Final draft of EIS for Aravaipa RMP/TMP	
<i>TMP</i>	Ironwood Forest NM TMP in progress; scoping comments sent for San Pedro Riparian 9/2013;		
<i>Issues:</i>	SNPRCA: no MGBR, public access; GBRNCA: trespass cattle		
<b>Yuma</b>			
<i>RMP</i>	RMP ROD signed January 2010. Plan does not allow MBGR. Dispersed camping allowed, routes to campsite open in TMP. Recreational shooting allowed, BLM may close areas to shooting if resource damaged documented.		
<i>TMP</i>	La Posa Plan Final EA out for review, comment period	Department will review and comment on	
<i>TMP</i>	Route Evaluations for Imperial Hills Unit scheduled for week of April 13.		



---

### **A2.39 License Classifications; Fees**

---

*Effective: ##/##/2015*

*Policy Process Owner: Deputy Director DOHQ*

- A. In accordance with A.R.S. §§ 5-321, 5-322, 5-327, 17-333, and 17-345, the Commission may establish license classifications and application, license, permit, tag, stamp, and watercraft fees. The provisions of this policy do not apply to retail sales authorized under A.R.S. §§ 17-231(B)(9) and 17-231(B)(13).
- B. The Commission may establish a new product and its associated fee or increase a fee in response to anticipated social or economic indicators, such as but not limited to:
  - 1. Decrease in Department revenue.
  - 2. Increase in Department operating costs.
  - 3. Decline in hunting or angling participation.
  - 4. Increase in revenue or participation.
- C. In addition, upon recommendation by the Director, the Commission may temporarily reduce or waive a fee as necessary to encourage increased:
  - 1. Sales,
  - 2. Revenue,
  - 3. Participation, or
  - 4. Management of the resource.
- D. Any temporary fee reduction or waived fee shall be offered for a specific period of time. However, when the Commission determines a fee should be permanently reduced or waived, the Department shall follow the procedures established below under subsection (B).
- E. The Department shall provide compliance oversight by ensuring that the changes are completed in accordance with all legal, funding, and any other applicable criteria.

#### **Definition:**

“Temporary fee reduction” means reducing a an application, license, permit, tag, or stamp fee by any amount established by the Commission for a specific period of time.

#### **Procedures:**

##### **A. Temporary Fee Reduction; Enhanced Value:**

- 1. The Commission may temporarily reduce a fee or enhance the value of a license, provided sufficient time exists to properly implement the fee reduction or enhancement.
- 2. Prior to the meeting where the Commission shall consider a temporary fee reduction or enhanced value for a product or service, the Department shall ensure a public meeting notice and agenda is posted in accordance with A.R.S. § 38-431.02.
- 3. The Commission may make changes to the fee schedule and establish an effective date for these changes at the Commission meeting. Temporary changes to reduce fees may become effective either immediately or at a later date, as specified by the Commission.
- 4. The Department shall file the fee schedule with the Secretary of State's office for publication in the Arizona Administrative Register.

##### **B. New Product; New Fee; Fee Increase:**

- 1. The Commission may direct the Department to prepare a draft rulemaking for the new product and its associated fee or fee increase.



- 
2. Prior to the initial meeting where the Commission shall consider establishing a new product and fee or increasing a fee, the Department shall ensure a public meeting notice and agenda is posted in accordance with A.R.S. § 38-431.02.
  3. The Commission may make changes to the draft rulemaking at the Commission meeting.
  4. The Department shall make the draft rulemaking available to the public and notify the public of any opportunities to participate in the process.
  5. The Department shall provide the public with a minimum 30-day comment period.
    - a. The comment period shall begin immediately after the draft rulemaking is published to the Department's Internet.
    - b. After the 30-day comment period has ended, the Department shall consider, but need not accept, all comments submitted in response to the rulemaking and revise the draft rulemaking accordingly.
  6. Prior to the meeting, where the Commission shall consider the final draft rulemaking, the Department shall ensure a public meeting notice and agenda is posted in accordance with A.R.S. § 38-431.02.
  7. The Commission may make changes to the final rulemaking at the Commission meeting and establish an effective date for the rulemaking. The effective date shall be 60 days after the date of filing the notice of rulemaking with the Secretary of State's office. However, the Commission may specify:
    - a. An effective date of more than 60 days after the filing of the rulemaking upon determining good cause exists for the later date and the public interest will not be harmed; or
    - b. An immediate effective date for any of the following reasons as prescribed under A.R.S. § 41-1032(A):
      - i. To preserve the public peace, health or safety.
      - ii. To avoid a violation of federal law or regulation or state law, if the need for an immediate effective date is not created due to the agency's delay or inaction.
      - iii. To comply with deadlines in amendments to an agency's governing statute or federal programs, if the need for an immediate effective date is not created due to the agency's delay or inaction.
      - iv. To provide a benefit to the public and a penalty is not associated with a violation of the rule.
      - v. To adopt a rule that is less stringent than the rule currently in effect and that does not have an impact on public health, safety, welfare or environment, or that does not affect the public involvement and public participation process.
  8. The Department shall file the final rulemaking with the Secretary of State's office for publication in the Arizona Administrative Register.

County	New Mid- Range Salary rev March 2015	# of Officers	Personnel Costs	Percent of Total Personnel Costs	80.00%	Amount of Personnel Costs Paid	Percent of Total Boat Use Days Allocation	20.00%	
Apache	\$74,524.00	1	\$74,524.00	3.623%	2.898%	\$59,613.83	0.53%	0.106%	3.004%
Coconino	\$98,765.00	2	\$197,530.00	9.603%	7.682%	\$158,023.96	10.98%	2.196%	9.878%
Gila	\$78,817.00	3	\$236,451.00	11.495%	9.196%	\$189,167.97	4.18%	0.836%	10.032%
La Paz	\$90,785.00	3	\$272,355.00	13.240%	10.592%	\$217,884.64	9.56%	1.912%	12.504%
Maricopa	\$116,711.00	4	\$466,844.00	22.695%	18.156%	\$373,481.27	18.98%	3.796%	21.952%
Mohave	\$80,537.00	6	\$483,222.00	23.491%	18.792%	\$386,584.79	51.00%	10.200%	28.992%
Navajo	\$87,096.00	1	\$87,096.00	4.234%	3.387%	\$69,672.89	0.43%	0.088%	3.475%
Yuma	\$79,682.00	3	\$239,046.00	11.621%	9.297%	\$191,245.61	4.33%	0.866%	10.163%
Total			\$2,057,068.00	100.000%	80.000%		100.00%	20.000%	100.000%