

Minutes of the Meeting of the  
Arizona Game and Fish Commission  
Friday, December 4, 2015  
Saturday, December 5, 2015  
Arizona Game and Fish Department  
5000 W. Carefree Highway  
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director and Staff)

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

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

Chairman Davis called the meeting to order at 8:00 a.m. and led those present through the Pledge of Allegiance followed by a moment of silence in honor of the victims of the attack in Paris, France, and in honor of fallen Wildlife Law Enforcement Officers, Navajo Tribal Public Safety Officer Alex Yazzie and Michigan Department of Natural Resources First Lieutenant Arthur Green III.

The Commission and Director Voyles introduced themselves followed by introductions of the Director's staff. This meeting followed an agenda revision #2 dated December 3, 2015.

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### 1. Call to the Public

Greg Winn, representing himself, addressed the Commission in regards to the spring draw snafu and shared his thoughts for correcting the situation, in particular, with regards to the buffalo hunts. He recommended a secondary draw for those left out of the initial draw.

Chairman Davis suggested that Mr. Winn and Assistant Director John Bullington sit down and discuss the issues and what the Department has considered and is doing to address the situation.

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### 2. Consent Agenda

The following items were grouped together and noticed as consent agenda items to expedite action on routine matters, and/or they were previously presented to the Commission as a "first read" item. Director Voyles presented these items to the Commission and item "a" was removed for discussion. The Commission took action as follows:

#### b. Cooperative Agreement Renewal at the Lower San Pedro River Wildlife Area

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

The Department requests Commission approval to renew the existing Cooperative Agreement for management of the state grazing and agricultural leases associated with the Lower San Pedro River Wildlife Area. The Department currently has a Cooperative Agreement with Mr. John Smith that outlines the terms and conditions for managing the state grazing and agricultural leases associated with the Lower San Pedro River Wildlife Area. The agreement expires in December of this year. The Region is in the process of selecting a new ranch operator. The Department is asking for approval to renew the Cooperative Agreement with Mr. John Smith for a one year period, or until such time as a new ranch operator can be selected.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE RENEWAL OF A COOPERATIVE AGREEMENT AT THE LOWER SAN PEDRO RIVER WILDLIFE AREA, AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

c. Renewal of the Arizona State Land Department Grazing Lease at the Lower San Pedro River Wildlife Area.

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

The Department requests Commission approval to renew the existing Arizona State Land Department grazing lease at the Lower San Pedro River Wildlife Area. The Department currently has an Arizona State Land Department (ASLD) grazing lease for 36,350 acres managed as part of the Lower San Pedro River Wildlife Area. This lease terminates on January 15, 2016. The Department is requesting that the Commission approve renewing the lease for an additional ten years.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE RENEWAL OF THE ARIZONA STATE LAND DEPARTMENT GRAZING LEASE AT THE LOWER SAN PEDRO RIVER WILDLIFE AREA, AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

d. Termination of a Conservation Easement with the Wickenburg Unified School District #9

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

The Department requests Commission approval to terminate a Conservation Easement with the Wickenburg Unified School District #9. In 1999, the Wickenburg Unified School District #9 donated a conservation easement to the Arizona Game and Fish Commission for the purpose of protecting the development of a 7.3 acre wetland habitat located at Wickenburg High School into an educational opportunity for the students and local inhabitants. Wickenburg School District was to develop, manage and maintain the property to optimize the educational values of the wetland. The Department was to preserve and protect these values through monitoring compliance with the easement. At this time, the habitat is drying out and the improvements have been vandalized numerous times. With limited resource values and reduced opportunities to enhance the resource values significantly, the recommendation is to terminate the easement.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE TERMINATION OF A CONSERVATION EASEMENT WITH THE WICKENBURG UNIFIED SCHOOL DISTRICT #9, AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

**Motion:** Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEMS B, C, AND D.

**Vote:** Unanimous

a. Renewal of Memorandum of Understanding for Allen Severson Wildlife Area

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

The Department requests Commission approval to renew the existing Memorandum of Understanding (MOU) with the Forest Service for the Allen Severson Wildlife Area. The Commission currently has an MOU with the Apache-Sitgreaves National Forest and the City of Show Low outlining cooperative activities for management of the Show Low Wetlands (a.k.a Allen Severson Wildlife Area). The goal of the agreement is to maintain waterfowl habitat using treated wastewater effluent from the City of Show Low. The Commission's role is to assist the City with maintenance of the facilities, work with the City to maintain wetland habitat, and to consult with the partners concerning management of the waterfowl and the habitat. The current agreement expires on December 29, 2015.

Chairman Davis asked for this item to be removed from the regular consent agenda items in order to request the standard language about the Department's role in wildlife management be added to the MOU. This is a renewal and the language has not been inserted.

The Department will add the language as requested.

**Motion:** Davis moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE RENEWAL OF THE EXISTING MEMORANDUM OF UNDERSTANDING WITH THE FOREST SERVICE FOR THE ALLEN SEVERSON WILDLIFE AREA WITH THE LANGUAGE INSERTED AS DISCUSSED, AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

**Vote:** Unanimous

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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 information and Commission action:

### State Legislative Update

- FY17 Budget: The Governor's Budget Recommendation is usually released the first or second week of session. Currently the Governor's Office of Strategic Planning and Budgeting is reviewing Agency Budget Requests and coordinating with agencies as questions arise. There are many remaining steps before arriving to a final budget
- The 52nd Legislature, 2nd Regular Session will convene Monday, January 11; so far only 5 Bills have Posted.

### 2016 Commission Legislative Agenda:

- In-Lieu Fee & Restoration Endowment Fund - Allows the Commission the ability to transfer ILF funds into an equity account to gain sufficient interest for long-term O&M of mitigation projects.
- Heritage Operation and Maintenance – Provides the Commission ability to spend a portion of the Heritage acquisition monies on Operation and Maintenance of acquired properties with sensitive habitat utilized by endangered, threatened and candidate species.
- Law Enforcement Omnibus:
  - US Coast Guard Personal Floatation Device Definition changes - The United States Coast Guard (USCG) has issued the final rule that will replace references to performance types codes (I, II, III, IV and V) with a more simple labeling system designated only as “wearable” or “throwable” PFDs within the Federal Code of Regulations regarding the carriage requirements and manufacturer labeling of Coast Guard-approved personal flotation devices (PFDs); the final federal rule instituting this change was effective October 22, 2014. The proposed amendments to Title 5 referencing personal flotation devices will bring Arizona's boating law into conformity with federal regulations as required by A.R.S. 5-311(A)(2)
  - Wildlife Theft Prevention Fund – Allows for Special Operation Unit investigators to use WTPF funds to investigate a much broader and much more commonly encountered wildlife crimes, other than unlawful commercial use of wildlife (Ex: “Unlawful take” and “possession”)
  - Unlawful Feeding of Wildlife - This change allows the Commission to recover established sums of damage for the loss of wildlife in the event of lethal removal due to violations of ARS 13-2927 (Unlawful feeding of wildlife).
- Fair Chase/Rulemaking Exemption - Provides the commission exempt rulemaking authority to prescribe the manner and methods used to take wildlife; Addresses rapidly evolving technology or practices that have ethical methods of take implications; Provides Commission with rapid response capability for rule changes in response to an unanticipated crisis in wildlife health or population control.

- Use Tax Exemption for Fish Hatchery Programs – Provides for use tax exemption for agricultural purchases of fish food and medicines; may include purchases from out of state, but this is continuing to be analyzed for potential impacts to other entities that may be impacted and exempted as well, and potential impacts to the general fund.
- The budget bill is the number one priority; Approval of the Department's budget request is needed for the Department to effectively and efficiently operate.

### Congressional Update

#### Bipartisan Sportsmen's Act of 2015:

- Passed Senate ENR
- Includes 14 provisions:
  - Pitt/Rob Shooting Range
  - Polar Bear Provision
  - Farmer/Hunter Protection Act
  - FS/BLM - Hunt/Fish/Shoot
  - Public Lands Filming
  - Army Corps Firearms
  - EAJA Judgment Fund Transparency
  - Transporting Bows NPS
  - Making Public Lands Public (LWCF 1.5%)
  - Hunt Act
  - FLTFA Reauthorization
  - NAWCA Re-up
  - Nat Fish/Wildlife Foundation Re-up
  - LWCF Amendment- Permanent Re-up

#### S. 782: Grand Canyon Bison Management Act:

- Passed Senate ENR Committee
- Received key bipartisan support and support by Congressional Sportsmen Foundation
- Ready for Senate floor hearing.

#### H.R. 2406: Sportsmen's Heritage and Recreational Enhancement Act of 2015 (SHARE Act):

- Amended by Congressman Gosar to add language from the Grand Canyon Bison Management Act
- Ready for House floor hearing.

#### A resolution of the Arizona Game and Fish Commission concerning the loss of multiple-use Public Lands due to Special Land-Use Designations:

The Commission discussed and agreed that since this resolution is from May 2012 it would be good for the Commission to re-affirm its support for the resolution, especially in light of Congressman Grijalva's legislation related to the creation of a Kaibab National Monument.

Chairman Davis added that it would be prudent to amend and add in the whereas section of the resolution that the federal government is currently not meeting the needs of its current parks and monuments with a current deficit in infrastructure needs that exceeds \$11 billion dollars.

**Motion:** Ammons moved and Madden seconded THAT THE COMMISSION VOTE TO ADD AN AMENDMENT TO THE COMMISSION'S MAY 2012 RESOLUTION REGARDING

LOSS OF MULTIPLE-USE LANDS DUE TO SPECIAL LAND-USE DESIGNATIONS AND HAVE THE UPDATED RESOLUTION SIGNED BY THE CURRENT CHAIRMAN.

**Vote:** Unanimous

H.R. 3946: Protecting Local Communities from Executive Overreach Act

- Prohibits declarations in Coconino, Mohave, and Yavapai
- Shall not: Include Private Lands unless allowed by landowner
- Limits creation or expansion to 5K acres in AZ, CA, NV NM, OR, UT
- Restricts the Federal Water Reserve declarations and can only be made in accordance with the water laws of the impacted state.
- Concurrence From: The governing body of each such community, county, municipality, city, town, or township; and the wildlife management and land management authorities and the governor of each state in which the new or expanded national monument would be located.

**Motion:** Madden moved and Zieler seconded THAT THE COMMISSION VOTE TO SUPPORT H.R. 3946.

**Vote:** Unanimous

H.R. 3882: Greater Grand Canyon Heritage National Monument Act

- Establishes a 1.7 Million Acre National Monument with an 18+ member Advisory Council including the Arizona Game and Fish Department; provides for continued recreational use of the national monument, including hunting, hiking, camping, mountain biking, birding, and horse-back riding, to the extent such recreational use is consistent with this Act and applicable law. The Secretary shall allow only such uses of the national monument as the Secretary determines would further the purposes.

The Department recommends the Commission take a position to oppose H.R. 3882.

**Motion:** Ammons moved and Mansell seconded THAT THE COMMISSION VOTE TO OPPOSE H.R. 3882.

Chairman Davis noted that this legislation fails to meet several of the requirements in the Commission resolution that was just discussed and it does nothing to deal with the over-reaching financial crisis that our current parks and national monuments are facing. Chairman Davis also requested that the Director send a letter to the Congressional Delegation as they enter into conversations about sponsorship for this legislation.

**Vote:** Unanimous

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#### 1. Call to the Public (re-opened)

Bruno Hazen, representing himself, addressed the Commission (from Region I via video teleconference) regarding elk permits in areas that are inaccessible where you can't hunt at all or you may never see or get an elk. The program should be revisited and maybe struck out completely or rolled into a limited population management hunt.

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#### 4. Key Systems Development Initiatives

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

Mr. Cummings presented a PowerPoint presentation and progress update on the Department's key systems developments, including upcoming Portal releases, online systems rewrites, Portal operations, online draw, and the development of other related systems driving data integration and the ability to deliver additional functionality and content through the Portal.

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Meeting recessed for a break at 8:55 a.m.

Meeting reconvened at 9:06 a.m.

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#### 5. Wolf Briefing

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

Mr. deVos provided a PowerPoint presentation on the current status of Department activities related to the Mexican wolf. This update is provided to the Commission on a regular basis and includes 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 update included communications and activities of the USFWS and the Department, as well as an overview on legal activities and legislative monitoring. The update included the following key points:

- The Department and USFWS have expanded on the information it releases on a monthly basis and posts on applicable websites; the information now includes planning and administrative actions relative to the Mexican wolf program
- An annual work plan for January through December 2016 is being developed
- A release plan is being drafted by the USFWS with involvement by the Inter-agency Field Team; discussion has been that releases in Arizona will be only cross-fostered pups
- Department website information update: Includes monthly report/newsletter, annual report, survey results (annual), special reports (e.g. infectious disease), press releases, FAQs, distribution maps, wolf pack information (every 2 weeks), link to FWS (current events, wolf release information, pack updates, mortality information, removal orders)
- The 2016 survey will be done in January 2016; data will be released in February 2016
- Legal Activity Updates:
  - State of Arizona v. Jewell: Due to ongoing settlement discussions, the court has twice extended the time for the federal defendants to file an answer to the complaint or other responsive pleading; October 23, 2015, the court granted Colorado's and New Mexico's motions to intervene; November 30, 2015, Utah filed a motion to intervene

- Center for Biological Diversity v. USFWS: June 29, 2015, the plaintiffs in CBD v. USFWS filed a response to Arizona's motion to dismiss
- SB1466, Livestock Loss Board: The Board has been established and its first meeting occurred on November 23, 2016; Arizona Game and Fish Director Larry Voyles was elected as Chairman; the Board's operational guidelines including mission and goals were identified; lack of federal funding was identified as a key issue; the next meeting is scheduled for December 17, 2015
- On November 13, 2015, a letter was sent to the USFWS from the Governors of AZ, CO, NM and UT stating concerns with the USFWS' approach to recovery plan development, preliminary planning flaws and a lack of focus on bi-national recovery.

Chairman Davis thanked Mr. deVos for being so diligent in providing the Commission with regular updates on the Mexican wolf reintroduction program. Now with the updates and upgrade to public information on the websites, it is no longer necessary to maintain monthly updates at Commission meetings unless something specific occurs in which the Commission should be provided a briefing.

The Commission was in consensus.

#### Public Comments

The following members of the public were present and addressed the Commission or submitted comments in support of Mexican wolf recovery in Arizona; most generally disagreed with the Department's involvement and activities regarding Mexican wolf recovery; most believed the best available science was not being used; most also believed there should be a substantial increase in wolf populations, including the release of adult captive wolves, and expansion of the Mexican wolf recovery area:

#### Region I (via video teleconference)

- Dorothy Inman, representing self

#### Region II (via video teleconference)

- Tony Prothero, representing self
- Jean Myers, representing self
- David Spence, representing self
- Emily Renn, Grand Canyon Wolf Recovery Project
- Debby Dewolfe, Grand Canyon Wolf Recovery Project (did not speak)
- Roxanne George, representing self
- Sarah King, Chair, Arizona Faith Network

#### Region V (via video teleconference)

- Nancy Bienman-Orting, representing self
- Eva Sargent, Defenders of Wildlife
- Pete O'Brien, representing self

#### Headquarters

- Edwina Vogan, representing self

- Mike Sorum, representing self
- Kathy Ann Walsh, Co-Leader, Great Old Broads for Wilderness
- Kathleen Cheatham, representing self

Chairman Davis discussed with Mr. deVos the Department's efforts and success in cross-fostering pups as a way to increase genetic diversity and increase wolf populations. Everyone has a common goal to reintroduce Mexican wolves in Arizona, but the road to getting there is controversial.

**Motion:** Ammons moved and Zieler 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

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#### 6. Lands and Habitat Program Update

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

Dr. Francis provided a written Lands and Habitat Update (attached) and a PowerPoint presentation and briefing on federal land planning activities throughout Arizona. The presentation included an overview of the federal land planning process and the Department's role in those processes followed by a statewide overview of planning efforts in each region. The overview of each region included the following:

- Region I
  - Apache Sitgreaves Forest Planning
- Region II
  - Coconino National Forest Planning
  - Kaibab National Forest Planning
  - BLM Arizona Strip Field Office Planning
- Region III
  - Prescott National Forest Planning
  - BLM Kingman Field Office Planning
- Region IV
  - BLM Planning – Multiple Field Offices
- Region V
  - Coronado National Forest Planning
  - BLM – Tucson Field Office
- Region VI
  - Tonto National Forest Planning

Both the Forest Service and Bureau of Land Management are required to develop land management plans for each of their units. These plans are meant to guide management on federal lands for a period of 15 to 20 years. Travel management planning is done either in

conjunction with the land management plan or as a separate plan that tiers to the overarching land management plan. Most often, these plans require a full NEPA environmental impact analysis and take many years, often a decade or more to complete. Besides the plan itself, each plan is accompanied by thousands of pages of supporting documents, analyses, policies, and guidelines which all have to be closely reviewed by the Department. The Department seeks cooperating agency status on all large federal planning efforts throughout the State. In addition the Department often is involved on one or more interdisciplinary teams for each planning effort. The Department's Habitat Branch provides overarching statewide guidance and review for the program while regional habitat staff work directly with the federal agency to identify and try to resolve potential impacts to the Department or the Department/Commission's mission.

Director Voyles discussed proposed expansions of wilderness areas. The authority to expand wilderness areas rests with Congress. But by proposing a wilderness area, a wilderness study area is created and is managed as wilderness in the interim. Oftentimes, areas languish for decades in the status of a wilderness study area without ever having Congressional action or designation. The lack of a time limit on a wilderness study area has been a problem. It usurps Congress' role.

Chairman Davis suggested the Department evaluate whether we want to consider working with our Congressional Delegation on federal legislation that would close this loophole.

Director Voyles stated that potential legislation has merit, but the Department is also looking at a legal route. A two-prong approach makes sense and the Department will look into it.

Chairman Davis mentioned the burro issues in Region III and stated that, in light of the Mohave County Board of Supervisors' resolution regarding burros, the Commission should do a resolution of their own in support of Mohave County's resolution, and that this should be done at the January Commission meeting.

The Commission was in consensus.

The Commission discussed several travel management issues with Dr. Francis and expressed appreciation for the Department's hard work and efforts.

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Meeting recessed for a break at 11:00 a.m.

Meeting reconvened at 11:10 a.m.

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## 9. Coldwater Sportfish Vision

**Presenter:** Chris Cantrell, Fisheries Branch Chief

Mr. Cantrell provided a PowerPoint presentation and briefing on the development of the Department's Coldwater Sportfish Vision for the continued management of trout and other coldwater species in Arizona. Trout and other coldwater angling accounted for more than 6 million angler use days in 2013. Arizona has over 150 streams for a combined length of over 1,400 miles and 64 lakes with over 3,000 acres managed primarily for trout. The Department's

Coldwater Sportfish Vision is to establish the State of Arizona as one of the most desired coldwater fishing states in the Nation, providing a wide variety of coldwater fishing opportunities. Those opportunities are defined as Blue Ribbon, Quality Catch, Intensive Use, Featured Species, Basic Yield, Wild Fish, and Native Trout Recovery. To achieve the vision, the Department's fisheries managers must manage for and reasonably predict productivity, forage, habitat, species composition, access and angling success of those waters with coldwater angling opportunities. As many of Arizona's coldwater fish are nonnative, the Department must maintain and improve the delicate balance of providing fishing recreation and conservation of Arizona's native aquatic wildlife. Therefore, as part of the vision, the Department is committed to offsetting impacts to threatened and endangered aquatic wildlife.

The finalization of the Department's Coldwater Sportfish Vision will be completed through a series of public meetings with anglers and constituent groups. The expected completion date will be June 2016. Once completed, outreach for this vision will be driven through the Department's Arizona Trout Challenge, a challenge to our anglers that highlights the breadth of the waters stocked in Arizona and the diversity of opportunities to catch unique trout species in the state.

#### Public Comment

The following speakers addressed the Commission in support of the Department's vision for coldwater fisheries:

- John Jordan, Trout Unlimited
- Jim Walker, Council Member, AZ Council of Trout Unlimited
- Brad Powell, SW Region Director, Trout Unlimited and President, AZ Wildlife Federation

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#### 6A. Shooting Sports Activity Briefing

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

Mr. Fabritz provided a PowerPoint presentation and briefing on Department activities related to shooting sports, including shooting programs and shooting range development statewide. This briefing covered updates and activities since the September 2015 Commission. The presentation included updates on the following:

- Second Knoll Target
- Utery Mountain Shooting Range
- Tri-State Shooting Park
- Overview of the Respected Access in AZ fundraiser

Commissioner Mansell discussed with Mr. Fabritz that there is a sensitive timeline for Bullhead City to complete the agreement and move forward with the project to construct a 50-yard range and access road at the Tri-State Shooting Park, and recommended that the Department be sure that they are coordinating with the correct person to move the project forward.

Regarding the Adair Shooting Range, Mr. Fabritz stated the Department recommends that the Commission does not acquire the Adair Shooting Range; however the Department will continue to support the Adair Range, Yuma County, and the Adair Range shooting constituency into the future.

Commissioner Ammons asked if Yuma County was aware of the Department’s recommendation regarding the Adair Shooting Range.

Ms. Pollock informed the Commission that the Department has met with Yuma County. Yuma County is aware and understand the issues and the Department’s position.

**Motion:** Madden moved and Mansell seconded THAT THE COMMISSION VOTE TO NOT ACQUIRE THE ADAIR SHOOTING RANGE FROM YUMA COUNTY.

**Vote:** Unanimous

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1. Call to the Public (re-opened)

James Prenovost, representing himself, addressed the Commission regarding issues and challenges faced by those who do the CHAMP hunts, such as game retrieval, not being allowed to shoot across or from the road, and other hunters who invade the space of a CHAMP hunter.

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8. Selection of New Members to the Heritage Public Advisory Committee (HPAC)

**Presenter:** Marty Herrera, Heritage Fund Administrator

Mr. Herrera presented the Commission with a list of candidates for the Heritage Public Advisory Committee (HPAC). The terms of six members of the Heritage Public Advisory Committee (HPAC) are due to expire on December 31, 2015. The positions involve one representative from Region’s 1, 3, 4, 5 and 6; and one statewide representative. The terms for newly appointed members will be three years. In accordance with the HPAC Charter, nominees have been provided to the Commission for consideration along with biographical information for each nominee. The Commission selected the candidates as follows:

<u>Region 1</u> James A. Snitzer	<u>Region 2</u> No vacancy	<u>Region 3</u> Chad Villamor	<u>Region 4</u> Randy English
<u>Region 5</u> Larry Weigel	<u>Region 6</u> Rex Stulting	<u>Statewide</u> Steve Campbell	<u>National</u> No Vacancy

**Motion:** Zieler moved and Mansell seconded THAT THE COMMISSION VOTE TO APPROVE APPOINTMENT OF THE SIX NEW MEMBERS TO THE HERITAGE PUBLIC ADVISORY COMMITTEE AS SELECTED.

**Vote:** Unanimous

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

**Vote:** Unanimous

The Commission had a working lunch during Executive Session

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Meeting recessed for lunch at 12:17 p.m.

Meeting reconvened at 1:35 p.m.

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### 7. Emergency Commission Order 40 Amendment for Tempe Town Lake.

**Presenter:** Chris Cantrell, Fisheries Branch Chief

Mr. Cantrell requested Commission approval to amend Commission Order 40(I)(A) under the provisions of R12-4-317(C) in anticipation of a scheduled draining and impending fish kill at Tempe Town Lake. This modification of Commission Order 40 would allow anglers to remove vulnerable fish and will remain in effect until April 1, 2016.

Tempe Town Lake has been an important fishery since its creation in the mid-1990s. In July 2010, the inflatable dam on the west end of Tempe Town Lake burst causing unregulated flows to go down the Salt River. This event caused significant problems for the City of Tempe and the Department. When the inflatable dam burst in 2010, thousands of fish were left stranded in shallow pools and perished. The public outcry was substantial as salvage and relocation of these fish was not permitted due to the extreme risks associated with transfers of aquatic invasive species as well as harmful pathogens. Since 2010, Tempe has committed considerable resources into constructing a new dam. Once completed, Tempe Town Lake Dam will be the largest hydraulically controlled crest-gate dam in the nation. As part of the process, the lake will need to be drained in order to remove the old structures. At present, the draining is set to begin in late February or early March 2016, and is expected to take approximately 24 days. When empty, crews will remove the old bladder material which is anticipated to take 2-3 months. The City of Tempe has requested all stockings cease to further reduce the number of fish mortality when draining of the lake commences. The Department has concurred.

In addition, the Department is recommending the removal of limits and certain harvest restrictions per Commission Order 40(I)(A) under the provisions of R12-4-313(D) and R12-4-

317(C) in anticipation of a scheduled draining and impending fish kill at Tempe Town Lake. This Commission Order 40 amendment would remove bag limits on trout, Largemouth Bass, sunfish and Channel Catfish and to designate a special season allowing fish to be taken by hand or any hand-held, non-motorized implement that does not discharge a projectile. The modification will allow anglers to remove those vulnerable fish and will remain in effect until April 1, 2016. The lake will take approximately two weeks to refill, and is anticipated to be ready for restocking in April 2016.

**Motion:** Madden moved and Zieler seconded THAT THE COMMISSION VOTE TO AMEND COMMISSION ORDER 40 FOR TEMPE TOWN LAKE, MARICOPA COUNTY, UNDER THE PROVISIONS OF R12-4-313(D) AND R12-4-317(C), AS PROPOSED, EFFECTIVE IMMEDIATELY WITH A SUNSET OF APRIL 1, 2016.

**Vote:** Unanimous

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10. Renewal of a Road Closure on State Trust Land Approximately Seven Miles West of Springerville, Arizona

**Presenter:** Al Eiden, Acting Game Branch Chief

Mr. Eiden requested Commission approval to renew a road closure on State Trust Land located approximately seven miles west of Springerville, Arizona. A map of the location was provided to the Commission. Mrs. Maryhelen "Sug" Peters has requested renewal of a closure to vehicular access on State Trust lands in Apache County, approximately one-half mile long that dead ends at private property. The Arizona Game and Fish Commission granted this closure, with concurrence from the Arizona State Land Department, in February 2001; it was renewed in 2006 and 2010.

The purpose of this road closure is to prevent further resource damage to soils and vegetation due to off-road travel. The closure has been successful over the past fifteen years; much of the severe rutting and resource damage has healed over. A walk-through gate was installed and foot access is welcomed. The Department is aware of no complaints regarding the closure; in fact, both the wildlife manager and the lessee have received comments from many hunters who like that this small piece of State Trust land is open to foot-access only. Resource damage by off-road travel continues to be a problem in neighboring areas, so Regional personnel and the Arizona State Land Department support renewal of this closure for natural resource protection.

This closure may also benefit the recently-transplanted bighorn sheep, which often hang out on this cinder hill.

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

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10A. Renewal of a Road Closure on State Trust Land Approximately Ten Miles West of Springerville, Arizona

**Presenter:** Al Eiden, Acting Game Branch Chief

Mr. Eiden requested Commission approval of a request to renew a road closure on State Trust Land located approximately ten miles west of Springerville, Arizona. A map of the location was provided to the Commission. The unnamed two-track road, 1,003 feet in length, was created by members of the public trying to climb a cinder knoll using four-wheel drive and All-Terrain Vehicles (ATVs). This closure has been in effect through a previous closure petition, which was granted by the Commission in 2005 and renewed in 2010.

The primary purpose of this road closure is to prevent further resource damage to the soils and vegetation on the cinder knoll. A secondary purpose of this road closure is to prevent potential accidents and serious injury to the public who could easily lose control of their vehicles in ascending or descending the steep road that has been created. The closure has been accomplished by simply posting a sign at the beginning of the road. There is no sign of anyone driving on the road since it was closed ten years ago; however, due to the steep slope, the vehicle tracks have not yet been completely reclaimed by vegetation. The unauthorized road on the cinder knoll provides no safe access to any important destination for either grazing lessees or other legitimate public use. The road goes straight up the rim of a volcanic crater where it dead-ends without a turn-around area. Regional personnel and the Arizona State Land Department support this closure for natural resource protection.

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

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11. Renewal of a Gate Closure on State Trust Land Approximately Two Miles East of Gold Canyon, Arizona

**Presenter:** Al Eiden, Acting Game Branch Chief

Mr. Eiden requested Commission approval of a request submitted by Dee Johnson J-P Cattle Company, to renew a gate closure on State Trust Land located approximately two miles east of Gold Canyon, Arizona, Pima County. The gate is located at milepost 206 on the north side of U.S. Highway 60. This closure has been in effect through a previous closure petition, which was granted by the Commission in 2010.

The Desert Wells Multiuse Area Workgroup recommended this closure to support their ongoing collaborative effort to manage the area in accordance with the wants and needs of the affected parties including organized OHV groups, local sportsman's groups, Maricopa County Flood Control District, Arizona State Land Department, Arizona Game and Fish Department, Pinal County, and local cattle growers including the petitioner. This closure was requested for many reasons and the desired outcomes are: reduction in loss of wildlife habitat through less soil erosion and vegetation damage by vehicles, reduction in dust in response to PM<sup>10</sup> concerns, reduction in illegal activities which include unlawful cross-country travel, dumping and littering, unlawful target shooting, and vandalism to range improvement structures (specifically fences and dirt stock tanks). The closure has helped with all these issues. Additionally, the elimination of vehicular access at this gate has facilitated livestock operations by reducing incidences of OHV

travel in a major wash that is immediately adjacent to the closed gate, and also by reducing the likelihood of livestock getting on Highway 60, where they would cause a public safety concern.

Non-motorized access by sportsmen and other properly permitted recreationists is allowed at this gate. Furthermore, several alternative gates exist and remain open, providing reasonable alternative vehicular access to the area, including a gate one mile further east at milepost 207 on U.S. Highway 60. Regional personnel and the Arizona State Land Department support this closure for natural resource protection.

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

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#### 12. Landowner-Lessee/Sportsman Relations Committee Appointment

**Presenter:** Al Eiden, Acting Game Branch Chief

Mr. Eiden presented the Commission with a nomination for an individual to fill a vacant sportsman's representative spot on the Landowner-Lessee/Sportsman Relations Committee. The Department's Landowner Relations Program has received a nomination from an individual who would like to fill a vacant sportsmen's representative position. Mr. Jim Lawrence is an avid sportsman and very interested in improving public access issues. A biography was provided to exhibit the nominee's qualifications.

**Motion:** Madden moved and Mansell seconded THAT THE COMMISSION VOTE TO APPROVE THE APPOINTMENT OF MR. JIM LAWRENCE TO THE LANDOWNER-LESSEE/SPORTSMAN RELATIONS COMMITTEE.

**Vote:** Unanimous

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#### 13. Memorandum of Understanding for Continued Participation in the Western Association of Fish and Wildlife Agencies (WAFWA) Grassland Initiative.

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

Mr. deVos briefed the Commission on a Memorandum of Understanding between the Department and WAFWA, for the purpose of continued participation in the Grassland Initiative. Through this coordinated effort, the Department has been able to develop some approaches that allow coordination in addressing issues such as data collection. With this MOU, there are broad benefits of the grassland initiative, but there are also direct benefits to Arizona. One of the direct benefits to Arizona has been, for example, the Department has been able to utilize some of the expertise in the reintroduction of black-tailed prairie dogs. This type of collaborative effort in data collection provides a more powerful tool in the management of wildlife.

**Motion:** Mansell moved and Zieler seconded THAT THE COMMISSION VOTE TO ALLOW THE DEPARTMENT TO CONTINUE ITS PARTICIPATION IN THE WAFWA GRASSLAND INITIATIVE MEMORANDUM OF UNDERSTANDING.

**Vote:** Unanimous

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18. Proposed Changes to 2016 Commission Meetings Dates

**Presenter:** Ty Gray, Deputy Director

Mr. Gray presented the Commission with several options to change the May and September 2016 Commission meeting dates and for the May Commission workshop. The Commission discussed and agreed to move the September 2-3, 2016 meeting to August 26-27, 2016, the May 6-7, 2016 meeting to May 5-6, 2016, and to hold a Commission workshop on May 6-7, 2016.

The Commission was in consensus.

The following is a revised list of 2016 and January 2017 Commission meeting dates:

<u>Date</u>	<u>Location</u>
January 15-16, 2016	Phoenix
February 5-6	Region IV
March 4-5	Region V
April 8-9	Phoenix
May 5-6	Region III
May 6-7	Workshop
June 10-11	Region VI
August 5-6	Region II
August 26-27	Region I
November 4-5	Workshop
December 2-3	Phoenix
January 13-14, 2017	Phoenix

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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.

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

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

Mr. Elms presented a rehearing request by John Travis Harper Jr. regarding the revocation of his license privileges. On January 14, 2015, Mr. Harper Jr. was convicted in the Desert Ridge Justice Court for obtain/accept/use 2013 resident hunt/fish license by misrepresentation. On June 12, 2015, the Commission revoked Mr. Harper's hunting, fishing and trapping licenses for a period of five 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. Harper has requested a rehearing of this matter and decision because he would like to have a chance to defend himself in person and ask the Commission for a lesser sentence. Mr. Harper is basing his appeal on 'Excessive or insufficient penalties.' Mr. Harper Jr. was notified of the re-hearing by certified mail.

Mr. Harper Jr. was present and addressed the Commission apologizing for his actions. He did not intend to be deceitful and asked the Commission to consider his clean record. Hunting is a family tradition and after he moved to California, he continued to hunt with his family in Arizona. He feels his penalty is excessive and would like to pay in another way such as volunteer work.

Case Officer Nemlowill was present and answered questions for the Commission.

Chairman Davis confirmed with Officer Nemlowill that Mr. Harper Jr. obtained resident licenses in both Arizona and California.

**Motion:** Ammons moved and Madden seconded THAT THE COMMISSION VOTE TO DENY THE REQUEST FOR REHEARING BY JOHN TRAVIS HARPER JR.

**Vote:** Aye – Davis, Madden, Ammons, Zieler  
Nay - Mansell  
Passed 4 to 1

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#### 16. Rehearing Request Regarding Previous License Revocation/Civil Assessment.

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

Mr. Elms presented a request for rehearing by Aaron A. Rivera regarding the revocation of his license privileges. On February 11, 2015, Mr. Rivera was convicted in the Williams Justice Court for transport unlawfully taken wildlife (Elk). On September 4, 2015, the Commission revoked Mr. Rivera's hunting, fishing and trapping licenses for a period of four 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. Rivera has requested a rehearing of this matter and decision because he misread the date of the hearing on his notice and would like the opportunity to plead his case before the Commission. Mr. Rivera was notified of the re-hearing by certified mail.

Case Officer Walton was available via video conference from Region II.

Mr. Rivera was present and addressed the Commission stating that his friend shot the elk and he made a mistake by agreeing to help him salvage the meat. He asked the Commission for leniency by reducing his revocation period and offered to do any kind of volunteer work for the Department. He is a new hunter and has already taken the Hunter Education Course.

The Commission discussed with Mr. Rivera the circumstances of the case and how Mr. Rivera eventually told the truth when he was able to step away from his friend.

Chairman Davis noted that the Commission already showed some discernment when they first addressed this case by only revoking Mr. Rivera's hunt, fish, and trap license for a period of four years instead of five.

**Motion:** Zieler moved and Mansell seconded THAT THE COMMISSION VOTE TO REHEAR THE CASE OF AARON A. RIVERA.

**Vote:** Aye - Davis, Ammons, Zieler, Mansell  
Nay - Madden  
Passed 4 to 1

The Commission confirmed with Mr. Rivera that he would like to have the rehearing today and not schedule it for a future date.

Case Officer Walton answered questions for the Commission stating that after several hours of trying to contact Mr. Rivera, he finally did contact him and Mr. Rivera was honest about how the situation happened.

Mr. Rivera reiterated that he had to wait until he stepped away from his friend to talk to the officer. His friend hung up on the officer, but he did not.

**Motion:** Ammons moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF AARON A. RIVERA TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FOUR (4) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Aye - Davis, Madden, Ammons, Zieler  
Nay - Mansell  
Passed 4 to 1

**Motion:** Ammons moved and Zieler seconded THAT THE COMMISSION VOTE TO RECONSIDER THE PRIOR MOTION

**Vote:** Unanimous

**Motion:** Ammons moved and Madden seconded THAT THE COMMISSION VOTE TO REINSTATE THE PREVIOUS REVOCATION DATED SEPTEMBER 4, 2015.

**Vote:** Unanimous

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

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

Mr. Elms presented a rehearing request by Kyran D. Walker regarding the revocation of his license privileges. On February 4, 2015, Mr. Walker was convicted in the Greenlee County Justice Court for shoot from/across roadway. On September 4, 2015, the Commission revoked Mr. Walker's hunting, fishing, trapping and guide 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. Walker has requested a rehearing of this matter and decision because he was not represented by counsel and was not informed that by pleading guilty to this class 2 misdemeanor and agreeing to pay the \$375.00 fine in order to resolve this matter, that as a collateral consequence, he would have his guide license revoked. Mr. Walker was notified of the re-hearing by certified mail.

Mr. Walker was present and addressed the Commission along with his legal counsel. Mr. Walker's legal counsel stated that special circumstances in the court caused this case to go as far as it did. In most cases like this, the court's general policy is to defer prosecution for those that have no criminal record. According to Mr. Walker's legal counsel, his research shows seventeen other citations were written in regards to the same decoy and no other cases have been brought before the Commission. Additionally, since Mr. Walker earns his living as a guide, and he can't guide without a hunting license, the combined overall costs to Mr. Walker for this incident are excessive.

Mr. Walker stated that he is sorry for what he did and that he has taken the Hunter Education Course. He has used this situation to teach his children about consequences.

Commissioner Zieler confirmed with Mr. Walker that he has had no other wildlife violations since he first started hunting.

**Motion:** Ammons moved and Zieler seconded THAT THE COMMISSION VOTE TO GRANT THE REHEARING OF KYRAN D. WALKER.

**Vote:** Aye – Davis, Ammons, Zieler

Nay – Madden, Mansell

Passed 3 to 2

The Commission confirmed with Mr. Walker that he would like to have his rehearing today and not scheduled for a future date.

Case Officer Najar addressed the Commission and added that Mr. Walker knew this case could come before the Commission before his court case and before he entered into a guilty plea agreement. Officer Najar provided the Commission with a video of the incident showing Mr. Walker taking a shot at the decoy.

The Commission discussed with Mr. Elms and confirmed that this case would not likely have come before the Commission if Mr. Walker didn't hold a guide license because guides are held to a higher standard.

**Motion:** Ammons moved and Zieler seconded THAT THE COMMISSION VOTE TO REDUCE THE LICENSE REVOCATION PERIOD FOR KYRAN D. WALKER TO ONE YEAR FOR HUNT, FISH, TRAP, AND GUIDE, EFFECTIVE SEPTEMBER 4, 2015.

Commissioner Zieler noted for the record that he fully concurs with holding licensed guides to a higher standard and he feels that a one year revocation period is holding Mr. Walker to that higher standard.

**Vote:** Aye – Ammons, Zieler  
Nay - Davis, Madden, Mansell  
Failed 2 to 3

**Motion:** Madden moved and Mansell seconded THAT THE COMMISSION VOTE TO REDUCE THE LICENSE REVOCATION PERIOD FOR KYRAN D. WALKER TO TWO YEARS FOR HUNT, FISH, TRAP, AND GUIDE, EFFECTIVE SEPTEMBER 4, 2015.

Chairman Davis stated that all cases are different and that this one was difficult.

Chairman Davis requested an amendment to a one year revocation.

Commissioners Madden and Mansell did not accept.

**Vote:** Aye – Madden, Mansell  
Nay - Davis, Ammons, Zieler  
Failed 2 to 3

**Motion:** Davis moved and Ammons seconded THAT THE COMMISSION VOTE TO REDUCE THE LICENSE REVOCATION PERIOD FOR KYRAN D. WALKER TO ONE YEAR FOR HUNT, FISH, TRAP, AND GUIDE, EFFECTIVE FROM THE INITIAL DATE OF SEPTEMBER 4, 2015.

**Vote:** Aye - Davis, Ammons, Zieler  
Nay - Madden, Mansell  
Passed 3 to 2

20. Litigation Report

There were no comments or questions regarding the Litigation Report.

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21. Approval of Minutes and Signing of Minutes

**Motion:** Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM SEPTEMBER 4-5, 2015, OCTOBER 16, 2015 AND OCTOBER 27, 2015.

**Vote:** Unanimous

The Commission signed the minutes following approval.

\* \* \* \* \*

22. Director and Commissioner Comments

Director Voyles read into the record the following Heritage Grant Report to the Commission.

Arizona Game and Fish Department Heritage Grant Award's Offered in 2016

In fiscal year 2016, the Department received 2 Heritage Outdoor Education (OE) grant applications and both applicants will be offered a grant award. Of the \$16,000 available, \$3,770 will be offered for award. Following is information for each of the potential award recipients:

1. Washington Elementary School District, Orangewood Elementary, for the project titled "*Orangewood at Camp Colley Environmental Workshop.*" The award offer is \$2,040.
2. The City of Yuma, for the project titled "*Wildlife Habitat Field Study in the Yuma East Wetlands (YEW).*" The award offer is \$1,730.

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Meeting recessed for the day at 4:36 p.m.

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Meeting reconvened Saturday at 8:00 a.m.

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Chairman Davis called the meeting back to order at 8:00 a.m. The Department's Honor Guard presented the Colors and Chairman Davis led those present through the Pledge of Allegiance. The Commission and Director Voyles introduced themselves followed by introductions of the Director's staff.

\* \* \* \* \*

1. Awards and Recognition

Chairman Davis presented Bob Pian with a Commission Commendation of Achievement for his exemplary efforts working with the Arizona Game and Fish Department to increase participation in the sport of archery.

Commissioning of Officers Ceremony

The following Wildlife Law Enforcement Officers were sworn in by Director Voyles:

- Barry Austin
- Zachary Coffman
- Dennis Fogle
- Nathaniel Foley
- Cody Johnston
- Danielle Klass
- Laura Orscheln
- Ryan Randall

Department Employee Service Pin Awards

Director Voyles presented Service Pin Awards to the following Department employees:

30 Year Service Pin

Cindy David  
George Hayes  
Mike Kuhns

25 Year Service Pin

Bill David  
Cindy Dunn  
Steve Levings  
Jeff Sorensen  
Mike Sredl

20 Year Service Pin

Lorraine Avenetti  
Norina Barz  
Gilbert Gonzales

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Meeting recessed for a break at 8:59 a.m.

Meeting reconvened at 9:11 a.m.

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1A. Boquillas Ranch Cooperative Stewardship Agreement for Hunter Access

**Presenter:** Al Eiden, Acting Game Branch Chief

Mr. Eiden provided a PowerPoint presentation and update on Department efforts to reach a new or amended access agreement for 2016 and beyond to provide public access to the Boquillas Ranch. The update included a summary of ongoing efforts to enter into a new or amended access agreement, including a summary of two agreement proposals offered to the Navajo Nation to secure recreational access. The following summary was provided in the update:

The Department entered a three year access agreement with the Navajo Nation and Cholla Livestock that began in the 2013 hunt season and will expire at the end of the 2015 hunts.

Beginning in early 2014, the Department met with Cholla Livestock in an iterative process to modify the agreement in looking towards extending the agreement. Several Ranch Rules were modified and a couple were added, including a prairie dog ranch pass intended to increase hunting and revenue. Eight citations of Ranch Rules were issued on the Boquillas Ranch. Frequent discussions focused on extending the access agreement occurred with Cholla Livestock in August and September of 2015. In September 2015 the Department was advised by Cholla Livestock to meet directly with the Navajo Nation. In early October, Executive Director Bidtah Becker designated Mr. Leo Watchman as point of contact for discussion on a future access agreement. In mid-October, the Department met with Mr. Watchman to discuss an extension of the existing access agreement or enter into a new access agreement. In October-November, 2015, the Department proposed options for the next agreement to the Navajo Nation for consideration.

#### Department Proposals:

- Extend the existing agreement
  - \$75 fee for all hunts except antlerless elk, \$60 fee for antlerless elk
  - Fee to Guide (conduct business) on the Boquillas Ranch, fee to be determined (example \$500)
  - \$25,000 emergency funding for catastrophic weather events
  - Ranch Rules enforced by the Department
  - Pass required to be on each person that could be obtained online
  - Estimated increase in revenue based on 2014 numbers was approximately \$25,000 plus \$25,000 in emergency funding
  
- Enter into new agreement without a fee to access the ranch
  - The Department would provide funding of \$100,000 per year for 10 years (\$1.0 million total)
  - Fee to Guide (conduct business) on the Boquillas Ranch, fee to be determined (example \$500)
  - Assist in securing grant funding of \$50,000 per year- this funding is not guaranteed
  - Ranch Rules enforced by the Department
  - Pass required to be on each person that could be obtained online
  - Navajo Nation maintains protection under A.R.S 33-1551 (Recreational Immunity Statute)
  - Estimated increase in revenue \$10,000 guaranteed plus \$50,000 in grant funding potential
  
- Extend the existing agreement to maintaining the current status to allow more time to work out a longer term agreement

Over the past few weeks, the Department has reached out to both Mr. Watchman and Executive Director Becker. On Wednesday, December 2, Executive Director Becker reached out to the Department and indicated that the intention of the Navajo Nation is to continue efforts toward an access agreement with the Department for the Boquillas Ranch working through Mr. Watchman.

Mr. Eiden introduced Mr. Watchman who was present and addressed the Commission on behalf of the Navajo Nation. Mr. Watchman discussed with the Commission some of the challenges of the Navajo Nation and the lessee of Big Boquillas Ranch in regards to livestock and wildlife management and related costs for water and road maintenance. Negotiations with the Department for an access agreement comes down to economics; to offset some of the costs. The Navajo Nation is looking forward to working out an access agreement with the Department that benefits both the Department and the Navajo Nation.

Chairman Davis thanked Mr. Watchman for coming before the Commission and stated that the Commission understands the size and the scope of the Big Boquillas, as well as the importance and value of the Department's relationship with the Navajo Nation. The Commission understands and appreciates Mr. Walkman's role in serving the Navajo Nation's best interest, but the Commission also has to do the best they can on behalf of Arizona's wildlife, which is held in trust for the people of Arizona. Chairman Davis added that he senses a willingness of both parties to be respectful of each other's enterprise and to resolve the matter as expeditiously as possible. Chairman Davis indicated that the agreement must be completed by March 31, 2016 in order for the Department to take the appropriate management actions for the 2017 hunt seasons.

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Meeting recessed for a break at 10:02 a.m.

Meeting reconvened at 10:07 a.m.

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## 2. Consideration of Proposed Commission Orders 3, 4, and 26 for 2016 Hunting Season.

**Presenter:** Al Eiden, Acting Game Branch Chief

Mr. Eiden, assisted by Big Game Supervisor Amber Munig, presented the Commission with Commission Orders 3 (pronghorn antelope), 4 (elk), and 26 (population management) establishing seasons and season dates, bag and possession limits, permit numbers or authorized limits, and open areas for the respective 2016 fall hunting season. Mr. Eiden provided a PowerPoint presentation that included charts and graphs of historical and current survey data, as well as weapon type data and young/female and male/female ratios. A detailed description of all proposals was provided to the Commission prior to this meeting for review and consideration, and was available for public review at all Department offices and on the Department's website.

Hunt structures and recommendations were formulated based on the two-year hunt guideline package approved in September 2015. The following hunt recommendations for fall 2016 pronghorn antelope, elk, and population management seasons are based on the guidance provided by that document. Regions 1, 2, 3, and 6 held public meetings after analyzing current year survey data and prior to meeting with the Game Branch to discuss permit recommendations. These meetings were held during October 14–22, 2015. Attendance was low at these meetings. At each of these meetings, Regional staff shared recommended management direction regarding harvest with those in attendance.

Each Region held an open house between November 23 and December 2, 2015 at which the public could ask specific questions about hunt recommendations for pronghorn, elk, or

population management seasons from knowledgeable staff. The hunt recommendations were posted on the Department website on November 20, 2015.

In accordance with Hunt Guidelines, the Department will continue to allocate a proportion of the permits for pronghorn and elk within Units 4A, 5A, and 5B to Hopi tribal members based on the estimated populations of pronghorn and elk that occupy those lands. In exchange, the Hopi tribe will grant access to Hopi Trust Lands for permit draw hunters within the open hunt area. Likewise, Hopi tribal members that draw from their allotted permits will have access to the entire open area in the hunt area.

The following information was presented with subsequent Commission input and action:

### Commission Order 3 – Pronghorn Antelope

The statewide buck to doe ratio is above guidelines at 34:100, whereas fawn to doe ratio is just below the new guidelines at 34:100. In Region 3, public access is an ongoing concern and influences permit recommendations; however, there are a number of ranches that do allow public access facilitating pronghorn hunting. Big Boquillas Ranch in Unit 10 continues to charge a fee to enter the Ranch. In 2014, about 60% of the hunters with pronghorn permits paid the fee to hunt on the Big Boquillas Ranch.

General season permits are recommended to increase by 17 from last year for a total of 483 permits. Permit recommendations is 272 for archery-only pronghorn and 67 for muzzleloader pronghorn, which is no change from last year. A new general hunt is recommended in Units 35A and 35B with 3 permits, and a new archery-only hunt with 1 permit is recommended in Unit 34B. It is recommended that Hopi tribal members are allocated 12 general permits, 6 archery-only permits, and no muzzleloader permits in Units 4A, 5A, and 5B. The Raymond Wildlife Area will be open to all pronghorn hunters in this unit. The hunts for pronghorn on Fort Huachuca in Unit 35A are recommended to remain closed.

### Pronghorn Permit Summary

- Bonus Point
- General 482(+16)
  - Increase in Units 2A, 3C, 4A, 4B, 6A, 31/32
  - Decrease in Units 5B,17A
  - Adding Unit 35A/35B
- Muzzleloader 67 (0)
- Archery 271 (-1)
  - Adding Unit 34B
  - Decrease in Unit 5A, 5B
- Total 820 (+15)
- Hopi Tribal Permits (4A, 5A, 5B) (increasing by 3 permits)
- Fort Huachuca Seasons (no hunts recommended)

Commissioners Mansell and Zieler recommended two changes. One in Unit 2A, reduce by 5 permits, and in Unit 4B, reduce by 3 permits. This would make it the same as last year in these

units. The total recommendation is a reduction of 8 antelope tags. These recommended changes come from multiple discussions with constituents and others.

Commissioner Zieler added that the antelope numbers have been low in those units and while the Department has been making some good changes, he feels it is too premature to increase the number of tags.

**Motion:** Mansell moved and Zieler seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 3 – PRONGHORN ANTELOPE AS PROPOSED WITH THE EXCEPTION OF REDUCING THE NUMBER OF PERMITS IN UNIT 2A BY 5 TAGS AND REDUCING THE NUMBER OF PERMITS IN UNIT 4A BY 3 TAGS.

Commissioner Zieler expressed concern about getting the word out to constituents about the reduced tags.

The Department will send out a press release on the changes and put a notation on the website if possible.

**Vote:** Unanimous

#### Commission Order 4 – Elk

The statewide bull to cow ratio is within guidelines at 33:100; the calf to cow ratio remains within guidelines at 37:100. As with pronghorn, a proportion of the permits in Units 4A, 5A, and 5B are recommended to be allocated to Hopi tribal members.

Elk harvest is recommended to allow limited population growth in some areas where growth is possible as identified in the Elk Management Plan; individual populations may be managed according to current habitat and environmental conditions.

This recommendation package continues to adjust bull to cow ratios to meet or move toward management guidelines. General season permits are recommended at 14,417 permits, a decrease of 200 permits from last year (the change comprises a decrease of 75 bull elk permits and a decrease of 125 antlerless elk permits). This decrease is generally to allow elk population expansion where habitat conditions are suitable for expansion and to move the bull to cow ratios towards guidelines in units where it is below guidelines. An additional 30 general bull and 10 general antlerless permits are recommended for allocation to Hopi tribal members in Units 4A, 5A, and 5B. The Raymond Wildlife Area will be open to all elk hunters in this unit.

Youth-only general antlerless elk permit numbers are recommended at 1,212 permits, no change from 2015. Six permits are recommended to be allocated to Hopi tribal members in Unit 4A. The permit allocation in this package for youth-only antlerless elk permits represents 4.9% of elk permits excluding limited opportunity hunts. When the limited opportunity hunts are included, the youth-only antlerless elk permits represent over 5% of elk permits.

Muzzleloader permits are recommended to decrease by 75 permits to 1,153 (the change comprises a decrease of 75 bull elk permits in Unit 10). No muzzleloader permits are recommended for Hopi tribal members in Unit 5B.

Archery-only elk permits are recommended to decrease by 65 to 5,684. Hopi tribal members are recommended to receive 20 archery-only bull and 5 archery-only antlerless permits in Units 4A, 5A, and 5B.

CHAMP hunts are again recommended for Units 1, 6A, and 10 as these units have good access and sizeable elk populations. Permit levels are recommended to remain at 50. The CHAMP hunt in Unit 10 will continue to overlap the muzzleloader bull hunt in that unit; however, the permits during the muzzleloader hunt are recommended to decrease by half.

The Department's recommendation is generally consistent with the weapons allocation formula in hunt guidelines. Bull and antlerless elk harvests are allocated by sex and weapon type using 5-year averages of first-choice application demand and 5-year averages of hunt success by weapon type; limited opportunity, CHAMP, and youth-only hunts are excluded from this allocation determination. The targeted and recommended allocations for bull and antlerless elk permits are as follows:

<u>Bull Elk:</u>	<u>Target</u>	<u>Recommended</u>
General	56.6%	56.4%
Muzzleloader	5.8%	5.9%
Archery	37.6%	37.7%
 <u>Antlerless Elk:</u>	 <u>Target</u>	 <u>Recommended</u>
General	87.5%	83.5%
Muzzleloader	3.8%	4.8%
Archery	8.7%	11.7%

Projected harvest for both bull and antlerless seasons are expected to be within one percent of targeted allocation.

Limited opportunity general hunts are recommended to decrease by 3 general permits to 1,835 and limited opportunity archery-only hunts are recommended for no change at 135 permits. Two muzzleloader limited opportunity hunts are recommended with 50 permits, no change from last year. Limited opportunity archery hunts are recommended to remain the same at 135 permits. Hopi tribal members are recommended to receive 65 antlerless general limited opportunity permits in Units 4A North, 5A, and 5B North.

The nonpermit over-the-counter elk seasons are recommended to continue with no change from the 2015 seasons.

Season structure on Camp Navajo in Unit 6B will continue to be offered as military, disabled veteran, wounded warrior, or other. Permits are recommended as 124 military (+2), 41 disabled veteran/ wounded warrior (no change), and 47 other (no change).

The hunt recommendation package was coordinated with land management agencies, local habitat partnership committees, and the Forage Resource Study Group in Region 2. Permits for bull and antlerless harvest were managed to meet management guidelines for bull to cow ratios and forage use as noted in the hunt guidelines and the Elk Management Plan.

Elk Permit Summary

• Bonus Point	
• General	14,417 (- 200)
• Youth Only	1,212 (same)
• Limited Opportunity (Gen)	1,835 (- 3)
• CHAMP	50 (same)
• Muzzleloader	1,153 (- 75)
• Limited Opportunity (Muzz)	50 (same)
• Archery	5,684 (- 67)
• Limited Opportunity (Arch)	135 (same)
• General / Archery Nonpermit Tag	
• Total	24,536 (- 345)
• Hopi Tribal Permits (4A, 5A, 5B)	(decrease of 11 permits)

Public Comment

Steve Clark, Executive Director, Arizona Elk Society, but also representing himself, stated that on behalf of AES, they appreciate all of the Department's hard work, but they have concerns regarding the Big Boquillas. They would like to see the agreement stay the same. On a personal note, Mr. Clark disagrees with last minute changes by the Commission. AES agrees with the Department's recommendation on elk as proposed.

**Motion:** Mansell moved and Zieler seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 4 – ELK AS PROPOSED.

**Vote:** Unanimous

Commission Order 26 – Population Management Seasons

Population management seasons are recommended for implementation in generally the same units, seasons, and permit levels as last year. "Designated deer," "designated elk," or "designated bison" is the legal wildlife in each of the population management seasons so that the Director may designate the desired legal animal for harvest if the permits are issued. Although the Department is recommending that the Commission authorize 1,600 deer (1,550 general and 50 archery only), 1,975 elk (1,195 general, 150 muzzleloader, 25 HAM, and 605 archery only), 770 javelina (360 general, 250 HAM, and 160 archery only), 170 bison (all general), and 122 bear (68 general, 26 HAM, and 28 archery only), these permits will not be issued unless approved by the Director following a determination from the population management hunt review and approval process. For archery turkey, the Department is recommending the Commission authorize 1,705 permits be available as "companion tags" to hunters who draw archery elk permits in the corresponding unit and season date.

Population Management Hunt Summary

- Population Management Seasons: January 1 – December 31, 2016

- Recommended for the same seasons and similar permit authorization levels as last year with the following exceptions:
  - Elk – add an archery season in Unit 16A/44A with 30 permits
- Other PMH companion permits are authorized at April 2016 Commission Meeting with their companion hunts

**Motion:** Mansell moved and Zieler seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 26 – POPULATION MANAGEMENT SEASONS AS PROPOSED.

**Vote:** Unanimous

\* \* \* \* \*

### 3. Hunt Permit-Tag Application Schedule for 2016 Antelope and Elk Hunts

**Presenter:** Debra Rittenback, Revenue Unit Supervisor

Ms. Rittenback provided the Commission with a brief presentation relating to the proposed hunt-permit tag application schedule for the Antelope and Elk 2016 hunts (attached). The application schedule identifies proposed acceptance dates and deadline dates for all hunts associated with the draw process. In addition, the proposed dates for when hunt permit-tags and refund warrants will be mailed are also identified, along with information relating to the first-come/first-serve process for any permits that may still be available.

**Motion:** Zieler moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE THE APPLICATION SCHEDULE FOR THE 2016 ANTELOPE AND ELK HUNTS.

**Vote:** Unanimous

\* \* \* \* \*

### 4. Future Agenda Items and Action Items

Deputy Director Gray recapped future agenda items and action items captured in this meeting:

- Update the Commission resolution on loss of multiple-use lands and special land designations, and have that signed by the Chairman
- Work with the Congressional Delegation and legal staff to address the wilderness study area issues
- Regarding burro issues, the Department will develop a Commission resolution for the January meeting that will be supportive of Mohave County's resolution
- Regarding the Tri-State Shooting Range, increase the coordination with the club to facilitate better communication in the projects being completed more expeditiously
- Move the May 2016 Commission meeting to May 5-6 and the September 2016 to August 26-27

- Regarding the hunt orders, the Department will develop a tracking system related to harvest success rates in relation to improvements and technology with muzzleloaders.

Chairman Davis added that with discontinuing regular Mexican wolf updates, the Commission would like to add some updates on other endangered species in Arizona and the success of the Department's work in those areas.

\* \* \* \* \*

19. Executive Session (continued from Friday's agenda)

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

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

**Vote:** Unanimous

\* \* \* \* \*

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

**Vote:** Unanimous

\* \* \* \* \*

Meeting adjourned at 12:45 p.m.

\* \* \* \* \*



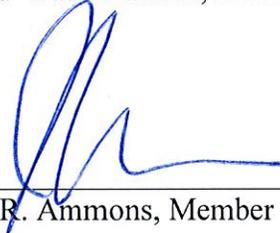
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Kurt R. Davis, Chairman



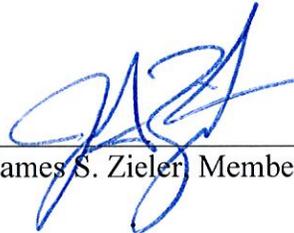
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Edward "Pat" Madden, Member



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James R. Ammons, Member



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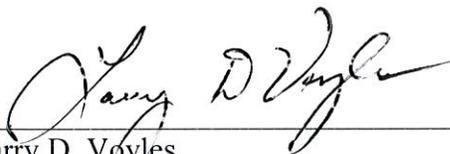
James S. Zieler, Member



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Robert E. Mansell, Member

ATTEST:



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Larry D. Voyles  
Secretary and Director

**Game and Fish Litigation Report  
Presented at the Commission Meeting  
December 4, 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. *State of Arizona v. Jewell, CV 15-00245-CKJ.*** On June 8, 2015, the State of Arizona filed suit against the Secretary of Interior and the U.S. Fish and Wildlife Service ("FWS") for violations of the Endangered Species Act ("ESA"). Arizona alleges in the lawsuit that the FWS has failed to develop a new recovery plan for the Mexican wolf that complies with the requirements of ESA. The FWS prepared an original recovery plan for the Mexican wolf in 1982, but that plan has since expired, and it does not include the necessary elements ESA requires for a recovery plan. Arizona will seek declaratory and injunctive relief compelling the FWS to develop a new recovery plan within a reasonable period.

On its own motion, the court transferred this case to the same court assigned to *Center for Biological Diversity v. Jewell, CV 15-00019*. On August 12, 2015, the court granted the FWS's request for an additional sixty to file an answer. **Due to ongoing settlement discussions, the date to file an answer has been extended to December 7, 2015.**

**2. *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.

On May 12, 2015, the court granted a motion to consolidate a case from New Mexico brought by various livestock organizations and local governments. On May 12, 2015, the court also granted Arizona's motion to intervene and authorized Arizona to file either a motion to dismiss or an answer. On May 26, 2015, Arizona filed a motion to dismiss. On June 1, 2015, the court issued an order setting a case management conference for July 9, 2015. On June 8, 2015, the federal defendants filed a response taking no position on Arizona's motion to dismiss. A joint case management report was filed on July 2, 2015, and a scheduling conference occurred on July 9, 2015. On June 29, 2015, the plaintiffs filed a response in opposition to Arizona's motion to dismiss. On July 6, 2015, Arizona filed a reply in support of its motion to dismiss. On July 9, 2015, the plaintiffs filed a motion for leave to file a surreply to Arizona's reply. On July 20, 2015, the court

granted the plaintiffs' motion and granted a motion to consolidate the lawsuit *WildEarth Guardians v. Ashe*, CV 15-00285. On July 23, 2015, the court issued a scheduling order.

**Due to issues with the administrative record and time needed to resolve these issues, the court has entered an order modifying the scheduling order to extend the date for filing opening motions for summary judgment.**

**3. *WildEarth Guardians v. Ashe*, CV 15-00285.** Plaintiffs filed this lawsuit on July 2, 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 conservation. Plaintiffs also allege the final environmental impact statement ("EIS") and a biological opinion associated with the final rule are inadequate. Plaintiffs contend the FWS has a duty to reconsider its decision that the Mexican wolf population is nonessential. Plaintiffs seek a court order to set aside and remand to the FWS portions of the final rule, the permit and final EIS.

On August 7, 2015, the Game and Fish Commission voted to intervene on behalf of the FWS.

**4. *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.

**The Ninth Circuit held oral argument on November 19, 2015, and took the case under advisement.**

**3. *WildEarth Guardians v. Sandoval*, 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.

**On September 11, 2015, the court granted in part New Mexico's request for attorney fees and ordered WildEarth Guardians to pay \$174,000 in fees and costs. The court found that the standard for awarding attorneys' fees to a prevailing defendant in ESA litigation was established because WildEarth Guardians pursued claims that were frivolous, unreasonable or without foundation. WildEarth Guardians filed a notice of appeal on October 9, 2015.**

5. *Holden and Gynn 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 (Gynn) 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. **Holden and Gynn filed a motion to disqualify the Attorney General's Office which the superior court granted, relying on a relict 1929 statute (A.R.S. §17-103). Commission appealed, and the Court of Appeals reversed the superior court's decision. On August 26 Holden and Gynn filed a petition for review with the Arizona Supreme Court seeking reversal of the Court of Appeal's ruling.**

## **Lands Update**

For the Arizona Game and Fish Commission

December 2015

Phoenix, Arizona

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

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

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

- The Department received Cooperating Agency status for planning of the second Environmental Impact Statement (EIS) (“Rim Country EIS”), which includes portions of Tonto, Apache-Sitgreaves, and Coconino national forests. Department staff from HQ and Regions I, II, and VI are working with the Forest Service (FS) 4FRI team and stakeholder group (SHG) through Cooperating Agency status and ID team membership.
- The FS 4FRI core team will be incorporating desired conditions from the Apache-Sitgreaves National Forest Revised Land Management Plan (Plan), desired conditions from the 4FRI Landscape Strategy, the 4FRI Large Tree Retention Strategy, and the proposed Amendments to the Tonto National Forest Plan to develop the NEPA documents for the Rim Country EIS. The SHG planning group, of which several Department employees are members, has been reviewing all of these documents and making recommendations for changes, in preparation for the NEPA process to begin. Recommendations will likely come from the SHG in November/December. The Department anticipates working with the 4FRI ID team, beginning in January, to ensure fish and wildlife data needs are met for the planning phases.
- The Campbell Group, the former timber operations subcontractor for the 4FRI Stewardship Contract, filed suit against Good Earth Power, the 4FRI primary contractor. In their suit Campbell Group asserts breach of contract and other malfeasance. The slow pace of thinning under the first EIS continues to be a significant concern.

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

- The Apache-Sitgreaves National Forests (Forest) released their final Revised Land Management Plan (Plan) and Environmental Impact Statement (EIS). The Notice of Availability was published in the Federal Register on September 25, marking the beginning of the 90-day appeal period which ends on December 24. The Department is currently reviewing the Plan and EIS.
- The Department provided comment on the proposed 66,000 acre West Escudilla Restoration Project (Project) on the Alpine and Springerville Ranger Districts. The Project promotes forest health, improved watershed condition, and reduced likelihood of high severity stand-replacing fire. Proposed activities include hand-thinning and mechanical vegetation treatments, prescribed fire, and aquatic and watershed activities, such as placement of stabilization structure, riparian woody species planting, and approximately 135 miles of forest system road and unauthorized road decommissioning.
- The Department provided comment on the North Escudilla Livestock Grazing Analysis. The Proposed Action consists of the re-authorization of livestock grazing on the 14,000

acre North Escudilla Allotment, and structural improvements including maintenance of existing improvements and installation of new improvements.

- Department staff attended a tour of the Heber Wild Horse Territory on September 30 with Forest personnel and Hunter Moore, Natural Resource Policy Advisor for the Governor's Office.

### **Coconino National Forest**

- The Coconino National Forest (Forest) continues work on the Fossil Creek Comprehensive River Management Plan (CRMP). The Department continues to remind the Forest to provide a formal response to our request for Cooperating Agency status for the CRMP (letter dated 8 June 2015; most recent request October 22).
- The Forest scoped two proposals for categorical exclusion of measures for the management of the Fossil Creek Wild and Scenic River (WSR), which address 1) concerns related to geotechnical survey work near the Fossil Creek Bridge, and 2) protection of natural resources through implementation of 1-year long management actions that would remain in force while the CRMP is completed (anticipated 2017). The actions for the second proposal include: managed day use and reduced overnight camping within the WSR corridor, an online reservation system for vehicle access, and temporary booths to manage vehicle entry. The Department's comment letter to the Forest, submitted October 2015, addressed concerns that the proposal may unnecessarily infringe upon public access for hunting, fishing, and camping, and requested additional information for a thorough evaluation of the benefits and impacts.
- The Forest issued the Final Record of Decision on October 22 for the Flagstaff Watershed Protection Project.

### **Coronado National Forest (CNF)**

- The Final Land and Resource Management Plan and Final Environmental Impact Statement are in the final editing phase with a Biological Opinion (BO) expected in March and release for public review in April of 2016.

### **Kaibab National Forest (KNF)**

- The Department continues to serve on the ID team for the South Zone Grassland Restoration Project.

### **Prescott National Forest (PNF)**

- The Record of Decision for PNF's Final Environmental Impact Statement (FEIS) and Land and Resource Management Plan (LRMP) was noticed on August 7, 2015. The Department submitted an appeal of the LRMP/FEIS on November 5, based on the inclusion of 8 potential wilderness expansion areas. The appeal identifies the PNF's failure to include analyses of "impacts to the Department's ability to manage wildlife resources" in the FEIS. This analysis was requested in the Department's November 2012 comment letter on the Draft EIS/LRMP.
- The Record of Decision and Final EA were issued for the Agua Fria Grasslands to improve wildlife habitat and watershed conditions.

## **Tonto National Forest (TNF)**

- The Department is currently working with the TNF on two Environmental Assessments (EA), and two Minimum Requirements Decision Guides (MRDG) for bighorn sheep management in wilderness. The bighorn sheep disease/monitoring and translocation draft EAs (10 years) and MRDGs are currently in revision. The Department anticipates submitting the disease/monitoring MRDG to the USFS in December, and the translocation MRDG in February.
- The Department continues to work with TNF on proposed routes for closure within the Travel Management Plan associated with wilderness boundaries, dispersed camping sites, and proposed closures on Roosevelt Lake.

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

### **Kingman Field Office (KFO)**

- The Department, in coordination with BLM KFO personnel, is currently reviewing the Draft EA for the proposed Freeport- McMoRan Bagdad Mine Stockpile extension.
- The Department continues to participate in twice-monthly NEPA Meetings with BLM KFO staff to review any proposed AGFD or BLM projects or management actions within the jurisdiction of the KFO and AGFD Region 3. Of particular importance to the Department are discussions and coordination relating to clearances for Wildlife Habitat Enhancement Initiative Projects (WHEI) taking place in GMU 16A.

### **Lower Sonoran field Office**

- The Lower Sonoran Field Office has developed a draft Juan Bautista De Anza Recreation Area Management Plan on the Sonoran Desert National Monument. Department staff is reviewing the plan and will be drafting a response.

### **Hassayampa Field Office**

- The Department worked closely with the BLM through the development of the Harquahala Wilderness Plan (Plan) and Environmental Assessment (EA) including through ID team membership. Many of the Department's requested actions were included within the EA as potential actions to be implemented through the Minimum Requirements Decision Guide (MRDG) system. The Department submitted comments in September identifying a few remaining minor concerns.
- The Department is participating in the planning for the Hassayampa River study and erosion control structures in ephemeral drainages, which recently kicked off.
- BLM is expected to begin the scoping process for alternative maps for the Black Canyon Recreational Trail and Travel Management Plan (Plan). The Department will meet with BLM to review route alternatives prior to the public scoping period. Issues that will be addressed include the private land trespass west of Black Canyon City, and the access issues created by the Prescott National Forest's (PNF) LRMP, which includes a proposed Castle Creek Wilderness expansion. The PNF's proposal would close approximately 6.3

miles of an existing OHV trail that connects BLM and PNF lands, and is the only access into the area. Access to the BLM portions would be inaccessible with PNF's proposal, and BLM would have to construct a new road to keep the existing loop, requiring a Resource Management Plan amendment. The trail is routinely recommended for hunters that want to avoid heavily used areas. No alternative plans have been developed at this point.

### **Tucson Field Office**

- BLM will be hosting a Travel Management Plan Route Inventory workshop February 22 to 26, 2016 for the San Pedro National Conservation Area (SPRNCA).
- Publication of the SPRNCA Draft RMP/EIS is expected in early 2016, with anticipated release of the Proposed RMP/Final EIS and the Draft TMP in the fall of 2016.

### **Safford Field Office**

- The Safford Field Office finalized the Aravaipa Canyon Ecosystem Management Plan and revised Environmental Assessment. The Final Plan is the result of a collaborative effort between the BLM, The Nature Conservancy, and the Department that has spanned a decade. The collaborative approach recognizes common management issues between the three organizations and maximizes opportunities for efficiency and consistency.

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

- The Department is working with BOR on several projects that involve crossing structures and Green-Up Areas along the Central Arizona Project (CAP). In addition, the Department plans to meet with BOR to discuss effectiveness of wildlife crossings and any modifications and/or new crossings that may be needed.
- The Department has reviewed and provided comments on the Central Arizona Project (CAP) Recreational Trail Master Plan. The primary concerns were related to access, habitat degradation of the Green-Up areas (CAP mitigation for wildlife set aside through BOR) due to the alignment of the trail, ineffective crossings for wildlife due to human use, etc. The response provided by the consultant indicated that most of the Department's concerns will be discussed and addressed in the design and implementation phases of the Plan. The Department is also working with BOR in addressing some of the crossing structure designs.

### **ENERGY**

#### **SunZia Transmission Line**

- The Department has been involved in a series of discussions with SunZia to develop a satisfactory mitigation package. Department staff attended ACC Power Plant and Line Siting Committee hearings. Department Executive Staff representative and Assistant AG will meet with SunZia attorneys and principals to finalize mitigation plan. Mitigation

plan should be finalized before SunZia project goes before the ACC for final approval of the Certificate of Environmental Compatibility.

### **Southline Transmission Line**

- The Department has prepared a draft MOU with Southline for mitigation of impacts to the Willcox Playa Wildlife Area. Mitigation measures are included in the Final EIS, published November 10, 2015 and currently being reviewed by the Department.

### **Ten West 500kV Transmission Line (aka Palo Verde Devers II, Delaney – Colorado)**

- The Department has received an invitation to attend an agency scoping meeting for the 500 kV Transmission Line. The proposed route parallels the existing Palo Verde Devers 500 kV line, paralleling Interstate 10, except for a section that runs through the Kofa National Wildlife Refuge. There is a choke point at Copper Bottom Pass in the Dome Rock Mountains which will go through bighorn sheep habitat.

## **TRANSPORTATION**

### **Corridor Performance Studies**

- ADOT, as directed by federal transportation legislation, is preparing corridor performance studies for I – 40, I – 19, I – 10, I – 8, I – 17 and US/SR 95. The goal is to determine future needs to maintain the highways in acceptable travel conditions. In December, ADOT will host a workshop for AGFD staff to discuss the on-going studies.

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

- In September, the Department held a workshop for WMs and Field Supervisors with GMUs within the proposed I-11 corridor routes. The workshop was designed to train the WMs in the use of data gathering tools for identifying hunting and recreation access points, including dispersed campsites, and other resource information along the proposed routes. . In the next few months, ADOT will begin preparation of their Tier I Draft EIS for Interstate-11 (Wickenburg to Nogales segments). As the DEIS progresses, the Department will be working with ADOT to provide analyses of resource concerns and mitigation opportunities.

### **South Mountain Freeway**

- The Department has not formally heard back from ADOT on the mitigation measures recommended for the South Mountain Freeway. However, many of the measures have been informally supported, including bridge designs, access to waters, and reductions in fragmentation.

## **North/South Corridor**

- The Department has been conducting an internal analysis of on the potential impacts of the North/South Corridor on wildlife and recreation resources. As portions of the project area overlap the Phoenix to Tucson Passenger Rail project, the Department is using the Passenger Rail analysis as a model. The analysis provides a segment by segment comparison utilizing available datasets to inform potential impacts, design, and mitigation. The Department field-truthed the model and is currently synthesizing all of the data in preparation for a response.

## **I-17 Study, New River Traffic Interchange to Junction with State Route 69**

- ADOT has finalized the Design Concept Report (DCR) for the I-17 widening project between New River and State Route 69. The EA/DCR process initiated by ADOT with the original study has been truncated. The two-reversible-lane alternative will be the recommended near-term alternative in the draft Initial DCR. The BLM has expressed concerns with potential impacts to access for the Department's water catchments in Alternative E, concerns to cultural resources, and concerns related to creation of fire breaks to reduce frequent vehicle-caused wildfire ignitions in the Black Mesa area.

## **Passenger Rail Corridor Study**

- ADOT published a Draft Tier 1 Environmental Impact Statement (DEIS) for public review in September 2015. Throughout the DEIS, ADOT incorporated the Department's 2014 internal analysis of potential impacts to wildlife and recreation resources; the analysis provided a segment by segment comparison using available datasets to inform potential impacts, design, and mitigation. The Department submitted additional comments and recommendations to ADOT during the DEIS public review period, which closed on October 30, 2015.

## **GENERAL UPDATES**

### **Mittry Lake Wildlife Area**

- The Department has developed a concept plan for Mittry Lake Wildlife Area to improve habitat for the Yuma Ridgeway Rail, waterfowl and sportfish, and for angling opportunities. The plan proposes to add more water into the lake by increasing the open water behind Laguna Dam and to potentially raise the weir. The Lower Colorado River Multi-Species Conservation Program has habitat maintenance money available to pay for the dredging infrastructure costs. Department staff will meet with BOR, USFWS and ACOE staff to discuss potential permitting and compliance requirements.
- Department staff met with staff from BOR and Lower Colorado River Multi-species Conservation Program (LCRMSCP) to discuss the ongoing dispute over motorized access at the Laguna Conservation Area on the Mittry Lake Wildlife Area. A verbal agreement was reached to move the Conservation Area boundary to the west side of the access road, to fence the road on the west side to prevent motorized incursions into the Conservation Area, and to open the gate. LCRMSCP offered to pay for the fence. This will restore historical motorized access on the Wildlife Area.

## **Horseshoe Ranch CRMP**

- The interagency team is developing the CRMP alongside the NEPA EA as well as working on monitoring and adaptive management. The federal ID teams are beginning to work on the affected environment and cumulative impacts sections of the EA. The cultural stakeholder group has provided significant input into the process.

## **City of Buckeye Parks, Trails and Open Space Master Plan**

- The City of Buckeye is currently having members of the stakeholder group review draft chapters of the Parks, Trails and Open Space Master Plan in preparation for completion of the final draft and presentation to the Planning & Zoning Commission and City Council as part of the process for plan adoption.

## **Buckeye Skyline Regional Park**

- The City requested that the Department review the Preliminary Draft Skyline Park Trails Master Plan for a new regional park located in the White Tank Mountains. The 8,675 acre park will have 48 miles of trails and developed trailheads for public access. The Department's primary recommendations will be to avoid trail and trailhead development impacts to Sonoran Desert Tortoise, proximity of park features to wildlife water developments, and minimizing development impacts to washes near the known California leaf-nosed bat in the vicinity of Golden Eye Mine. The Department's Wildlife Manager is working with the City to provide information and legalities on hunting within the park boundary.

## **City of Phoenix Tres Rios Safe Harbor Agreement**

- The Department has completed habitat inventory and recommendations for baseline determinations and the City of Phoenix is compiling input on the draft SHA. The Department is also working with the City of Phoenix on a future monitoring plan that will detail partnership commitments to complete annual monitoring requirements to USFWS for the Tres Rios SHA. In addition, the Department is finalizing GIS data sets and baseline inventory maps and reporting.

## **City of Flagstaff**

- The City of Flagstaff, in close coordination with the Department, removed overgrown aquatic vegetation at Frances Short Pond, improving shoreline access and habitat for fish, waterfowl, and other wildlife. On October 24, the City held the annual Make A Difference Day volunteer event at the pond and accomplished several other site improvements. They have partnered with the Willow Bend Environmental Education Center on a Heritage grant application for additional improvements to the fishery and watchable wildlife programs at the Pond, in support of the Arizona Watchable Wildlife Experience.

## **Villages at Vigneto Community Master Plan – Benson**

- The Villages at Vigneto is a proposed master planned community to be constructed on undeveloped private lands south of Benson, ultimately covering an area of 12,167 acres, providing a mix of 28,000 age-targeted and traditional family homes, as well as commercial and recreational development including parks, storage lakes, open space, entertainment venues, golf courses, playing fields, and biking and hiking trails. The Department submitted comments pertaining to native landscaping, water conservation, potential wildlife conflicts, habitat connectivity, mitigation, and access to the Whetstone Mountains in the Coronado NF.

## **Regional Conservation Partnership Program**

- In 2014, the Department submitted a proposal to the Natural Resources Conservation Service (NRCS) to partner with the Arizona Department of Agriculture, Partners for Fish and Wildlife, and to complete grassland restoration in Arizona through their Regional Conservation Partnership Program (RCPP). The Department's proposal was selected in January of 2015, and partners have begun the process of reviewing projects to fund. In September and October, Department staff reviewed 20 grassland habitat restoration projects in Region 5 in support of applications to the Arizona Department of Agriculture for their portion of the RCPP funding. Decisions will be made later this month by a committee including Department staff.

## **Maricopa County Flood Control District El Rio Watercourse Master Plan**

- The Department is currently reviewing the Design Guidelines and Planning Standards which guide the implementation of the El Rio Watercourse Master Plan. The Department comments may include: buffers along trails where high quality habitat persists, buffers on parks/facilities/schools, plant palette recommendations, signage, lighting and access.

## **Maricopa County Flood Control District Powerline, Vineyard and Rittenhouse Flood Retarding Structures**

- In July, a landscape concept plan was presented for the powerline channel, and a review of land needs for access, maintenance, and recreation use and wildlife habitat. The Department continues to participate on the design team.
- A field reconnaissance by the Department for other overlapping projects in the area provided some validation on the Department's hexagonal analysis for this project as well as the Passenger Rail/North/South/SR24/CAP trail master plan.
- The final design will be completed by July 2016, and construction will need to be completed by 2018.
- The Department worked with NRCS to draft a presentation for the field personnel regarding Sonoran desert tortoise and western burrowing owl.

## **City of Surprise**

- The City initiated a 60-day review period for a Major Amendment to the General Plan 2035. The Department provided input on the draft Land Use Character Area Map and Land Use Element summary document regarding long term wildlife connectivity goals. The City may adopt formal “Wildlife Friendly Regulations” tailored to the specific vision and development patterns of Surprise. The City and its park services want to work with the Department so they can address questions about what the regulations may look like. The Parks and Recreation Master Plan is also currently under review and will be updated to include Open Space and Natural Lands.

## **Circle G at the San Tan Mountains**

- The Department met with the developer and engineering firm for the Circle G at the San Tan Mountains residential development project. The development design will incorporate existing land forms and natural drainages. The developer is working with the Department in the design of the culverts, underpasses, lighting, fencing and vegetation. The Department’s recommendations included implementation of dark sky initiatives, natural substrates, funnel fencing for Sonoran desert tortoises, low flow crossings and bridges, Sonoran Desert landscaping to match surroundings, and utilization of the current boundary fence (three strand barbed) with modifications. The Department will be meeting on site with the engineer and assisting in the continued design features of the project.

Forest	Status	Next Step	Projected Next Step Completion
<b>Apache Sitgreaves</b>	<u>LRMP</u> - Plan and EIS released. The NOA published in the Federal Register on September 25 marking the beginning of the 90-day appeal period which ends on December 24. <u>TMP</u> - Dept. commented on 2010 draft (forest wide), process halted due to Wallow Fire.	LRMP - Prepare notice of appeal. TMP - process will resume once LRMP is finalized.	Provide notice of appeal to the Forest by December 24, 2015. TMP process to begin again early 2016 (as of A/S coord mtg 3/31/15)
Issues:	<u>LRMP</u> - Concern over guidelines that could hinder the Departments ability to manage nonnative sportfish, native fish, and other aquatic species. Concern over definition of Rocky Mountain elk as nonnative. Concern over attributing lack of aspen recruitment and retention solely due to elk browsing. 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 Habitat Branch and AG to prepare a notice of appeal.	
<b>Coconino</b>	<u>LRMP</u> - Draft released Dec 2013, Dept. commented; currently in final revision, ROD expected Fall 2016. <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 will review to ensure issues resolved. Coconino to open scoping process to revise TMP.	Final LRMP expected Fall 2016. TMP revision process expected to start in 2016, Dept will request cooperating agency status.
Issues:	<u>LRMP</u> - issues related to motorized access and other concerns appear largely resolved in current draft. Will include small additional Wilderness acreage. <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 will review final LRMP draft for issues of concern. Region collecting dispersed camping data to support forthcoming TMP revision.	
<b>Coronado</b>	<u>LRMP</u> - draft released Dec 2013, Dept. commented.	Final review by ABQ complete, Forest is making final changes to LRMP. BO due from FWS in March, final to public in April (10/23/15 J. Ruyle Pers.Comm).	FEIS NOA in Fed Register est 4/2016

Forest	Status	Next Step	Projected Next Step Completion
	TMP - 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 EA TMP Timeline per SOPA 10/22/2015 : Catalina Final EA 2-2016 Douglas (DEA pending)10-2015 Nogales Final EA 12-2015 Sierra Vista Draft EA 3-2016 Safford Final EA 4/2016
<b>Kaibab</b>	LRMP - Final Feb 2014.	Dept. comments (excluding Wilderness recommendations) incorporated in Final LRMP.	
	TMP - 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 possibly 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.	S. Zone (Tusayan & Williams RDs) TMP revision in progress, Dept is cooperating agency and provided comments on draft EA. Region is collecting dispersed camping location data on S. Zone and N. Kaibab.	S Zone TMP Revision Final EA expected in 2016. Initiation date for N. Kaibab TMP revision uncertain.
<b>Prescott</b>	LRMP - Draft released 2012. TMP - no new TMP, amending 2005 plan for travel management.	FEIS published in Federal Register 05/05/2015, ROD signed 5/5/15. Department appealing inclusion of 8 wilderness expansion areas with no analysis of impacts to Dept's ability to manage wildlife resources	Appeal filed 11/05/15.
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.		

Forest	Status	Next Step	Projected Next Step Completion
<b>Tonto</b>	<p><u>LRMP</u> - Initiating Planning Process/public scoping 2014. The Forest is working on finalizing the assessment phase of the plan and will initiate the ID Team meetings once the assessment is complete.</p> <p><u>TMP</u> - Draft Decision and Final EIS expected in January 2016</p>	<p>AGFD participating as Cooperating Agency throughout LRMP and TMP processes;The LRMP is in the assessment phase currently. The Department has participated on the ID Team as the technical expertise for the aquatic and fisheries portions and has participated in the public meetings. Most recently, the Department was requested to provide data into the conservation species information.</p>	<p>Final LRMP ~Fall 2017</p> <p>Final TMP January 2016</p>
<i>Issues (LRMP):</i>	<p>The Phase I plan assessment has been drafted (began in 2015) but has not been sent out for review. This assessment evaluated the existing data and information, sustainability of social, economic and ecological resources. The process is about 1 year behind. The Department did have a representative on the assessment ID Team, per request from the TNF, to address the aquatic portions as the TNF still does not have a fisheries biologist.</p>	<p>The Phase II includes the development of the Plan to address the desired conditions, management objectives and other plan components; along with development of alternatives for issues with differing opinions.</p>	<p>Phase II is expected to begin in February of this year with a draft by Feb2016-March 2017.</p>
<i>Issues (TMP):</i>	<p>Consistency across forests, enforceability, MBGR 1 mile off road for elk and bear only. MVUM's are inaccurate. Dispersed camping corridors may be omitted in favor of the motorized dispersed camping inventory completed in collaboration with the Department. Three road closures may be proposed due to perceived conflicts with wilderness boundaries. Dispersed camping closures maybe proposed for the upper Salt River Recreation Area - Lake Roosevelt as part of the Roosevelt Habitat Conservation Plan primarily for southwestern willow flycatchers.</p>	<p>Review the FEIS and TMP</p>	<p>The FEIS and TMP are expected in early 2016</p>

<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 1st round of route evaluation analysis to identify travel alternatives for each route for the TMP and has processed results. The Department participated in the analysis process with BLM staff and provided input on the development of a draft range of alternatives. Overall, the planning proposes 50 miles of new routes to the current 350 miles to improve access to Black National Recreation Trail; access for motorized trail users off county roads; and overall trail connectivity.	BLM ID Team needs to create a set of draft alternative maps that support route alternatives and combine travel and recreation actions (eg. Trail heads or other infrastructure development); scope alternatives to public through a series of public meetings; followed by a 30 day comment period to help BLM craft a preferred alternative. BLM will meet with AGFD to review draft alternative maps prior to the public meetings. BLM plans to conduct additional scoping in Black Canyon City winter 2015-16 to discuss proposals for bypass roads around the community. Currently there are no legal motorized access roads to public lands west of the City; resulting in private land trespass and related management issues.	The project is on hold due to Recreation Staff vacancy.

Issue (Black Canyon TMP)	The proposed Castle Creek Wilderness expansion by the Prescott National Forest (PNF) would close approximately 6.3 miles of an existing OHV trail that is currently the only access into the area. The trail is partially an old road and partially an unimproved single track that goes back and forth onto the PNF and adjacent Bureau of Land Management; but access to the BLM portions would be inaccessible with the proposed wilderness expansion boundary. The BLM is currently doing travel management planning for their adjacent lands and has an interest in the trail as well depending on what alternative is chosen. The trail is difficult to access but is routinely recommended for hunters that want to avoid hunter saturated areas.	PNF does not recognize the route as legal, never has and has told the BLM they will not keep open for motorized BLM trail connectivity purposes; PNF proposes to downgrade to foot travel as part of Catstle Creek trail system into the Wilderness. BLM would have to construct a new road to keep the existing loop, which would require an RMP amendment. No alternative plans have been developed at this point.	
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; but no current funding to initiate planning as of Fall 2015. Looking at developing an MOU with Wickenburg to formalize them as a partner, and give Wickenburg status for future planning.	
Harquahala Wilder	Scoping Comment Period ends February 9, 2015	Department on ID team, reviewing draft document	Release Draft Plan/EA to public this summer
Vulture Mountain I	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	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 expected.	Continuing implementation, 2014 Burro Surveys indicate burros significantly above AML. 100 burros removed from Black Mtn HMA in FY 2015. Review Route Evaluations.	Department implementing statewide strategy to move BLM National Program Office to fund burro management at AML.
Bullhead Travel Management	FONSI/ROD signed March, 2009	In effect until rescinded or 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	Completed new route inventories for Bouse and Cactus Plain TMA. Reanalyzing routes	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>	SDNM TMP completed in RMP. No ongoing TMP in this Field Office (efforts in Hassayampa Field Office)	Uncertain	
<i>SDNM Recreational Shooting</i>	Court upheld litigation ordered reanalysis of decision to allow recreational shooting on SDNM. Department has requested cooperating agency status on reanalysis.	Reanalysis	

<i>SDNM Juan Bautista De Anza Area Recreation Plan</i>	Reviewing Draft Plan		
<b>Phoenix District</b>			
<i>Issues:</i>	No issues with District Office		
<b>Safford</b>			
<i>RMP</i>	Gila Box Riparian completed 1998; Aravaipa EMP and FONSI finalized 9/15/15		
<i>TMP</i>	Gila Unit TMP scoping completed; Middle Gila completed 2010;		
<i>Issues:</i>	Aravaipa EMP: no MBGR; helicopter use in wilderness subject to MRDG; GBRNCA: trespass cattle		
<b>Tucson</b>			
<i>RMP</i>	Ironwood Forest NM RMP completed; scoping comments sent 11/2014 for San Pedro Riparian; Las Cienegas TMP/RMP completed	SPRNCA Draft RMP and EA for TMP	SPRNCA Draft RMP 1/2016
<i>TMP</i>	Ironwood Forest NM TMP finalized 7/2014; scoping comments sent for San Pedro Riparian 9/2013;	SPRNCA TMP route inventory workshop attended by WMs	SPRNCA Draft TMP fall 2016
<i>Issues:</i>	SPRNCA: no MBGR, public access		
<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 ends February 19	Department reviewed and commented. Waiting for Final	Final
<i>TMP</i>	Reviewed public comments on route evaluation alternatives for Imperial Hills		

# Hunt Permit-tag Application Schedule – Winter 2016

Hunt permit-tag applications will be accepted and processed in accordance with R12-4-104 and R12-4-114 and this schedule.

<b>Drawing</b>			
	<b>ACCEPTANCE DATES<sup>1</sup></b>	<b>DEADLINE DATES<sup>2</sup></b>	
<b>HUNT</b>	<b>Applications accepted on or after:</b>	<b>Deadline 11:59 p.m. (MST) in Department offices on:</b>	<b>Hunt permit-tags and refund warrants mailed out by:</b>
Antelope	(See note 1)	Feb. 9, 2016	April 22, 2016
Elk	(See note 1)	Feb. 9, 2016	April 22, 2016

<b>First Come<sup>3</sup></b>		
	<b>Applications accepted by mail on or after 8:00 a.m. (MST):</b>	<b>Permits available for purchase with a completed application at all Department offices after 8:00 a.m. (MST)</b>
<b>HUNT</b>	<b>ACCEPTANCE DATES</b>	<b>ACCEPTANCE DATES</b>
Antelope	April 25, 2016	May 2, 2016
Elk	April 25, 2016	May 2, 2016

<b>Online Applicants<sup>4</sup></b>
<b>Deadline for updating your credit or debit card information online by 11:59 p.m. (MST)</b>
Thursday, March 17, 2016

## Notes:

- The Department will accept Hunt Permit-tag Applications for big game listed above as soon as the applicable year's hunt information is available on the Department's Web site ([www.azgfd.gov](http://www.azgfd.gov)), or from any Game and Fish Department office or license dealer, unless otherwise noted in the Hunt Permit-tag Application Schedule.
- Department offices at Flagstaff, Kingman, Mesa, Phoenix, Pinetop, Tucson and Yuma will close for business at 5 p.m. (MST); completed applications will be accepted at these locations until 11:59 p.m. (MST) on deadline days. No applications will be accepted after this time regardless of the postmark. Deadline dates and times will apply to online as well as paper applications. Deadline dates may be extended in the event of a Department-related system failure that prevents the public from submitting an application within the deadlines listed above. The online system slow down due to heavy traffic is not considered a Department-related system failure and may not result in a deadline extension. Applicants are encouraged to apply early to avoid the last minute rush. Application assistance can be obtained Monday through Friday (8 a.m.–5 p.m. MST) by contacting the Department. Only on deadline day, from 5 p.m. to 11:59 p.m., after the close of normal business, the Department can be reached at 623-236-7424 for online application assistance.
- First come permits are issued if available and will sell very quickly. Applicants are advised to check with the Department before submitting an application for leftover permits. No person, including Youth, may submit more than one valid application per genus for the First Come process, with the exception of javelina (see the javelina bag limit description). A listing of leftover permits is available online at [www.azgfd.gov](http://www.azgfd.gov) under "Big Game Draw" or at any Department office. To submit first come applications by U.S. mail only, please send to: 5000 W. Care-free Highway, Phoenix, AZ 85086, ATTN: DRAW/FIRST COME.
- Online applicants are encouraged to keep their payment information current. If your payment is rejected at the time of the draw, your application may be rejected. The Department will attempt to contact the payee and/or applicant A three times within two business days to accept an alternate payment method if a phone number and/or email is provided.