

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, January 15, 2016
Saturday, January 16, 2016
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 San Bernardino, CA on December 2, 2016 and in honor of Pearl Harbor Remembrance Day on December 7, 2016.

The Commission and Director Voyles introduced themselves followed by introductions of the Director's staff. This meeting followed an agenda revision #1 dated January 13, 2016.

Awards and Recognition

Chairman Davis presented Commission Certificates of Achievement to Department employees, Tom Jones and Cristina Jones, for their exemplary efforts and dedication related to the conservation of the Sonoran Desert Tortoise.

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1. Call to the Public

Johnny Spear, President, Western Wildlife Alliance, introduced himself and Western Wildlife Alliance, which is a new non-profit organization formed to help wildlife in the State of Arizona. Mr. Spear raised three issues: 1) trail cameras, particularly near wildlife water holes, 2) the Department should coordinate with ranchers that it works with to keep water sources on ranches available year-round for wildlife and not just when they have cattle out there, and 3) hunting does on the Kaibab and north of the Kaibab should be re-evaluated to maintain good populations.

Chairman Davis recommended and encouraged Mr. Spear to participate and provide comments to the Department during the Department's hunt order process phase when they solicit public input. Chairman Davis also informed Mr. Spear that the Department has created a Fair Chase Committee that is addressing things like trail cameras and other increasingly improved technologies. Chairman Davis recommended that Mr. Spear meet with Assistant Director Tom Finley who is on the Fair Chase Committee.

Mr. Finley noted that he will share contact information with Mr. Spear on the next break.

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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:

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

Presenter: Al Eiden, Habitat Enhancement and Land Owner Relations Program Supervisor

Dee Johnson, J-P Cattle Company, requested renewal of a closure to vehicular access at a gate on State Trust lands in Pinal 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 multiple reasons including: Reduction in loss of wildlife habitat through less soil erosion and vegetation damage by vehicles, reduction in dust in response to PM¹⁰ 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 Department recommends THAT THE COMMISSION VOTE TO APPROVE THE REQUEST TO RENEW A GATE CLOSURE ON STATE TRUST LAND LOCATED APPROXIMATELY TWO MILES EAST OF GOLD CANYON.

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

Presenter: Al Eiden, Habitat Enhancement and Land Owner Relations Program Supervisor

Mrs. Maryhelen "Sug" Peters requested renewal of a closure to vehicular access on State Trust lands in Apache County. The road is approximately one-half mile long and 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.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE REQUEST TO RENEW A ROAD CLOSURE ON STATE TRUST LAND LOCATED APPROXIMATELY SEVEN MILES WEST OF SPRINGERVILLE.

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

Presenter: Al Eiden, Habitat Enhancement and Land Owner Relations Program Supervisor

A request was received to renew a road closure on State Trust land located approximately ten miles west of Springerville, Arizona. 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 Department recommends THAT THE COMMISSION VOTE TO APPROVE THE REQUEST TO RENEW A ROAD CLOSURE ON STATE TRUST LAND LOCATED APPROXIMATELY TEN MILES WEST OF SPRINGERVILLE.

d. Renewal of APS Utility License at Silver Creek Hatchery

Presenter: Joyce Francis, Habitat Branch Chief

The Department currently has a Utility License with Arizona Public Service for placement and maintenance of power lines on the Silver Creek Hatchery. This agreement expires on March 31, 2016. The Department requests that the Commission approve renewal of this agreement to continue uninterrupted electrical service to the property.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE RENEWAL OF A UTILITY LICENSE WITH APS AT SILVER CREEK HATCHERY AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

e. Renewal of the Right-of-Way with the Arizona State Land Department for Access to Stanford Creek and Pridham Creek

Presenter: Joyce Francis, Habitat Branch Chief

The Arizona Game and Fish Department currently holds a right-of-way for access in the Coronado National Forest in the vicinity of Stanford Creek and Pridham Creek for public recreation. This access permit was initiated by the Department in 1994. The Department requests renewal of this existing 10-year right-of-way which is due to expire in February.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE RENEWAL OF THE RIGHT-OF-WAY FOR ACCESS TO STANFORD CREEK AND PRIDHAM CREEK WITH THE ARIZONA STATE LAND DEPARTMENT, AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE ALL ASSOCIATED DOCUMENTS.

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

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 will be released today. The Department will review it and report back to the Commission.

2016 Commission Legislative Agenda:

Proposed Legislation: G&F; heritage fund; expenditures:

- Would provide the Commission the ability to spend a Portion of the Heritage fund acquisition monies on the Operation and Maintenance of acquired property with sensitive habitat utilized by endangered, threatened and candidate species including the property's infrastructure.

HB2305: G&F; assessments; law enforcement; omnibus

- Provision 1: Personal Flotation Device (PFD) - 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 PFDs
- Provision 2: Unlawful Feeding of Wildlife - This change will allow 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)
- Provision 3: Wildlife Theft Prevention Fund (WTPF) - Would allow 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. (i.e. "Unlawful take" and "possession")

Motion: Ammons moved and Zieler seconded THAT THE COMMISSION VOTE TO SUPPORT HB2305.

Vote: Unanimous

HB2465: G&F; in-lieu fee; trust fund

- Provisions: Allows the Commission the ability to transfer in-lieu fee funds into an equity account to gain sufficient interest for long-term operation and maintenance of mitigation projects

Motion: Madden moved and Zieler seconded THAT THE COMMISSION VOTE TO SUPPORT HB2465.

Vote: Unanimous

HB2324: G&F; military spouses; resident licenses

- Provisions: Allows a member or the spouse of a member of the armed forces of the United States who is on active duty and stationed in this state for either permanent or temporary duty to purchase a resident license permitting the taking of wildlife.

Motion: Zieler moved and Ammons seconded THAT THE COMMISSION VOTE TO SUPPORT HB2324.

Vote: Unanimous

Proposed Legislation: Fair Chase/Rulemaking Exemption (Methods of Take)

- Would provide the commission exempt rulemaking authority to prescribe the manner and methods used to take wildlife; would provide ability to quickly address evolving technology or practices that have ethical methods of take implications.

The Department recommends that the Commission allow the Department further research, discussion, and public outreach on this potential legislation.

The Commission was in consensus.

Congressional Update

The following bills are moving through the process:

- Bipartisan Sportsmen's Act of 2015
- Grand Canyon Bison Management Act
- SHARE Act (Sportsmen's Heritage and Recreational Enhancement Act)

Federal Land Use Designations

The Department provided a revised update of the Commission's 2012 resolution regarding federal land use designations (attached) and a draft letter written to President Obama from current Commissioners and 10 former Commissioners (attached) in opposition to any additional federal land use designations. If approved by the Commission, the letter and the supporting resolution will be sent to President Obama.

Motion: Madden moved and Zieler seconded THAT THE COMMISSION VOTE TO SUPPORT THE LETTER TO THE PRESIDENT RELATED TO THE PROPOSED GRAND CANYON WATERSHED NATIONAL MONUMENT WHICH INCLUDES THE COMMISSIONS SIGNATURES ALONG WITH 10 FORMER COMMISSIONERS (ATTACHED).

Vote: Unanimous

Motion: Zieler moved and Mansell seconded THAT THE COMMISSION VOTE TO SUPPORT THE UPDATED AND REVISED RESOLUTION CONCERNING THE LOSS OF MULTIPLE-USE PUBLIC LANDS DUE TO SPECIAL LAND USE DESIGNATIONS (ATTACHED).

Vote: Unanimous

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4. Terrestrial Wildlife Update on Sonoran Pronghorn

Presenter: Jim deVos, Assistant Director, Wildlife Management Division

Mr. deVos provided a PowerPoint presentation and briefing highlighting Sonoran Pronghorn Conservation and Recovery efforts in Arizona and Mexico. This program is considered a model of binational wildlife collaborations along the US – Mexico border. Recovery of the Sonoran pronghorn requires the commitment and participation of multiple state and federal agencies, as well as partners from Mexico. Key partners include the following:

- Arizona Game and Fish Department
- Region IV & International and Borderlands Program
- USFWS - Cabeza Prieta National Wildlife Refuge
- NPS - Organ Pipe Cactus National Monument
- DOD - Barry M. Goldwater Range / Yuma Proving Grounds
- Pinacate Biosphere Reserve (CONANP)
- Comisión de Ecología y Desarrollo Sustentable de Sonora (CEDES)
- Border Patrol, BLM, U.S. Air Force, U.S. Marine Corps, Phoenix Zoo, Los Angeles Zoological Park.

Once common in southwest Arizona along the international border of the U.S. and Mexico, the Sonoran pronghorn historically ranged across most of Arizona's lower grassland and desert habitats. The Sonoran Pronghorn is a smaller subspecies of the more widespread and abundant American pronghorn found throughout the western United States. Sonoran pronghorn historically ranged from eastern California into southeastern Arizona and south to Sonora, Mexico but are currently limited to <25% of their historical habitat in Arizona and northern Sonora, Mexico. Threats to Sonoran pronghorn include habitat loss and fragmentation, reduced forage quality, altered habitat structure, climate change, reduced access to and availability of water, predation, disease, loss of genetic diversity, human disturbance, and high mortality rates due to accidental death or poaching. Although all threats exist across the range of Sonoran Pronghorn, the threats of habitat loss and habitat fragmentation are greatest in Sonora, Mexico, where much of the habitat is privately or communally-owned.

The Sonoran Pronghorn was declared an endangered species in 1967 under the Endangered Species Act. Severe and persistent drought over much of the western U.S. in the early 2000s further imperiled already dwindling populations. In 2002, the Sonoran pronghorn population in the U.S. was estimated to be as few as 21 adult animals. A year earlier, the Government of Mexico listed the species as Endangered. In 2004, a captive breeding program was established resulting in the release of animals into the wild 1.5-2 years later.

In response to the Sonoran Pronghorn population decline, partnering agencies enacted emergency measures for conservation. The measures included

- Captive breeding (Cabeza Prieta and Kofa National Wildlife Refuges) and releases into the wild
- Forage enhancements
- Supplemental feeding
- Water developments
- Establishment of wild nonessential experimental population on Kofa National Wildlife Refuge and Barry M. Goldwater Range
- Revised Recovery Plan (Significance: It includes recovery objectives and actions in the US and Mexico)

Over the last few years, the total number of pronghorns released from the captive breeding pens has been increasing. By 2014 the number of animals in the wild reached 202 (including those previously released) demonstrating the success of the captive breeding program.

Many of the released pronghorn are fitted with Telemetry and/or GPS collars so that they can be monitored. Some of the released animals scatter into smaller groups, join up with other pronghorn groups released in previous years, or return to the vicinity of the pen. As of December 2015, there are 79 pronghorns in the captive breeding pens and approximately 400 in the wild. This is a grand total of 479 in Arizona, from 21 in 2002.

Sonoran pronghorn estimates for Mexico and the U.S. after adoption of standard field surveys and use of the sightability model for wild population estimations:

Date	Sonora, Mexico	Arizona, U.S.
1998		142
2000	345	99
2001		
2002	285	21
2003		
2004	683	65
2005		
2006	634	93
2007	404	
2008		119
2009	482	73
2010		
2011	241	
2012		238
2013	434	115
2014	122	
2015	979	479

The recovery of the Sonoran Pronghorn is a model for conservation along the US-Mexico border, thanks in part to the excellent relationship the Department has with partners in Mexico. If comparable population size is sustained over the next few years, it will significantly contribute to the delisting of the subspecies. A key component of Sonoran Pronghorn recovery is the active and significant participation of partnering agencies in the US and Mexico. Under the Department's leadership, the captive breeding, transportation, and release techniques and protocols have been improved and have allowed the establishment three populations in Arizona.

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Meeting recessed for a break at 9:00 a.m.

Meeting reconvened at 9:13 a.m.

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5. Update on Department efforts to address wildlife impacts resulting from overpopulations of burros in Arizona.

Presenter: Pat Barber, Yuma Regional Supervisor

Mr. Barber provided a PowerPoint presentation and informational briefing on the Department's efforts working with partners to ensure more effective management of burros in Arizona. The presentation included updates on burro populations in Arizona, and proposed strategies developed by the Department and other state agencies. The presentation included maps and charts as well as the following information:

By any scientific definition burros are feral, not wild. In fact, horses and burros qualify as invasive species under Executive Order 13112. Over population of burros (excess animals in terms of the Wild Horse and Burro Act) have significant negative impacts on vegetation, habitats, water sources and thus wildlife. The statewide appropriate management level (AML) is 1,316. The current populations are estimated at 4,411 or 3.4X the statewide AML. There is no indication that any significant removals will occur in the near future. Most burro populations are centered on the most sensitive riparian habitats and burros have expanded into new areas establishing permanent populations. The projection for 2016 for burros outside of the Herd Management Areas in Arizona is 798, up from 676 in 2015.

Department Strategies and Actions Since May 2015:

- Continue to interact with the BLM as they work to fulfill their statutory mandate to manage burro populations within AMLs and in compliance with the Act:
 - The Department developed a partnership with a number of state agencies, and developed some creative recommendations
 - Partners also coordinated with the BLM Arizona State Office
 - BLM is reviewing the partners' recommendations to develop an Arizona BLM proposal which would leverage the partners and the recommendations in an effort to increase funding for management activities in Arizona through the BLM national office - Recommendations focus on collaborative decision making with Arizona partners, marketing to increase adoptions, and leveraging the horse/burro facility at the Florence Prison.
- Collect, analyze, and review data on burro impacts to wildlife and their habitats that will support the need to manage populations to be within ecological balance:
 - Department staff submitted a Freedom of Information Act request to the BLM on 6/12/15 to ensure a full record of data and management actions (initial batch of documents in mid-January 2016)
 - Department staff have analyzed data and are looking at a potential burro population response to birth control. If a viable method of birth control is ever developed, will not be very effective without also reducing populations.

- Raise public awareness of the chronic overpopulations, their impact to habitats and state trust species, and the financial costs to the State:
 - Media coverage: Approximately 30+ media stories since May 2015
 - News releases: 2 since May 2015
 - Op-eds: 3 (all of which published in statewide media)
 - Social media posts aimed at education: Facebook: 8 posts (each of which spur a healthy debate among constituents and key audiences.); Twitter: 8 posts.
- Seek out partnerships with governmental and non-governmental organizations to support more effective burro management approaches:
 - The Department's partnerships include: Arizona Department of Agriculture; Arizona State Land Department; Arizona Correctional Industries; Arizona Department of Transportation; and interactions with other wildlife and environmental non-government organizations.
- Seek congressional support to require the Department of Interior (DOI) to comply with the provisions of the Wild Horse and Burro Act:
 - Several Arizona Congressional Delegates have been briefed on the state agencies' collaboration and recommendations, and indicate that if BLM submits a budget proposal through DOI consistent with the state's recommendations, they will actively support the BLM budget proposal
 - The Department provided a white paper on excessive burro populations to some Congressional Delegates
 - Senator McCain submitted a letter to the Secretary of the Interior regarding exploding burro populations.
- Maintain the state's standing by commenting on any and all BLM activities, plans, or burro related actions in the event litigation is required:
 - There have been no relevant burro or land management planning activities since the last Commission update in May 2015
 - The Department has submitted:
 - Comments on a national BLM public information collecting process
 - The previously mentioned Freedom of Information Act request (and subsequent request for more information)
 - A letter to the USFWS requesting an accelerated re-consultation on the impacts of excessive burros on threatened and endangered species on 10/6/15 (USFWS has discussed this issue with the BLM; BLM has apparently started the process, but have not completed a biological assessment which is the first step).

Chairman Davis commented that while waiting for BLM to take action, perhaps the Department should consider documenting and monetizing the damage done to habitat.

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6. Commission Resolution regarding feral burros.

Presenter: Pat Barber, Yuma Regional Supervisor

Mr. Barber presented the Commission with a draft Commission Resolution regarding the management of feral burros to reduce adverse impacts to wildlife habitat and public safety. At the December 2015 Commission meeting, the Commission requested a draft Resolution in support of Mohave County Board of Supervisors' Resolution 2015-127, which encourages the federal government (through the Bureau of Land Management) to control excessive populations of burros in Mohave County, and to formulate and implement a plan to address resulting public safety issues and habitat damage.

The 1971 Wild Free-Roaming Horses and Burros Act requires the BLM to establish appropriate management levels (AML) that ensure a thriving natural ecological balance, and to remove excess burros to maintain this balance. The AML for the Black Mountain herd management area in Mohave County is 478 burros but the current population is 1,450 burros. The excessive population of burros has caused public safety concerns to travelers on Mohave County roadways and also negatively impacts to wildlife habitat. In August of 2015 the Mohave County Board of Supervisors passed Resolution 2015-127 urging the federal government to formulate and implement a plan to manage the burro populations.

Mr. Barber read the Commission Resolution into the record (attached).

Motion: Ammons moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE THE RESOLUTION (ATTACHED) IN SUPPORT OF MOHAVE COUNTY'S RESOLUTION ENCOURAGING THE FEDERAL GOVERNMENT TO CONTROL EXCESSIVE POPULATIONS OF FERAL BURROS AND FORMULATE AND IMPLEMENT A PLAN TO REDUCE ADVERSE IMPACTS TO WILDLIFE HABITAT AND PUBLIC SAFETY.

Vote: Unanimous

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7. Request to approve the Article 5 Boating and Water Sports Five-year Rule Review Report, for Submission to the Governor's Regulatory Review Council (G.R.R.C.)

Presenter: Gene Elms, Law Enforcement Branch Chief

Mr. Elms provided a PowerPoint presentation and briefing on the Five-year Rule Review Report for Article 5 regarding boating and water sports, for submission to G.R.R.C. A.R.S. §41-1056 requires each state agency to review all of its rules at least once every five years. The Article 5 Five-year Rule Review Report is due to G.R.R.C. by February 29, 2016. If approved by the Commission, the Department will submit the report to G.R.R.C. for their review. Submission of this report will not change any of the Article 5 rules; however, if the Department fails to submit the report by the established due date, the Commission's Article 5 rules will expire and no longer be in effect or enforceable. In addition to the review criteria prescribed under A.R.S. §41-1056, the Article 5 rule review team considered internal and external comments received during the previous five years, and processes that have changed since the last rulemaking.

For all rules, the team recommends amendments designed to ensure consistency between Commission rules, Department processes, rule language/formatting, and to reduce the regulatory burden where possible. The team proposes the following substantive amendments:

R12-4-502. Application for Watercraft Registration

- Include signature requirements for watercraft with multiple owners, owned by a business, or held in a trust
- Establish a dealer certificate is subject to invalidation if used for personal recreational purposes
- Require the owner's signature to be notarized/witnessed when the seller is not listed as the owner on the current registration or the signature of the buyer or seller is in question
- Require physical inspection when required information cannot be provided.

R12-4-503. Renewal of Watercraft Registration; Duplicate Watercraft Registration

- Enable the Department to offer duplicate watercraft registrations and decals online to increase customer satisfaction.

R12-4-504. Watercraft Fees; Penalty for Late Registration; Staggered Registration Schedule

- Allow a renewal to occur up to 6 months early to increase customer satisfaction
- Increase the watercraft transfer fee to \$10 (from \$4); the duplicate certificate of number and decal fee to \$4 (from \$2); the dealer certificate of number fee to \$25 (from \$2.50); and establish an abandoned/unreleased application fee of \$50 to allow the Department to recover a portion of the costs to process these transactions.

R12-4-507. Transfer of Ownership of an Abandoned or Unreleased Watercraft

- Allow an agent to act on behalf of the lienholder for watercraft abandoned on foreclosed real property.

R12-4-511. Personal Flotation Devices

- Require a person who uses a paddleboard to wear a PFD and replace references to PFD types to maintain consistency between rule and CFR as required under A.R.S. § 5-311.

R12-4-514. Liveries

- Require a livery vehicle to affix a placard or other form of display indicating the name and number of the business
- Require a person who rents, leases, or offers a watercraft for hire to register the watercraft as a livery
- Establish a watercraft registration/decals may become invalid for failure to comply with this Section.

R12-4-524. Towed Water Sports

- Replace references to "water skiing" with "towed water sports" to address other sports requiring an observer
- Require a wakesurfer to wear a PFD and an operator to ensure an observer is on duty at all times a person is being towed behind a watercraft/surfing a wake created by the watercraft
- Prohibit teak surfing to address a new/dangerous fad.

R12-4-526. Unlawful Mooring

- Require a person to remove an abandoned or submerged watercraft within 72 hours when notified in person or in writing
- Establish that any watercraft in violation of the rule is considered abandoned, shall be removed from waters, and the owner shall be responsible for towing and storage fees.

R12-4-527. Transfer of Ownership of a Towed Watercraft

- Establish time-frames in which the towing company must request owner/lienholder information (15 days) and notify the owner/lienholder of possession/location (30 days); Both time-frames mirror statutory time-frames applicable to the tow company.
- Establish a \$25 penalty for failure to request owner/lienholder information or notice owner/lienholder within established time-frames
- Increase the abandoned watercraft application fee to \$50 (from \$10) to allow the Department to recover a portion of the costs to process these transactions.

The Commission discussed that this will be a complicated and difficult rule review process. It has been a long time since these fees were raised and it will be a long time into the future before they are raised again; however, it is important to try and recover the costs of providing a service.

Motion: Madden moved and Mansell seconded THAT THE COMMISSION VOTE TO APPROVE THE ARTICLE 5 FIVE-YEAR REVIEW REPORT FOR SUBMISSION TO THE GOVERNOR'S REGULATORY REVIEW COUNCIL.

Vote: Unanimous

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8. Request to approve the Article 7 Heritage Grants Five-year Rule Review Report, for Submission to the Governor's Regulatory Review Council (G.R.R.C.)

Presenter: Sherry Crouch, Funds Planning Branch Chief

Ms. Crouch provided a PowerPoint presentation and briefing on the Five-year Rule Review Report for Article 7 regarding Heritage Grants, for submission to G.R.R.C. A.R.S. §41-1056 requires each state agency to review all of its rules at least once every five years. The Article 7 Five-year Rule Review Report is due to G.R.R.C. by February 29, 2016. If approved by the Commission, the Department will submit the report to G.R.R.C. for their review. Submission of this report will not change any of the Article 7 rules; however, if the Department fails to submit the report by the established due date, the Commission's Article 7 rules will expire and no longer be in effect or enforceable. In addition to the review criteria prescribed under A.R.S. §41-1056, the Article 7 rule review team considered internal and external comments received during the previous five years, and processes that have changed since the last rulemaking.

For all rules, the team recommends amendments designed to ensure consistency between Commission rules, Department processes, rule language/formatting, and to reduce the regulatory burden where possible. The team proposes the following substantive amendments:

R12-4-701. Heritage Grant Definitions:

- Revise the definition of "eligible applicant" to include NGOs to expand opportunities for Heritage Grant funds to additional applicants and remove requirements addressed in other Heritage Grant rules
- Revise the definition of "eligible applicant" to remove the stipulation that a non-profit organization applying for a grant be sponsored by a public agency. This makes the process more efficient by removing administrative levels and reducing the burden on nonprofits and state agency sponsors
- Revise the definition of "in-kind" to remove "permanent" from the description of a public agency employee to reflect changes made by personnel reform legislation
- Revise the definition of "public agency" to include administrative subunits to reflect changes made to R12-4-702
- Remove definition of "sensitive elements" as the term is no longer referenced in Article 7.

R12-4-702. General Provisions:

- Incorporate other Heritage Grant rule requirements into one, over-arching rule
- Specify grants are awarded to projects that are either located in Arizona or involve research in which the wildlife or its habitat is located in Arizona
- Remove the requirement that a participant shall not place heritage grant funds in an interest bearing account and require a participant to use any earned interest to further the project or surrender it to the Department
- Prohibit a participant from comingling heritage grant funds with any other funds.

The Department proposes to repeal the following rules as their requirements have been incorporated into R12-4-702:

- R12-4-703. Heritage Grant Program Funds
- R12-4-704. Grant Application
- R12-4-705. Review of Proposals
- R12-4-706. State Historic Preservation Office Review
- R12-4-707. Grant Agreement
- R12-4-708. Reporting and Recordkeeping Requirements.

In addition, the Commission was presented with options relating to match requirements for Heritage Grant Fund applicants. It has been suggested that requiring match for some applicants or applications may be reasonable. Currently match is not required, but applications can receive scoring points for providing match. Guidelines or criteria for when match would be required need to be described in rule. The Department proposed two match alternatives as follows:

Match Recommendation:

- Establish firm criteria for requiring match in rule
- Suggest that match be based on the applicant, and not the type of application
- Choose one of the following criteria, and require match from:
 - All federal agencies, or
 - All applicants, or
 - All applicants, excluding public schools, or
 - No applicants (no match required).

Alternative Match Recommendation:

- Establish flexible criteria for requiring match in rule
- Commission would be required to vote to approve one of the potential criteria annually, prior to publication of the Heritage Grant's Manual. Require match from:
 - All federal agencies, or
 - All applicants, or
 - All applicants, excluding public schools, or
 - No applicants (no match required).

The Commission discussed the match recommendations with Department staff and expressed some interest in the alternative match recommendation.

Mr. Odenkirk advised that if there is going to be a rule that has an option to require match, there must be some objective criteria included in the rule that will trigger match in a particular instance. The Commission's discretion cannot be open ended. The Commission did not direct the Department to consider either match alternative for the Article 7 Rule Review.

Motion: Zieler moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE THE ARTICLE 7 FIVE-YEAR REVIEW REPORT FOR SUBMISSION TO THE GOVERNOR'S REGULATORY REVIEW COUNCIL.

Vote: Unanimous

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9. IGA with Bullhead City for construction of facilities at Tri-State Shooting Park

Presenter: Marty Fabritz, Habitat Branch Chief

Mr. Fabritz briefed the Commission on an Inter-governmental Agreement (IGA) with Bullhead City (City) authorizing construction of Department approved facilities at Tri-State Shooting Park. The Department was approached by the Bullhead City to authorize the City to construct, at their expense, several facilities at the Tri-State Shooting Park. The facilities will include, but may not be limited to, a 50 yard Public Safety Officer (PSO) range, a portion of the 500 yard range, extension of an existing road over to these ranges, and placement of some parking areas along this road. All construction will be done to Department and BLM approved plans. In return, Bullhead City PSO will have use of the ranges. The ranges will be fenced off from public use when being used by the PSO. The public will have access to the ranges when not in use by PSO.

Motion: Mansell moved and Zieler seconded THAT THE COMMISSION VOTE TO APPROVE AN IGA WITH BULLHEAD CITY FOR CONSTRUCTION OF FACILITIES AT TRI-STATE SHOOTING PARK, 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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10. Memorandum of Understanding (MOU) with the Lake Havasu Marine Association (LHMA)

Presenter: Pat Barber, Yuma Regional Supervisor

Mr. Barber presented the Commission with a Memorandum of Understanding (MOU) with the Lake Havasu Marine Association (LHMA) to pursue cooperative activities on Lake Havasu.

Mr. Barber read a letter into the record from Jim Salscheider, President and CEO of Lake Havasu Marine Association (attached).

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

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11. Intergovernmental Agreement between the Arizona Game and Fish Commission and the City of St. Johns, Arizona designating Patterson Ponds as a "Community Fishing Water".

Presenter: Chris Cantrell, Chief of Fisheries

Mr. Cantrell briefed the Commission an Intergovernmental Agreement (IGA) between the Commission and the City of St. Johns to implement Patterson Ponds as Community Fishing Program (CFP) water. Commission action is required under the provisions of A.R.S. § 17-231 B.7 to enter into agreements with other entities for the operation of wildlife facilities and the conduct of related wildlife management. Furthermore, A.R.S. § 11-952 F (Intergovernmental Agreement and Contracts) requires that appropriate action by ordinance or resolution or otherwise pursuant to the laws applicable to the governing bodies of agencies (Commission) approving or extending the duration of the agreement or contract shall be necessary before any such agreement, contract or extension may be filed or become effective.

The Community Fishing Program generates partnerships with municipalities to provide opportunities for inter-city residents to engage in recreational fishing. The motto of the program has been "If the people can't get to the fish, we'll bring the fish to the people". Currently, the CFP has established designated waters in 17 Arizona communities. The importance of these waters to reaching and connecting with people within urban communities remains vital. The CFP established a goal to increase angler participation from approximately 65,000 to 200,000 anglers, to increase presence in the number of Arizona communities from 15 to 30 by 2025, and to work closely with Sport Fishing Education to increase recruitment of inter-city families and youth by using CFP waters.

Negotiations are underway with the City of St. Johns to implement the program at a new location called Patterson Ponds. The draft agreement would provide additional revenue to the Department to administer fisheries activities associated with implementing stockings of sportfish through the Community Fishing Program.

Motion: Zieler moved and Mansell seconded THAT THE COMMISSION VOTE TO AUTHORIZE THE DIRECTOR, AS THE SECRETARY TO THE COMMISSION, TO

FINALIZE NEGOTIATIONS, EXECUTE, AND AMEND AS NECESSARY THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE COMMISSION AND THE CITY OF ST. JOHNS TO CONDUCT A COMMUNITY FISHING PROGRAM AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

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12. Renewal of a Road Closure on State Trust Land Southeast of Florence, Arizona.

Presenter: Al Eiden, Habitat Enhancement and Land Owner Relations Program Supervisor

Mr. Eiden briefed the Commission on a request by Gale Brimhall to renew a road closure on State Trust Land located approximately ten miles southeast of Florence, Arizona. A map of the location was provided in a PowerPoint presentation.

Mr. Gale Brimhall requested to renew a closure to vehicular access on State Trust lands in Pinal County. The Commission originally granted this closure, with concurrence from the Arizona State Land Department, in 2000. The road closure was granted contingent on the improvement of an alternate access route, which was recently inspected and found to still be in good condition. The one mile long alternate access route diverts traffic around a small piece of private property where a pumping station is located. This road closure supports wildlife management by protecting the water pump, which provides water to drinkers spread out along an 18 mile pipeline. The closure also supports wildlife management by maintaining hunter access to a large area of State Trust land. The closure has been successful over the past ten years and the Department is aware of no complaints regarding the closure. Regional personnel and the Arizona State Land Department support the renewal of this closure to vehicular access.

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

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13. Renewal of a Road Closure on State Trust Land Approximately Eight Miles East of Gold Canyon, Arizona

Presenter: Al Eiden, Habitat Enhancement and Land Owner Relations Program Supervisor

Mr. Eiden briefed the Commission on a request by the Department's Mesa Regional Office to renew a road closure on State Trust Land located approximately eight miles east of Gold Canyon, Arizona. A map of the location was provided in a PowerPoint presentation.

The Mesa Regional Office (the petitioner), as well as, Charles Backus, the grazing lessee, have requested the renewal of a closure to vehicular access which was granted by the Commission, with concurrence from the Arizona State Land Department, in 2006 and renewed in 2011. This closure affects a ½ mile long road that terminates at the USFS boundary of the Superstition Wilderness. The Department and multiple volunteers have worked to establish a parking area,

control erosion, build a trail, and revegetate the scar of the closed road. The public has accepted the closure to vehicles and many people continue to access the area by foot, horseback, and bicycle.

The primary purpose of this closure is to prevent disturbance and potential loss of bats which roost in the Dacite Mine. This mine is significant because it provides habitat for five species of bats, including Townsend's big-eared and California leaf-nosed bats, both considered species of concern by the Department and the Western Bat Working Group. Prior to the closure, the bat colonies had experienced a significant decline in numbers which was attributed to destructive and malicious human activity within the mine tunnel including; discharge of firearms, use of small explosives, fires, netting, chemicals, and littering, as well as the unlawful take of bats. Two years after the closure was put into effect, regional personnel reported seeing close to 1,800 bats during an exit count – that was by far the most ever recorded at the site. Although a grate was installed at the mine entrance in 2010, this road closure remains an important component of protecting the bats using Dacite Mine, as well as, maintaining the restoration of the soil and vegetation which has occurred over the past 10 years. The Arizona State Land Department and United States Forest Service support this closure for wildlife and natural resource protection.

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

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14. Petition to Lock a Gate on State Trust Land Approximately Eight Miles North of Winkelman, Arizona

Presenter: Al Eiden, Habitat Enhancement and Land Owner Relations Program Supervisor

Mr. Eiden briefed the Commission on a request submitted by Elmo Holt to lock a gate on State Trust Land located approximately eight miles north of Winkelman, Arizona. A map of the location was provided in a PowerPoint presentation.

Mr. Elmo Holt has requested a closure to vehicular access at a gate on State Trust lands in Gila County (Game Management Unit 24A). The proposed closure would restrict public vehicular access on a 0.6-mile dirt road, which dead-ends at the petitioner's private property. The closure would also prevent vehicles from accessing a 0.3-mile stretch of Dripping Springs Wash, which also dead-ends at the petitioner's private property. Unethical users have cut into the riparian vegetation to form a small campsite in the private property at the confluence of Dripping Springs Wash and the Gila River. Various illegal activities occur at this campsite and to the nearby ranch infrastructure; however, the location, topography, and dense vegetation present real difficulties and dangers for law enforcement to address the violations. The purpose of this proposed road closure is to prevent the resource damage which occurs in the riparian habitat; at the same time, the closure will eliminate the other illegal activities the landowner experiences. Several sites offering river access and fishing access are available between this site and Winkelman; the closest is only one half mile away. Also, if the proposed closure to vehicles is granted, non-motorized access by sportsmen and other properly permitted recreationists would continue to be allowed. Regional personnel and the Arizona State Land Department support this closure for natural resource protection.

Mr. Holt was present and addressed the Commission on behalf of his request.

Motion: Madden moved and Zieler seconded THAT THE COMMISSION VOTE TO APPROVE THE REQUEST BY MR. HOLT TO LOCK THE GATE TO VEHICULAR ACCESS TO STATE TRUST LAND LOCATED EIGHT MILES NORTH OF WINKLEMAN, ARIZONA.

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

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15. Acquisition of a Perpetual Access Easement, encompassing two road segments across Private Property owned by Gary and Shana Hollowell, on Devil's Canyon Road, in Mohave County, Game Management Unit 15A (GMU15A).

Presenter: Al Eiden, Habitat Enhancement and Land Owner Relations Program Supervisor

Mr. Eiden briefed the Commission the potential acquisition of a perpetual access easement across private land securing public access over BLM land to the Music Mountains accessing ~15,000 acres of Bureau of Land Management (BLM) lands. Maps of the location were provided.

The Department is working in cooperation with ranchers Gary and Shana Hollowell to secure perpetual recreational access on Devil's Canyon Road in Mohave County, leading into higher elevations of Bureau of Land Management lands adjacent to the western border of the Hualapai Reservation. The Devil's Canyon Road originates off of Antares Road running through BLM land for several miles until hitting private land owned by the Hollowell's in Township 28N, Range 16W, in Sections 34 & 35. Devil's Canyon Road continues in an easterly direction into the high country in Section 36 and beyond into lands controlled by the Bureau of Land Management. The benefit to the Department and recreational users is an assurance of a permanent access route onto public lands for generations to come. As Devil's Canyon Road enters BLM lands, several thousand acres of recreational opportunities unfold in lands contiguous to, and west of the Hualapai Indian Reservation.

Devil's Canyon Road is very popular among locals, providing access into high elevation country for hunting opportunities ranging from mule deer to elk. The BLM has been informed of the Department's intent to purchase this easement and is supportive of these efforts. This road will be put on the Department's regularly scheduled maintenance calendar; however, extreme precipitation events have been known to create unsurpassable sections of the road. On Right-of-Way obtained by the Department, maintenance may be required to address on the ground impacts of these extreme weather events. The Bureau of Land Management has maintained the private sections being obtained in the past and will likely continue to grade these sections, although not on a predictable or regular basis.

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

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16. Acquisition of a Perpetual Access Easement, across Private Property owned by Bartley D. McGuire and Catherine E. McGuire, west of the Sunrise Road, in Cochise County, Game Management Unit 29 (GMU29).

Presenter: Al Eiden, Habitat Enhancement and Land Owner Relations Program Supervisor

Mr. Eiden briefed the Commission the potential acquisition of a perpetual access easement across private land securing public access to the Chiricahua Mountains ~20,000 acres of Coronado National Forest lands (CNF). Maps of the location were provided.

Securing perpetual access for hunters and public recreation is a critical goal for Department. The Department will acquire perpetual rights across the McGuire's private property west of the Cochise County "Sunrise Road" in GMU 29, near Portal. The roadway will be on a 40-foot wide easement crossing 5/8 mile of private property. The new road will continue west from the end of Sunrise Road, along the south section line of T19S, R32E, S18, 1/4 mile, turning northward for 1/8 mile, then westerly for 1/4 mile leading to the Forest Boundary. The roadway could then be designed on a new alignment connecting to the existing Horseshoe Canyon Road in the Chiricahua Mountains. The benefit to the Department and recreational users is an assurance of a permanent access routes into public lands for generations to come. Horseshoe Canyon is a great year-round hiking and camping destination and during hunting season, it is highly utilized. This easement will secure access to over 20,000 acres of CNF lands. The Chiricahua Mountain Range has numerous closures by private landowners that make hunting and recreation difficult. This partnership with the McGuire's will secure permanent legal vehicular access for motorized, equestrian and pedestrian users desiring to utilize their public lands.

The Douglas Ranger District and CNF Supervisor's Office supports the acquisition of this perpetual easements into the Chiricahua's. Maintenance on this easement will be shared, as the landowner would like to continue to maintain a low maintenance standard; however, the Department will have all rights to the 40-ft wide easement into the future, including transferable rights to another entity, such as the CNF or Cochise County. Several Department roads on state land and easements on private lands leading into the Forest are maintained regularly by CNF road crews through renewable road agreements.

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

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17. Acquisition of a Perpetual Access Easement, consisting of three road segments across Private Property owned by Larry Merle Young, east of the Muleshoe Road, in Cochise County in Game Management Unit 32.

Presenter: Al Eiden, Habitat Enhancement and Land Owner Relations Program Supervisor

Mr. Eiden briefed the Commission on a potential acquisition of a perpetual access easement across private land securing public access over State Trust land to the Galiuro and Winchester Mountain Ranges accessing ~18,000 acres of State Trust and Coronado National Forest (CNF) lands. Maps of the location were provided.

Securing perpetual access for hunters and public recreation is critical goal for Department. The Department will acquire perpetual rights for three road segments across of the Young's private property east of the Cochise County "Muleshoe Ranch Road" in GMU 32. The roadway in the northwest portion of the Young's private property, in Section 9 accesses the N-O Canyon Road leading to the Galiuro Mountains and southwestern Winchester Range. The roads in Section 10 lead easterly, across State Trust and to CNF lands in the Winchester Mountains. One road on Young's private lands connects back northerly into N-O Canyon Road. The benefit to the Department and recreational users is an assurance of two permanent access routes into public lands for generations to come. This easement will secure access to over 18,000 acres of State Trust and federal lands. The area has numerous closures by private landowners that make hunting and recreation difficult. This partnership with the Young's will secure permanent legal access for motorized, equestrian and pedestrian users.

The Safford Ranger District supports the acquisition of these perpetual easements into State and CNF lands, because much of the Winchester Mountains is currently inaccessible. Maintenance on this easement will be shared, as the landowner would like to continue to maintain a low maintenance standard; however, the Department will have all rights to the forty foot wide easements into the future, including transferable rights to another entity, such as the CNF or Cochise County for road maintenance.

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

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

Meeting reconvened at 11:20 a.m.

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17A. Memorandum of Understanding with the Arizona Desert Bighorn Sheep Society for Cooperative Activities.

Presenter: Al Eiden, Habitat Enhancement and Landowner Relations Program Supervisor

Mr. Eiden briefed the Commission on a Memorandum of Understanding (MOU) to allow the Department to cooperate with the Arizona Desert Bighorn Sheep Society (ADBSS) on projects for public information and wildlife habitat enhancement. The Department and the ADBSS agree to work cooperatively where mutually beneficial to meet common objectives. This MOU provides a framework for the relationship with regard to future activities. ADBSS is a 501(c)(3) organization that wishes to develop a formal agreement with the Department and Commission through this MOU.

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

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18. Memorandum of Understanding between the Department and the Arizona Big Game Super Raffle

Presenter: Ty Gray, Deputy Director

Mr. Gray briefed the Commission on a Memorandum of Understanding (MOU) with the Arizona Big Game Super Raffle (AZBGSR) that sets forth methods of collaboration between the Department and the AZBGSR Inc. The AZBGSR, Inc. is an entity that has a long history of successfully applying for Special Big Game Tags from the Commission and marketing these tags generating millions of dollars that are provided to the Department, in their entirety, for the benefit of Arizona's big game and the habitat that these wildlife species depend upon. This MOU sets forth the operational approach between these entities and recognizes the importance of the revenue and partnership that has been developed through this program.

John Koleszar, President, AZBGSR, addressed the Commission in support of the MOU.

Motion: Madden moved and Zieler seconded THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT AND THE ARIZONA BIG GAME SUPER RAFFLE, INC.

Vote: Unanimous

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19. Livestock Access Agreement at the Lower San Pedro River Wildlife Area

Presenter: Joyce Francis, Habitat Branch Chief

Ms. Francis briefed the Commission on a potential livestock access agreement to allow livestock to move over a portion of the Lower San Pedro River Wildlife Area. The Commission received approximately 995 acres, as part of the NRDA settlement with ASARCO, which is managed in conjunction with an additional acquisition as part of the Lower San Pedro River Wildlife Area. The adjacent landowner has historically utilized a limited portion of the property to move livestock. The Department has identified a 60 foot alignment that can continue to be utilized to move livestock while protecting the resources on the property.

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

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20. Agreement with SunZia Transmission, LLC

Presenter: Jim deVos, Assistant Director, Wildlife Management Division

Mr. deVos briefed the Commission on a potential Agreement with SunZia Transmission, LLC to mitigate for impacts from the SunZia Southwest Transmission Project. SunZia Transmission, LLC is developing the SunZia Southwest Transmission Project (SunZia Project) to build two bi-directional extra-high voltage electric transmission lines across Arizona and New Mexico. The SunZia Project is proposing to build approximately 200 miles of the lines in Arizona. In the Agreement, SunZia Transmission, LLC has committed to implementation of specific conservation actions and mitigation features to offset the State trust species and habitat impacts from the SunZia Project.

Motion: Madden moved and Zieler seconded THAT THE COMMISSION VOTE TO APPROVE AN AGREEMENT WITH SUNZIA TRANSMISSION, LLC TO MITIGATE FOR IMPACTS FROM THE SUNZIA SOUTHWEST TRANSMISSION PROJECT, 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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23. Proposed Commission Policy Supporting the North American Model of Wildlife Conservation and Managing Wildlife Resources in the Public Trust

Presenter: Ty Gray, Deputy Director

Mr. Gray presented the Commission with a draft Commission Policy for approval (attached). The Policy recognizes the importance of the North American Model of Wildlife Conservation including the foundational tenet that wildlife resources are held in public trust for the use and enjoyment of current and future generations. The North American Model of Wildlife Conservation is the most successful wildlife management in the World and has been the most important contribution to the management of many wildlife species including white-tailed deer, wild turkeys, and California Condors. It is important that this successful model of wildlife conservation is endorsed by the Commission as this philosophy has proven to be the best approach to ensure wildlife populations are managed in a positive and sustainable fashion.

Motion: Mansell moved and Ammons seconded THAT THE COMMISSION VOTE TO ADOPT THE DRAFT COMMISSION POLICY REGARDING THE NORTH AMERICAN MODEL OF WILDLIFE CONSERVATION AND RECOGNIZE THE IMPORTANCE OF THE CORNERSTONE TENET THAT WILDLIFE ARE MANAGED AS A PUBLIC TRUST RESOURCE.

Vote: Unanimous

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24. Commission Priorities Update

Presenter: Ty Gray, Deputy Director

Mr. Gray provided a PowerPoint presentation and update on Department efforts towards accomplishing Commission Priorities. The Department will provide future regular updates on the status of Commission Priorities on the consent agenda at Commission meetings. The Department requests that the Commission vote to approve the updated Commission Priorities as discussed at the November 2015 Commission workshop.

Updated Commission Priorities:

- Increase Access/Landowner Relations
- Customer Service, Technology, Research and Development
- Comprehensive Wildlife Management
- Facility Maintenance, Improvements & Real Estate Strategies
- Maximize Officer Field Time and Promote Fair Chase
- Public Affairs
- Customer Recruitment, Retention, & Reactivation
- Habitat Improvement & Conservation
- Sportfish Opportunities
- Maintaining Department and State Authorities for Conserving Wildlife

Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE THE UPDATED COMMISSION PRIORITIES AS PRESENTED.

Vote: Unanimous

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27. Approval of Minutes and Signing of Minutes

Motion: Madden moved and Ammons seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM NOVEMBER 13-14, 2015, NOVEMBER 30, 2015 AND DECEMBER 4-5, 2015.

Vote: Unanimous

The Commission signed the minutes following approval.

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28. Director and Commissioner Comments

Chairman Davis commented that he has been meeting with individual Department Branches and recently visited Region II in Flagstaff. It has been a great experience to discuss with each Branch about what they are doing and their views on the Commission and what it does. Chairman Davis expressed his appreciation for Commissioner Mansell who's term is about to expire.

Commissioner Zieler expressed his appreciation for Commissioner Mansell.

Commissioner Ammons commented on the recent Western Association of Fish and Wildlife conference in San Diego. He is very proud of the Arizona Game and Fish Department and Commission and its representation at the conference.

Commissioner Madden expressed his appreciation for Commissioner Mansell.

Commissioner Mansell expressed his appreciation for the Director and Department staff, and stated that he has appreciated his time on the Commission.

Director Voyles expressed his appreciation for Commissioner Mansell commented on the talents he has brought to the table that have been a great benefit to the Department.

Director Voyles commented on some opportunities provided to conservation leaders across the country to come to Arizona and experience some of the unique wildlife experiences that Arizona has to offer and to discuss some of the unique challenges faced by Arizona. This was in line with the Commission's direction to the Director to be involved nationally and to take a leadership role in conservation efforts on the national front.

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25. 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 12:00 p.m.

Meeting reconvened at 2:00 p.m.

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21. 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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22. Rehearing Request Regarding Previous License Revocation/Civil Assessment.

Presenter: Gene F. Elms, Law Enforcement Branch Chief

Mr. Elms briefed the Commission on a rehearing request by Derrick M. Zimmerman regarding the revocation of his license privileges. On April 17, 2015, Mr. Zimmerman was convicted in the Lake Havasu Justice Court for obtain 2010 resident hunt/fish license by misrepresentation. On September 4, 2015, the Commission revoked Mr. Zimmerman'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. Zimmerman has requested a rehearing of this matter and decision because he feels the Commission has been prejudicially compromised from rendering an impartial decision by hearing the numerous inadmissible and highly prejudicial materials presented to them by Investigator Nemlowill and Chief Gene Elms. Derrick M. Zimmerman has been notified of this rehearing by certified mail.

Zimmerman was not present, but sent a letter to the Commission which was included in the Commission packets.

Motion: Madden moved and Ammon seconded THAT THE COMMISSION VOTE TO DENY THE PETITION FOR REHEARING BY DERRICK M. ZIMMERMAN

Vote: Unanimous

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22A. Petitions by Dan Larkin and Tim Armbrust for Missing 2016 Spring Hunt Applications

Presenter: John Bullington, Assistant Director, Support Services

Mr. Bullington briefed the Commission on petitions by Dan Larkin and Tim Armbrust related to their missing 2016 spring hunt applications. Due to an error in the online system during the 2016 Spring Draw some applicants were not entered into the draw. Mr. Larkin and Tim Armbrust both had applications that were affected by the error. The Department determined that additional tags could be provided without a negative biological impact to the species to applicants who could provide an Arizona Game and Fish receipt that provided proof of their hunt choices. Unfortunately, no receipts could be produced for either petitioner and so the Department offered a bonus point or a refund. Mr. Larkin is requesting that he be granted Merriam turkey tags for himself and the other applicant for the 2016 spring hunt as intended when he applied. Mr. Armbrust is requesting that he be granted either a javelina tag or Merriam turkey tag for the 2016 spring hunt.

Larkin and Armbrust were not present.

Chairman Davis confirmed with Mr. Bullington that for both applicants the Department has credit card receipts, but it is unknown what species or hunt location they actually put in for.

Commissioner Davis clarified with Mr. Odenkirk that the Commission could take action in these cases because it was a Department error.

Commissioner Ammons asked Mr. Bullington if he expected more petitions regarding this issue.

Mr. Bullington stated that he believed there would be more.

Motion: Davis moved and Madden seconded THAT THE COMMISSION VOTE TO HEAR THE PETITIONS BASED ON THE CREDIT CARD RECIEPTS SHOWING THAT THEY APPLIED FOR THE 2016 SPRING HUNT.

Vote: Unanimous

The Commission discussed the petition requests and confirmed with Mr. Bullington that there is no biological impact in this case. In any potential future cases, the biological impact will have to be considered.

Motion: Zieler moved and Madden seconded THAT THE COMMISSION VOTE TO AWARD A MERRIAM TURKEY TAG TO DAN LARKIN PER HIS PETITION BECAUSE IT DOES NOT HAVE ANY BIOLOGICAL IMPACT.

Commissioner Mansell stated that while he is sorry an error was made, he thinks the Commission is about to set a negative precedent, to award tags when an error is made.

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

Motion: Madden moved and Ammons seconded THAT THE COMMISSION VOTE TO AWARD A JAVELINA TAG TO TIM ARMBRUST PER HIS PETITION BECAUSE IT DOES NOT HAVE ANY BIOLOGICAL IMPACT.

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

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22B. Petition by Karen Brogdon for a Refund of her Boat Registration Fee.

Presenter: Kevin Hodgkins, Chief Financial Officer, Business and Finance Division

Mr. Hodgkins briefed the Commission on a petition received by Karen Brogdon for a refund of her boat registration fee. Mrs. Brogdon states that she registered her watercraft by mistake. When she contacted the Department she was told she was not eligible for a refund unless she had sold the watercraft. Mrs. Brogdon came in to the Department with her paperwork and gave it to a customer service representative stating that the law allows for a refund if she returned the

decals and the original certificate number. Her issue was once again researched and R12-4-510 states that a refund will be issued under the following circumstances:

- When the registered owner has erroneously paid the fees twice for the same watercraft
- When the registered owner has erroneously paid for a watercraft that has already been sold to another individual.

Mrs. Brogdon was notified that the law does not allow for a refund. It was explained that the return of the certificate number and the decals was an additional condition for a refund. Mrs. Brogdon is requesting a refund of \$44.00 for the watercraft registration fees.

Chairman Davis confirmed with Mr. Hodgkins that the Commission does not have the authority to refund under these circumstances.

Chairman Davis suggested that this kind of circumstance be researched and discussed in the Article 5 Rule Review.

Motion: Madden moved and Zieler seconded THAT THE COMMISSION VOTE TO DENY THE PETITION BECAUSE THE COMMISSION DOES NOT HAVE THE AUTHORITY TO REFUND UNDER THESE CIRCUMSTANCES.

Vote: Unanimous

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26. Litigation Report

There were no additions, comments or questions regarding the Litigation Report.

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25. (continued) Executive Session

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

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

Vote: Unanimous

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29. Future Agenda Items and Action Items

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

- The Department will consider how to monetize the damage of habitat resulting from burro populations in an effort to make that case in the future

- The Department will review and evaluate Commission input from discussion of the Article 5 Rule Review.

Chairman Davis stated that monetizing the damage of habitat by burros should be in conjunction with other research and activities and not a stand-alone item, and regarding Article 5, to add the review of the issue of refund as addressed in item 22B.

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

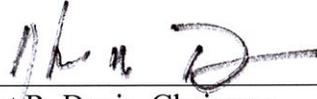
Vote: Unanimous

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Meeting adjourned at 5:30 p.m.

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On Saturday, January 16, 2016, from 5:00 p.m. to 8:30 p.m., the Commission participated in the annual Commission Awards Banquet held at the Arizona Grand Resort, 8000 S. Arizona Grand Parkway, Phoenix, Arizona 85044. The Commission did not discuss any official business or take any legal action.



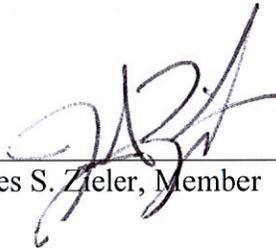
Kurt R. Davis, Chairman



Edward "Pat" Madden, Member



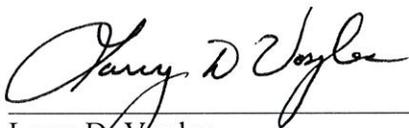
James R. Ammons, Member



James S. Zieler, Member

Robert E. Mansell, Member

ATTEST:



Larry D. Voyles
Secretary and Director

**Game and Fish Litigation Report
Presented at the Commission Meeting
February 5, 2016**

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*. **Due to ongoing settlement discussions, the federal defendants filed a motion on January 29, 2016, seeking an additional 45 days to file an answer to the complaint.**

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. On January 8, 2015, the parties filed a joint stipulation to amend the scheduling order to delay the start of briefing an additional 30 days. The parties filed the stipulation to allow the New Mexico District Court to issue an expedited ruling on the motion to transfer *SCI v. Jewell* to Arizona and to consolidate the case with the other Arizona cases challenging the Mexican wolf 10(j) rule.

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. On December 2, 2015, the court granted Arizona's motion to intervene and ordered the filing of Arizona's motion to dismiss.

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. **The Ninth Circuit issued a decision on January 12, 2016, reversing the lower court decision dismissing the complaint on the basis of standing. The court found that CBD satisfied the constitutional standing requirements, but the court remanded the case back to the district court to resolve the Forest Service's separate motion to dismiss on the basis CBD failed to allege a legal cause of action. On remand, the district court must decide whether the Forest Service can be held legally liable under RCRA. If the court finds the Forest Service is not liable as a "contributor" to causing harm to the environment, then the court will need to dismiss the case for failure to state a claim.**

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.

The parties have reached a settlement on the amount of attorneys' fees WildEarth Guardians will pay to New Mexico. The appeal will be dismissed.

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

Holden and Guynn filed a petition for review with the Arizona Supreme Court seeking a reversal of the Court of Appeal's ruling that the Attorney General is authorized to represent the Commission in this matter. The Supreme Court has yet to rule on the petition.

6. *WildEarth Guardians et al. v. United States Forest Service*, 3:16-cv-08010-PCT-PGR. This suit, filed January 25, 2016 by WildEarth Guardians, Grand Canyon Wildlands Council and the Sierra Club, seeks a ruling that the Forest's travel management decision on the Williams, Tusayan and Kaibab Ranger Districts allowing motorized retrieval of legally-harvested big game (elk and, for the Kaibab, elk and bison) during designated hunting seasons violates the Forest's Travel Management Rule, NEPA, and the National Historic

Preservation Act. The suit also seeks injunctive relief enjoining Forest from allowing motorized big game retrieval until the Forest “can demonstrate compliance with federal law”.

**A RESOLUTION OF THE ARIZONA GAME AND FISH COMMISSION
CONCERNING THE LOSS OF MULTIPLE-USE PUBLIC LANDS
DUE TO SPECIAL LAND-USE DESIGNATIONS**

WHEREAS, Arizona's great strength lies in the value of its public lands, and the ability for the public to access and utilize those lands for a variety of recreational uses, and;

WHEREAS, although federal lands make up 42 percent of Arizona, more than 43 percent of those lands have special land use designations which prescribe significant restrictions to recreation and management. Only 23 percent of Arizona's lands remain open for public use and free from special land use designations, and more than 77 percent of Arizona's lands are restricted from public access and recreation through ownership (private, state, and tribal) or through federal special land use designations, and;

WHEREAS, the conservation of wildlife resources is the trust responsibility of the Arizona Game and Fish Commission (Commission) and this extends to all lands within Arizona, to ensure abundant wildlife resources for current and future generations, and;

WHEREAS, with 4.5 million acres, Arizona has the third highest total designated wilderness acreage in the U.S. This, coupled with an additional 5.8 million acres of special land use designations including National Monuments, National Parks, National Wildlife Refuges, National Conservation Areas, Areas of Critical Environmental Concern, Wild and Scenic Rivers, and Wilderness Characteristics Areas, has caused the systematic loss of recreational opportunities and erosion of the Arizona Game and Fish Department's (Department) ability to proactively manage wildlife on more than 10.3 million acres, and;

WHEREAS, the Arizona Game and Fish Department has experienced adverse impacts resulting from special land use designations including loss of motorized access, project delays, increased costs, increased man-hours, and legal challenges. These ultimately lead to decreased efficiency in conserving and managing Arizona's wildlife resources, and;

WHEREAS, public land managers have a responsibility to the people of Arizona to ensure continued opportunities for multiple-use recreational activities. For example, FLPMA (1976) is the Bureau of Land Management's (BLM) "organic act" that establishes the agency's multiple-use mandate to serve present and future generations. Once federal lands are converted to special use lands such as Wilderness and National Monuments, the FLPMA mandate no longer applies and those lands permanently lose multiple-use provisions, and;

WHEREAS, the National Park Service is currently operating with a deferred maintenance backlog of \$11.49 billion dollars and is unable to keep up with current needs. This deferred maintenance affects road upkeep, water delivery, and safety of park visitors. The Grand Canyon, alone, has \$329 million in deferred maintenance. Adding new responsibilities to this already overburdened system through additional special use designations puts wildlife habitats and populations at risk, and;

WHEREAS, in spite of organic legislation emphasizing multiple-use of public lands, neither the USFS nor BLM has established any objectives for acreages of public lands to be maintained in full multiple-use, free from restrictive designations in Arizona, and;

WHEREAS, the Multiple-Use Sustained-Yield Act of 1960 and the Federal Land and Policy Management Act of 1976 both legally prohibit the federal land management agencies from affecting the state's jurisdiction and responsibilities.

NOW, THEREFORE, BE IT RESOLVED that the Arizona Game and Fish Commission supports public land use that provides Arizona's public and resources with a net benefit, and;

BE IT FURTHER RESOLVED that the Arizona Game and Fish Commission opposes further conversion of public lands from multiple-use to land use designations that result in the net loss of wildlife resources, wildlife-related recreational opportunities and associated economic benefits, without expressed concurrence of the state of Arizona and the Commission, and;

BE IT FURTHER RESOLVED that any proposed special land use designation must analyze the cumulative impacts of further loss of public lands that provide for multiple-use and wildlife-related recreational and economic opportunities, and

BE IT FURTHER RESOLVED that any proposed special land use designation on federal lands must analyze the impact to the Arizona Game and Fish Department's ability to fulfill its trust responsibility to manage the state's wildlife resources.

ADOPTED on the 15th day of January, 2016 by the Arizona Game and Fish Commission.



Kurt R. Davis
Chairman
Arizona Game and Fish Commission





THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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ROBERT E. MANSELL, WINSLOW

DIRECTOR

LARRY D. VOYLES

DEPUTY DIRECTOR

TY E. GRAY



January 15, 2016

The Honorable Barack Obama
President of the United States of America
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Proposed Grand Canyon Watershed National Monument

Dear Mr. President:

As present and former Arizona Game and Fish Commissioners, we have extensive knowledge on the importance of habitat conservation across the public and private lands in Arizona. As Commissioners, we are charged with making sure not only game species thrive within our borders, but also non-game species of wildlife such as the California condor and the Black-footed ferret. We are responsible for all of Arizona's diverse wildlife and held accountable by both consumptive users as well as non-consumptive users.

We are also well aware of the management issues surrounding Arizona's wildlife, and how complex that can be, particularly in dealing with land ownership matters, and the various Federal designations placed on much of that land. Arizona has more National Monuments (18), than any other State in the Union. In fact, only 23% of the remaining federally owned land in our State does not have some sort of special designation. We do not believe we need any more!

The people of Arizona are our stakeholders, and to that end, we support the multi-use concept on our public land. That approach allows us to provide the most recreational opportunities with respect to wildlife for whatever pursuit a citizen desires, from hunting, to fishing, wildlife watching, boating, hiking, camping, photography, or OHV use. This multi-use approach allows us to work closely with the U.S. Forest Service (USFS) and Bureau of Land Management (BLM) in concert to further the objectives of the multi-use concept.

That partnership is not broken, and we do not believe another layer of bureaucracy is needed to conserve or "protect" 1.7 million more acres on the Arizona Strip or Kaibab National Forest.

There have been several reasons put forth as to why a monument designation is needed, but we say to you, Mr. President, that reasoning is offering you a solution to a non-existing problem! Some of those issues include the following:

- **Protection from uranium mining** The area is already protected under a moratorium on uranium mining until the year 2032. If that ore is ever needed, we might have an environmentally safe technology in the future that would allow for clean extraction.
- **Protection of old growth trees** Arizona’s forest products industry is but a shell of its former self and selected harvest and forest management shouldn't be eliminated as a viable management tool. Some of the catastrophic fires over the last decade demonstrate the importance of regulated forest management.
- **Public land grazing** The proponents of eliminating what they call “inappropriate livestock grazing” would eliminate ranchers who exhibit good stewardship practices for both the land and wildlife. No one wants poor land stewards and they should be dealt with accordingly, but the good ones not only make a living ranching, they do so with wildlife in mind. The Arizona Game and Fish Department works hand in hand with ranchers and private land owners all over the state to that end.
- **Road closures** Extensive travel management plans have been undertaken by the Forest Service and BLM which has resulted in the closure of many roads. We do not believe the public needs to be further shut out from accessing our public lands.
- **Wildlife migration corridors** Some have said our premiere mule deer herd may be in jeopardy as they move between Arizona and Utah, but so far they are not. If there ever is an issue, we should seek to remedy and mitigate it - not adopt another set of rules on this area now for a non-existent problem.

President Theodore Roosevelt’s legacy has already protected much of the Grand Canyon. In fact, the Grand Canyon National Park was first a monument, but now is a National Park and citizens must pay to see it and enjoy it. The National Park Service is behind in maintenance and management, and is millions of dollars in arrears. We don’t have that problem on the Kaibab and Arizona Strip so we would respectfully request that you not designate these lands as a monument and subject them to more rules and regulations that are not only unnecessary, but would complicate the management of Arizona’s wildlife by our Game and Fish Department.

We can ensure Arizona’s wildlife is properly managed and conserved by the continued cooperation and partnership of the Arizona Game and Fish Department, USFS and BLM, without the necessity of another National Monument in Arizona.

Respectfully submitted,

Kurt R. Davis
Chairman

Edward “Pat” Madden
Vice Chairman

James R. Ammons
Commissioner

James S. Zieler
Commissioner

Robert E. Mansell
Commissioner

Former Commissioners in Support of Commission Position:

Larry D. Adams
W. Hays Gilstrap
Jack F. Husted
J.W. Harris

Robert R. Woodhouse
William H. McLean
Michael M. Golightly
Susan E. Chilton

Joe Melton
Gordon Whiting

CC: Arizona Congressional Delegation
Governor Doug Ducey
Secretary of the Interior Sally Jewell
Secretary of Agriculture Tom Vilsack

A RESOLUTION OF THE ARIZONA GAME AND FISH COMMISSION EMPLOYING THE FEDERAL GOVERNMENT TO MEET THEIR OBLIGATION TO CONTROL EXCESSIVE POPULATIONS OF FERAL BURROS TO REDUCE ADVERSE IMPACTS TO WILDLIFE HABITAT AND PUBLIC SAFETY.

WHEREAS, the Commission has received and supports the Mohave County Board of Supervisors' Resolution number 2015-127 encouraging the federal government to control the excessive population of burros in their county, and

WHEREAS, the Arizona Game and Fish Commission recognizes there is an extreme overpopulation of burros in Arizona that negatively impacts wildlife, wildlife habitat, and public safety, and

WHEREAS, the conservation of wildlife resources is the trust responsibility of the Commission on all lands within Arizona to ensure abundant wildlife resources for current and future generations, and

WHEREAS, the 1971 Wild Free-Roaming Horses and Burros Act requires the BLM to establish appropriate management levels (AML) that ensure a thriving natural ecological balance, and to remove excess burros to maintain this balance, and

WHEREAS, the AML for all the herd management areas in Arizona is 1,316 burros but the current statewide burro population is 4,183 animals, and

WHEREAS, the AML for the Black Mountain herd management area in Mohave County is 478 burros but the current population is 1,450 burros, and

WHEREAS, the non-native burros now outnumber the native bighorn sheep within the Black Mountains and are 340% above established AMLs Statewide.

NOW, THEREFORE, BE IT RESOLVED that the Arizona Game and Fish Commission requests that the federal government immediately initiate all tools to control excessive populations of feral burros and formulate and implement a plan to reduce adverse impacts to wildlife habitat and public safety, and directs the Department to continue to pursue all available strategies designed to insure federal responsibility to reduce overpopulation of feral burros.

ADOPTED on the 15th day of January 2016 by the Arizona Game and Fish Commission.



Kurt R. Davis
Chairman
Arizona Game and Fish Commission



Written comments to be read into the record on First Read 1-15-16

Thank you for your consideration of a formal Memorandum of Understanding between the Lake Havasu Marine Association and AZ G&F. The two organizations have been working closely with each other on several lake projects since 2008 when the docks at Lake Havasu State Parks were funded. The combination of \$17,000 raised by LHMA, matched by AZ G&F, and Ron Christopherson's expertise, resulted in AZ State Parks receiving over \$800,000 in infrastructure benefits.

Additional joint or cooperative projects since then include:

- Designated Operator Program (2010) with Kevin Bergerson and Tim Baumgarten
- creation of "Sticker a Mussel" campaign (2013) with Tom McMahon
- buoy project at the I-40 Bridge (2014) with Ron Christopherson -
- Havasu Fisheries Program (2015) with Pat Barber

LHMA is a 501-C-3 non profit organization, and as we apply for more grants (such as the \$100,000 grant in 2014 from US Fish&Wildlife for quagga mussel projects), formal MOU's add substantial credibility to our resume. Currently, we have an MOU from the BLM, several project agreements with the Chemehuevi Tribe, and are now one of eight partners in the LH Fisheries Improvement Program. We are currently developing a similar MOU with AZ State Parks, and with your support, we will be able to be even more successful in the future.

We look forward to more cooperative projects solving problems on the lake.

--

Jim Salscheider
President&CEO
Cell 928-208-2442





A2.9 Commission Policy Supporting the North American Model of Wildlife Conservation and Managing Wildlife Resources in the Public Trust

Effective: TBD

Policy Process Owners: Deputy Director

- A.** This policy is established to ensure the Commission actively supports and promotes the tenets of the North American Model of Wildlife Conservation (NAM) in all Commission activities. Arizona's core concepts of the NAM are:
1. Wildlife is held in the public trust.
 2. Regulated commerce in wildlife.
 3. Hunting and angling laws are created through a public process.
 4. Hunting and angling opportunity for all.
 5. Hunters and anglers fund conservation.
 6. Wildlife is an international resource.
 7. Science is the basis for wildlife policy.
- B.** Arizona's system of wildlife conservation governance, including the Commission system, evolved under and consistent with NAM. The success of this model and the resulting wildlife abundance that we enjoy are envied throughout the world.
- C.** The first tenet, that wildlife is a public trust resource, is reflected in the Arizona Revised Statutes and provides the foundation for all other tenets of the NAM.
- D.** The Commission and Department shall operate and make decisions that are consistent with Arizona's core tenets of the NAM.
- E.** It is a responsibility of the Commission and Department to recognize and defend wildlife as a public trust resource against conversion to a private asset.
- F.** The outcomes of Commission actions and decisions will be consistent with the tenet that wildlife resources are, and will remain, public and are managed sustainably for future generations to enjoy.