

Minutes of the Meeting of the  
Arizona Game and Fish Commission  
Friday, February 5, 2016  
Saturday, February 6, 2016  
Yuma Pivot Point Hotel and Conference Center  
200 N. Madison Avenue  
Yuma, Arizona 85364

PRESENT: (Commission)

(Director and Staff)

Chairman Kurt R. Davis  
Commissioner Edward "Pat" Madden  
Commissioner James R. Ammons  
Commissioner James S. Zieler  
Commissioner Eric S. Sparks

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. The Commission and Director Voyles introduced themselves followed by introductions of the Director's staff. This meeting followed an agenda revision #1 dated February 3, 2016.

Former Commissioner Robert Mansell was present and, following a few parting comments, participated in a "passing of the torch" ceremony with incoming Commissioner Eric S. Sparks.

### Awards and Recognition

Chairman Davis presented the following Commission award certificates:

- Commission Certificate of Appreciation to Department employee Michael Sumner for his exemplary efforts in managing the annual dove hunt, agricultural food safety, and community engagement in the south sector of the Department's Yuma Region
- Commission Commendation of Achievement to Doug Beach, former President of the Yuma Valley Rod and Gun Club, for his exemplary efforts and leadership working with the Arizona Game and Fish Department to conserve wildlife and Arizona's hunting and angling heritage
- Commission Commendation of Achievement to Linda Morgan, Executive Director of the Yuma Visitor's Bureau, for her exemplary efforts and leadership working with the Arizona Game and Fish Department to promote wildlife based tourism in southwest Arizona.

\* \* \* \* \*

### 2. Call to the Public

Nick Heatwole, representing the U.S. Bureau of Reclamation, Yuma Office, welcomed the Commission to Yuma and offered to assist with any issues.

\* \* \* \* \*

### 1. Yuma Community Partnerships Related to the Annual Dove Hunt

**Presenter:** Pat Barber, Region IV Supervisor

Mr. Barber introduced several representatives of businesses and tourism organizations, each providing an update to the Commission on collaborative efforts to promote and manage the annual early dove hunt to ensure it continues as an annual tradition that supports both the Department mission and the local economy. Representatives included:

- Richard Sprague, owner of Sprague's Sporting Goods
- John Courtis with the Yuma Chamber of Commerce
- Linda Morgan with the Yuma Visitors Bureau
- Kent Inglett, Manager of Desert Premium Farms
- Doug Beach with the Yuma Valley Rod and Gun Club

The opener of the early dove hunt is a big annual event in the Yuma area. There is a high level of local participation in the event, but it also draws thousands of nonresident hunters from California and other nearby states. This annual event supports the Department mission and generates revenue for the Department through license sales, but also generates significant economic return to the local economy through patronage at local hotels, restaurants, and retail businesses. Community leaders presented information to the Commission about the economic importance of the event, how the annual dove hunt in Yuma presents a unique collaborative opportunity for the Department and the Community, and ongoing efforts to promote the hunt as a sustainable tradition in and around Yuma.

\* \* \* \* \*

### 3. 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.

#### a. Commission Priorities Update

**Presenter:** Ty Gray, Deputy Director

The Department provided an update on progress towards accomplishing the following 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

Mr. deVos, Assistant Director, Wildlife Management Division, addressed the Commission and provided an update on the Big Boquillas Ranch as it relates to the Commission priority regarding access. The Big Boquillas Ranch is an important area as a single unit for elk and pronghorn hunting. The area was bought by the Navajo Nation and is managed by Cholla Livestock, LLC. The Department has been working with both of these entities for several years on an agreement that allows hunter access and allows the ranch to collect some of the costs associated with having hunters on the landscape. The original three year agreement expired in December 2015. New agreements between the Department, the Navajo Nation and Cholla Livestock, LLC, have been successfully negotiated and the Department is currently awaiting signatures from the Navajo Nation.

b. 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 Landowner Relations Program Supervisor

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 Department recommends THAT THE COMMISSION VOTE TO APPROVE THE REQUEST TO ACQUIRE A PERPETUAL ACCESS EASEMENT FOR TWO ROAD SEGMENTS ACROSS PRIVATE LAND LEADING INTO THE UPPER MUSIC MOUNTAINS, IN T28N, R16W, SECS 34&35 IN GMU 15A.

c. Approve Memorandum of Understanding (MOU) with the Lake Havasu Marine Association (LHMA)

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

The Commission received a general briefing at the January 15-16, 2016 Commission meeting on the purpose of this MOU, the LHMA mission and activities, and cooperative efforts between the Department and the LHMA.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE LAKE HAVASU MARINE ASSOCIATION TO PURSUE COOPERATIVE ACTIVITIES ON LAKE HAVASU.

d. 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 Landowner Relations Program Supervisor

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 Department recommends THAT THE COMMISSION VOTE TO APPROVE THE REQUEST TO ACQUIRE A PERPETUAL ACCESS EASEMENT FOR THREE ROAD SEGMENTS ACROSS PRIVATE LAND LEADING INTO N-O CANYON, IN T13S, R21E, SECS 9&10 IN GMU 32.

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

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

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 Department recommends THAT THE COMMISSION VOTE TO APPROVE THE REQUEST TO RENEW A ROAD CLOSURE ON STATE TRUST LAND LOCATED APPROXIMATELY TEN MILES SOUTHEAST OF FLORENCE.

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

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

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 Department recommends THAT THE COMMISSION VOTE TO APPROVE THE REQUEST TO RENEW A ROAD CLOSURE ON STATE TRUST LAND LOCATED APPROXIMATELY EIGHT MILES EAST OF GOLD CANYON.

g. 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 Landowner Relations Program Supervisor

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 Department recommends THAT THE COMMISSION VOTE TO APPROVE THE REQUEST TO ACQUIRE A PERPETUAL ACCESS EASEMENT FOR A ROAD ACROSS PRIVATE LAND LEADING INTO HORSESHOE CANYON, IN T19S, R32E, S18, IN GMU 29.

h. Approve Memorandum of Understanding with the Arizona Desert Bighorn Sheep Society for Cooperative Activities.

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

The Department requests Commission approval for 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 Department recommends THAT THE COMMISSION VOTE TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE ARIZONA DESERT BIGHORN SHEEP SOCIETY AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

i. Renewal of Arizona State Land Department Special Land Use Permit at Arlington Wildlife Area

**Presenter:** Joyce Francis, Habitat, Evaluation and Lands Branch Chief

The Department requests Commission approval to renew the existing Arizona State Land Department Special Land Use Permit at Arlington Wildlife Area. The Department has had an Arizona State Land Department Special Land Use Permit (SLUP) at Arlington Wildlife Area (AWA) since 1994. The SLUP is issued for the purpose of protection, maintenance, and enhancement of wildlife, with a restriction of no permanent structures. The current SLUP expires April 18, 2016. The SLUP would be renewed for an additional five (5) years.

The Department recommends THAT THE COMMISSION VOTE TO RENEW THE ARIZONA STATE LAND DEPARTMENT SPECIAL LAND USE PERMIT AT ARLINGTON WILDLIFE AREA AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

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

**Presenter:** Joyce Francis, Habitat, Evaluation and Lands Branch Chief

The Department requests Commission approval for 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 Department recommends THAT THE COMMISSION VOTE TO APPROVE A LIVESTOCK ACCESS AGREEMENT TO ALLOW LIVESTOCK ACCESS OVER A PORTION OF THE LOWER SAN PEDRO RIVER WILDLIFE AREA, AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

k. Renewal of a License Agreement with Mohave Electric Cooperative, Inc.

**Presenter:** Joyce Francis, Habitat, Evaluation and Lands Branch Chief

The Department requests Commission approval for renewal of a license agreement with Mohave Electric Cooperative, Inc. across Topock Marsh. The Commission has had a license agreement with Mohave Electric Cooperative, Inc. for placement and maintenance of power lines on the Topock Marsh since 1995.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE RENEWAL OF A LICENSE AGREEMENT WITH MOHAVE ELECTRIC COOPERATIVE, INC., AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

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

Commissioner Ammons commented on items b, d, and g, expressing how important these are and thanking the Department for the good work.

**Vote:** Unanimous

\* \* \* \* \*

#### 4. 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 Department is currently reviewing the JLBC Baseline recommendations; Agency presentations have begun at the Legislature before the Appropriations Committees
- The Legislature is 26 days into Regular Session; 1169 bills have been posted
- On January 26, the Legislature confirmed the Governor's selection of Eric Slocum Sparks to the Arizona Game and Fish Commission.

##### 2016 Commission Legislative Agenda:

HB2465: G&F; in-lieu fee; trust fund; allows the Commission the ability to transfer ILF funds into an equity account to gain sufficient interest for long-term O&M of mitigation projects:

- Passed House Environment, Energy and Natural Resource Committee 7-0.

HB2324: G&F; military spouses; resident licenses; 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:

- Passed House Military Affairs and Public Safety Committee 7-0.

HB2575: G&F; penalties; law enforcement; omnibus; includes Personal Flotation Device, Civil Penalty Authority Clarification, Unlawful Feeding of Wildlife, Wildlife Theft Prevention Fund:

- Hearing scheduled for February 8, 2016 before the House Environment, Energy and Natural Resource Committee

Mr. Canaca briefed the Commission on several language changes to HB2575 that were made to overcome opposition to some language in the bill. In discussions with the two Commission Legislative Representatives, Commissioners Davis and Madden, an agreement was reached to make changes to the legislation in order to have no remaining opposition and to continue to move the bill forward. Changes included clarifications regarding Personal Flotation Devices and the Civil Penalty Authority. The bill will be heard by the House Environment, Energy and Natural Resource Committee on February 8, 2016. The Department recommends that the Commission vote to support HB2575.

**Motion:** Ammons moved and Madden seconded THAT THE COMMISSION VOTE TO SUPPORT HB2575.

**Vote:** Unanimous

SB1361: G&F; heritage fund; expenditures; provides the Commission the ability to spend a portion of the Heritage fund acquisition monies on the Operation and Maintenance of acquired properties with sensitive habitat utilized by endangered, threatened and candidate species including the property's infrastructure:

- Hearing scheduled for February 8, 2016 before the House Environment, Energy and Natural Resource Committee

Mr. Canaca provided a historical review of Department and Commission efforts to resolve the issue of Operation and Maintenance of Commission owned properties, which lead to the development of SB1361. The Department recommends that the Commission vote to support SB1361.

Chairman Davis commented that everyone wants the Heritage program to succeed. The voters gave us great opportunities to recover, protect, conserve and provide many great outcomes, but we also have to be realistic with the costs associated with purchasing property. Like anyone buying a home, there are costs for upkeep and maintenance. The Commission is responsible and obligated to make sure that current properties and any future properties are maintained and operated at a level that is appropriate for the properties to fulfill their purpose. Operation and maintenance is a current and growing problem, and any solution has to work year in and year out. It must be a long-term strategy, and not just a temporary fix. This proposal is prudent, has a cap, and faces the reality that a plan is needed to pay for the operation and maintenance of these properties. Chairman Davis thanked the Department for coming up with a constructive and appropriate solution that will ensure that these properties flourish for generations to come.

Commissioner Ammons added that properties with no improvements also have expenses. Even if there are no buildings, the Department still oversees those properties.

Public Comment

Valerie Morrill, representing Arizona Wildlife Federation and Arizona Heritage Alliance, addressed the Commission in opposition to SB1361 and its re-apportionment of the voter-approved Heritage Fund. This bill is counter to the findings of the Heritage Fund Working Group.

Mr. deVos added that he lead the Heritage Fund Working Group and one issue raised by the group was that any new properties acquired would carry a minimal operation and maintenance responsibility. Mr. deVos noted that the Commission recently rejected purchasing a piece of property because it came with a substantial operation and maintenance burden. This is an action by the Commission to keep in the true spirit of the Heritage Fund Working Group recommendation.

**Motion:** Madden moved and Ammons seconded THAT THE COMMISSION VOTE TO SUPPORT SB1361.

**Vote:** Unanimous

Other Bills of Interest

SB1243: Mexican wolf; G&F approval; reporting; Provisions: 1) Commission approval before a Mexican gray wolf is released, translocated or cross-fostered in the state; 2) Prohibits the Commission from approving the release, translocation or cross-fostering of a Mexican gray wolf within three miles of State Trust Land or private property and without full DNA profile on each wolf released, translocated or cross-fostered; 3) Requires the AGFD to report to the Commission: a) any death of a Mexican wolf including the cause of death if known; b) number of Mexican wolf that are supplemented with feed in the state including the cost of supplementation; c) number and the full DNA profile of Mexican wolf captured and the reason for capture; d) location of all collared Mexican wolf; and e) all human and domestic animal incidents that involve a Mexican wolf.

- Senate Natural Resource Committee Hearing on 2/1 - Passed 5-2
- Senate Water and Energy Committee Hearing on 2/1 - Passed 6-1

**Motion:** Zieler moved and Madden seconded THAT THE COMMISSION VOTE TO SUPPORT SB1243.

**Vote:** Unanimous

SCM1014: administratively recommended wilderness; urging Congress; The Legislature urges the U.S. Congress to act to prohibit federal agencies from recommending and identifying Arizona's public lands as wilderness areas without the express congressional consent.

- Senate Water and Energy Committee - Hearing on 2/8

**Motion:** Sparks moved and Zieler seconded THAT THE COMMISSION VOTE TO SUPPORT SCM1014.

**Vote:** Unanimous

Public Safety Personnel Retirement System Package; S1428: PSPRS modifications; S1429: public retirement systems; special election; SCR1019: public retirement system benefits; Various proposed changes to statutes and Arizona Constitution relating to the Public Safety Personnel Retirement System; Effective July 1, 2017.

- Passed Senate 2/4, Awaiting House Action
- Must pass House by February 15 for May Special Election

Chairman Davis commented for the record that the current funding program for PSPRS has significant issues and this legislative package is needed to stabilize the program. The state needs to honor its commitment to its law enforcement officers and other public safety personnel, and he hopes the people of Arizona will vote for this.

### Congressional Update

#### Bipartisan Sportsmen's Act of 2015

- Passed Senate Environment and Public Works Committee

#### Includes 12 Provisions

- EPA Lead prohibition Permanent-Fishing tackle
- Pitt/Rob Shooting Range
- Polar Bear Provision
- Farmer/Hunter Protection Act
- Army Corps Firearms
- NAWCA Re-up
- FS/BLM - Hunt/Fish/Shoot
- Public Lands Filming
- Transporting Bows NPS
- Making Public Lands Public (LWCF 1.5%)
- Hunt Act
- FLTFA Reauthorization
- Nat Fish/Wildlife Foundation Re-up

\* \* \* \* \*

Meeting recessed for a break at 9:36 a.m.

Meeting reconvened at 9:51 a.m.

\* \* \* \* \*

### 5. Request to Approve Draft Exempt Rulemaking Amending Article 8, Wildlife Areas and Department Property.

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

Mr. Barber provided a PowerPoint presentation and briefing on a Draft Notice of Exempt Rulemaking amending Article 8, Wildlife Areas and Department Property. The Department proposes to amend Article 8 rules, addressing wildlife areas and department property, to implement recommendations resulting from data and research gathered during the previous year.

The Commission proposes to amend R12-4-802 to ensure consistency in regards to wildlife area closures and hunting restrictions, where applicable; and to amend R12-4-803 to revise boundary descriptions. Amendments are also made to ensure consistency within Article 8 rules and conformity with the Arizona Administrative Procedure Act and the Secretary of State's rulemaking format and style requirements and standards. The Department proposes the following substantive rule amendments:

R12-4-801. General Provisions:

- Specify wildlife areas may also be established for hunting, fishing, and other recreational activities
- Remove language regarding protection of private property; the Department's internal reviews of prospective property acquisitions ensure wildlife area designations will not be used solely to protect private property
- Address other types of properties (i.e., regional offices) that have a different standard for public use.

R12-4-802. Wildlife Area and Other Department Managed Property Restrictions:

- Increase consistency between WLAs for motorized travel to pick up lawfully taken big game, camping restrictions, and periodic WLA closures
- Allow predator hunting/control on the Clarence May and C.H.M. May Memorial Wildlife Area
- Establish restrictions for the newly acquired Planet Ranch Wildlife Area.

R12-4-803. Wildlife Area and Other Department Managed Property Boundary Descriptions:

- Amendments were made to update and clarify boundaries, address newly acquired or sold properties, and increase consistency between boundary descriptions.

If approved by the Commission, the Department will post the Draft Notice of Exempt Rulemaking to the Department's Internet site for a period of 30 days for public comment. Once the public comment period has passed, the Department will present the Final Exempt Rulemaking to the Commission for their consideration.

**Motion:** Zieler moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE THE DRAFT NOTICE OF EXEMPT RULEMAKING TO AMEND ARTICLE 8 RULES ADDRESSING WILDLIFE AREAS AND DEPARTMENT PROPERTY.

**Vote:** Unanimous

\* \* \* \* \*

2. Call to the Public (re-opened)

Doug Beach, Yuma Valley Rod and Gun Club, addressed the Commission regarding dove hunting for youth. The youth camps for dove and javelina in the Yuma area give the kids a tremendous opportunity, which later can lead to big game hunting. Habitat and access for the youth is very important.

\* \* \* \* \*

6. Commission Authorization for a Temporary Price Reduction for Licenses per A.R.S. § 17-333.B**Presenter:** Anthony Guiles, Assistant Director, I&E and Wildlife Recreation Division

Mr. Guiles provided a PowerPoint presentation and briefing on a Department proposal for temporary price reductions per A.R.S. § 17-333.B for two promotions between April 1 and June 30, 2016. The purpose of the reduction is to facilitate promotions intended to sell more hunting and fishing licenses and expand the Department's customer base. Included in the presentation were items for consideration including:

- Upsell of hunting license to "Combo"
- Fishing license offers
  - Buy 2 days, get 1 free
  - Promotional tie-in with lapsed angler campaign
- Temporary reduction in pricing; marketing.

If approved by the Commission, the Department will evaluate these ideas in depth and develop potential programs, and bring that back to the Commission.

Chairman Davis suggested removing the limit and allowing more than two or however many is feasible.

**Motion:** Madden moved and Ammons seconded THAT THE COMMISSION VOTE TO APPROVE TEMPORARY LICENSE FEE REDUCTIONS OCCURRING BETWEEN APRIL 1 AND JUNE 30, 2016.

**Vote:** Unanimous

\* \* \* \* \*

6A. Petition by Sean Donovan for javelina tags for Spring 2016.**Presenter:** John Bullington, Assistant Director, Support Services

Mr. Bullington presented the Commission with a petition by Mr. Sean Donovan regarding his Spring Hunt Application. Mr. Donovan states in his petition that he applied online but was unable to print a receipt and did not receive one via email. Mr. Donovan had multiple charges applied to his credit card beyond what he owed for the application. The Department provided a refund for the overages. When Mr. Donovan was contacted by the Department he was informed of an error with the Department's online draw system during the 2016 spring draw and that his application had been affected.

The Department has determined that additional tags could be provided without a negative biological impact to the species to applicants who could provide a Department receipt which provides proof of hunt choices. Although the Department confirmed the charges for the application, Mr. Donovan did not have a Department receipt and was offered a bonus point or a

refund for himself and his son. Mr. Donovan is requesting that the Commission grant him javelina tags for the 2016 spring hunt.

**Motion:** Ammons moved and Zieler seconded THAT THE COMMISSION VOTE TO HEAR THE PETITION BY MR. SEAN DONOVAN.

**Vote:** Unanimous

**Motion:** Ammons moved and Zieler seconded THAT THE COMMISSION VOTE TO GRANT MR. DONOVAN JAVELINA TAGS FOR THE 2016 SPRING HUNT SINCE THERE IS NO NEGATIVE BIOLOGICAL IMPACT AND THERE IS PROOF OF AN ACTUAL APPLICATION.

Chairman Davis stated that the Mr. Donovan's petition speaks of a massive computer glitch, and noted for the record that it was not a massive computer glitch.

**Vote:** Unanimous

\* \* \* \* \*

6B. Petition by Stephen Mancuso for Merriam Turkey tags for Spring 2016.

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

Mr. Bullington presented the Commission with a petition by Mr. Stephen Mancuso regarding his Spring Hunt Application. Mr. Mancuso states in his petition that he applied online but that he was unable to print a receipt and did not receive one via email. Mr. Mancuso was charged on October 13, 2015 for his application on his credit card. When Mr. Mancuso was contacted by the Department he was informed that there was an error with the Department's online draw system during the 2016 spring draw and his application had been affected.

The Department has determined that additional tags could be provided without a negative biological impact to the species to applicants who could provide a Department receipt which provides proof of hunt choices. The Department confirmed the charges for his application but unfortunately, Mr. Mancuso did not have a Department receipt and was offered a bonus point or a refund. Mr. Mancuso is requesting that the Commission grant him a Merriam turkey tag for the 2016 spring hunt.

**Motion:** Madden moved and Zieler seconded THAT THE COMMISSION VOTE TO HEAR THE PETITION BY MR. STEPHEN MANCUSO.

**Vote:** Unanimous

**Motion:** Madden moved and Sparks seconded THAT THE COMMISSION VOTE TO GRANT MR. STEPHEN MANCUSO A MERRIAM TURKEY TAG FOR THE 2016 SPRING HUNT SINCE THERE IS NO NEGATIVE BIOLOGICAL IMPACT AND PROOF OF AN ACTUAL APPLICATION.

Commissioner Zieler requested a friendly amendment to state the tag is for either Unit 3B or 3C.

**Amended Motion:** Madden moved and Sparks seconded THAT THE COMMISSION VOTE TO GRANT MR. STEPHEN MANCUSO A MERRIAM TURKEY TAG FOR THE 2016 SPRING HUNT FOR EITHER UNIT 3B OR 3C SINCE THERE IS NO NEGATIVE BIOLOGICAL IMPACT AND THERE IS PROOF OF AN ACTUAL APPLICATION.

**Vote:** Unanimous

\* \* \* \* \*

#### 7. Aquatic Wildlife Update on Native Aquatic Conservation Actions

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

Mr. deVos provided a PowerPoint presentation and briefing on the Department's native aquatic conservation actions completed in 2015. Within Arizona, 23 of the 36 native fish species in Arizona are considered imperiled to warrant listing through the Endangered Species Act as Threatened, Endangered, or Candidate. The presentation highlighted the recovery and conservation successes of the Department's Native Aquatic Programs including:

- Conservation and Mitigation Program (CAMP)
- Native trout
- Gila River Basin Native Fishes Conservation Program
- Hatchery production of native fish
- Chubs and suckers
- Big River fishes

Chairman Davis expressed appreciation to Department employees, including Julie Carter, Mike Anderson, Tony Robinson, Ross Timmons, Kent Mosher, Tiffany Love-Chezem, Sam Williams, and Sheridan Paulus, who do this important work.

Director Voyles asked Mr. deVos to describe how the Department pays for these programs without adversely impacting sportsman's dollars.

Mr. deVos explained that the Department gets state wildlife grant funding, uses the Heritage Fund and SWIG for matching dollars, and through conservation agreements.

The Commission discussed with Mr. deVos the potential future delisting of some species that would allow those dollars to be used for other species.

\* \* \* \* \*

#### 7A. Inter-Governmental Agreement with the White Mountain Apache Tribe

**Presenter:** Chris Bagnoli, Pinetop Regional Supervisor

Mr. Bagnoli briefed the Commission and requested approval for an Inter-Governmental Agreement (IGA) with the White Mountain Apache Tribe (WMAT) to provide support in the form of law enforcement related training and investigation support for WMAT Department of Public Safety Game Rangers. The Department desires to work with the WMAT to improve coordination regarding law enforcement training and investigations. The IGA provides a framework for coordination between WMAT DPS Game Rangers and Department Game Rangers and commits the Department to cooperate with the WMAT in the training of WMAT DPS Game Rangers and the mutual support of law enforcement investigations.

**Motion:** Madden moved and Zieler seconded THAT THE COMMISSION VOTE TO APPROVE AN INTER-GOVERNMENTAL AGREEMENT WITH THE WHITE MOUNTAIN APACHE TRIBE AS PRESENTED.

**Vote:** Unanimous

\* \* \* \* \*

#### 7B. Memorandum of Understanding with the Eastern Arizona Counties Organization.

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

Mr. deVos briefed the Commission on a Memorandum of Understanding (MOU) to allow the Department to cooperate with the Eastern Arizona Counties Organization on forest restoration efforts through the Four Forests Restoration Initiative. The Department and Eastern Arizona Counties Organization (ECO) agree to work cooperatively where mutually beneficial to meet common objectives for forest restoration through the U.S. Forest Service Four Forests Restoration Initiative (4FRI). This MOU provides a framework for the relationship with regard to future activities. 4FRI is a collaborative forest and habitat restoration project that includes portions of the Apache-Sitgreaves, Coconino, Kaibab, and Tonto National Forests. ECO was established under A.R.S. 11-952 through an Intergovernmental Agreement among Apache, Gila, Graham, Greenlee, and Navajo Counties.

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

\* \* \* \* \*

#### 9. 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

\* \* \* \* \*

### 11. Approval of Minutes and Signing of Minutes

**Motion:** Madden moved and Ammons seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM JANUARY 15-16, 2016.

**Vote:** Unanimous

The Commission signed the minutes following approval.

\* \* \* \* \*

### 10. Litigation Report

Mr. Odenkirk recommended that the Commission vote to approve the proposed litigation settlement in the State of Arizona v. Jewell as discussed in Executive Session.

**Motion:** Madden moved and Zieler seconded THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED SETTLEMENT AS PRESENTED.

**Vote:** Unanimous

There were no other questions or comments regarding the Litigation Report.

\* \* \* \* \*

### 12. Director and Commissioner Comments

In fiscal year 2016, the Department received 44 Heritage Grant applications and 18 applicants will be offered a grant award. Of the \$432,000 available, \$418,070 will be offered for award. The following is information for each of the potential award recipients:

Environmental Education (EE) received two applications and two applicants will be offered Heritage EE Grant awards totaling \$14,300 of the \$16,000 available.

1. Vail Unified School District – Andrada Polytechnic High School, for the project titled “*Desert around Andrada Polytechnic High School (APHS).*” The award offer is \$4,300.
2. Arizona State Parks (ASP) sponsoring the Be Outdoors Arizona Foundation, for the project titled “*Developing the Nature Walk.*” The award offer is \$10,000.

Schoolyard Habitat (SCHOOLYARD) received fourteen applications and five applicants will be offered Heritage Schoolyard Grants totaling \$37,500 of the \$37,500 available.

1. Sky Island High School, for the project titled “*Sky Islands’ High School Wildlife Lab, Desert Tortoise Habitat & Native Bird Habitat.*” The award offer is \$6,855.
2. Desert Marigold Charter School, for the project titled “*Desert Marigold Schoolyard Riparian Habitat Restoration.*” The award offer is \$8,900.

3. Mohave Accelerated Charter School, for the project titled "*Heritage School-Wide Native Habitat.*" The award offer is \$9,000.
4. Tucson Unified School District, Sam Hughes Elementary School for the project titled "*Sam Hughes Elementary School Courtyard Habitat.*" The award offer is \$5,115.
5. Patagonia Union High School, for the project titled "*Rainwater Harvesting Native Pond.*" The award offer is \$7,630.

Urban Wildlife (URBAN) received fifteen applications and five applicants will be offered Heritage Urban Grant awards totaling \$112,500 of the \$112,500 available.

1. National Park Service, Desert Research Learning Center, for the project titled "*Living Stream Habitat at Saguaro National Park to Support Sensitive Fish and Aquatic Wildlife Species.*" The award offer is \$9,986.
2. The City of Flagstaff, for the project titled "*Frances Short Pond Wildlife Project.*" The award offer is \$33,960.
3. The City of Sedona, for the project titled "*Wildlife Viewing Piers.*" The award offer is \$30,000.
4. The Town of Payson, for the project titled "*American Gulch Loop Trail & Viewing Area Phase-II.*" The award offer is \$19,840.
5. The City of Yuma, for the project titled "*Lower Bench West Wetlands New Developed Park Extension.*" The award offer is \$18,714.

Public Access (ACCESS) received six applications and one applicant will be offered a Heritage Access Grant award totaling \$50,000 of the \$50,000 available.

1. Cochise County, for the project titled "*Geronimo Trail's Route to Public Lands.*" The award offer is \$50,000.

Identification, Inventory, Acquisition, Protection and Management (IIAPM) received five applications and three applicants will be offered Heritage IIAPM Grant awards totaling \$200,000 of the \$200,000 available.

1. Arizona Board of Regents, Northern Arizona University, for the project titled "*Habitat evaluation to maximize success of spikedace and loach minnow repatriation.*" The award offer is \$66,033.
2. Arizona Board of Regents, the University of Arizona for the project titled "*Creating artificial middens to increase habitat and attract Mt. Graham red squirrel settlement.*" The award offer is \$69,967.
3. Arizona Board of Regents, the University of Arizona for the project titled "*Sonoran tiger salamander demography and life history variation; the ecology of terrestrial adults.*" The award offer is \$64,000.

Note\* The following 2016 grant awards were presented at the December 2015 Commission meeting:

Outdoor Education (OE) received two applications and two applicants will be offered Heritage OE Grant awards totaling \$3,770 of the \$16,000 available.

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

Chairman Davis commented for the record that the federal government has their own revenue streams and that the Department should use those grant dollars for state and local partners only.

Director Voyles stated that he understood, but that the Department took that into consideration and evaluation, and in this case the grants are furthering the Department's mission beyond what the Department could do otherwise.

\* \* \* \* \*

#### 8. 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.

\* \* \* \* \*

#### 12. Director and Commissioner Comments (re-opened)

Commissioner Ammons commented on the following:

- Following an HPAC meeting, the group went on a field trip to Sonoran Sky Elementary School, which received a grant in 1999. HPAC members were greeted by the principle, teachers and parents. They are very happy with the Department and are spreading the word for the future
- HPAC met on January 23 and ratified the spending of \$2,336,254 for projects. In the meantime, additional funds were deposited: \$40,000 for the sale of an antelope tag at the Wild Sheep Foundation banquet and the sheep tag sold for \$380,000.

Chairman Davis commented on the Department's legislative team and the great work they are doing during this busy legislative session.

\* \* \* \* \*

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

Former Commissioner Joe Melton commented on wild burro issues and recommended trying to set a deadline with BLM for how long burros can be held, similar to the way humane societies manage excess animals.

\* \* \* \* \*

#### 13. Future Agenda Items and Action Items

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

- The Department will bring back proposals at the March Commission meeting for temporary license fee reductions.

\* \* \* \* \*

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

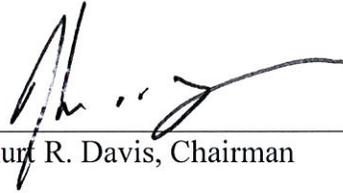
**Vote:** Unanimous

\* \* \* \* \*

Meeting adjourned at 2:50 p.m.

\* \* \* \* \*

**Field Trip:** On Saturday, February 6, from 8:00 a.m. to 2:00 p.m., the Commission and Department staff traveled to the Sonoran pronghorn captive breeding facility on the Kofa National Wildlife Refuge. Department staff provided a briefing on the Sonoran pronghorn recovery program and the captive breeding program. No legal action was taken by the Commission during the field trip.



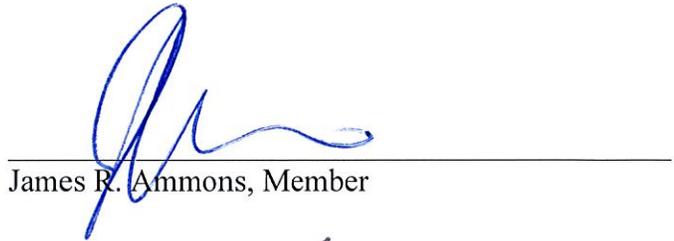
---

Kurt R. Davis, Chairman



---

Edward "Pat" Madden, Member



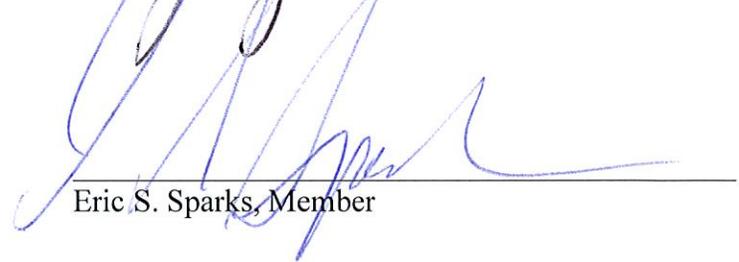
---

James R. Ammons, Member



---

James S. Zieler, Member



---

Eric S. Sparks, Member

ATTEST:



---

Larry D. Voyles  
Secretary and Director