

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, December 2, 2016
Saturday, December 3, 2016
Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director and Staff)

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

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

Chairman Madden 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 and remembrance of Navajo Nation Police Officer Leander Frank who was killed in an accident while on duty; the 15 year anniversary of the 9/11 terrorist attacks on the World Trade Center, the Pentagon, and United Airlines Flight 93; former Governor Rose Mofford, Arizona's first female governor; former President and Prime Minister of Israel, Shimon Peres; the National Fallen Firefighters Memorial Service; Staff Sergeant Kevin J. McEnroe of Tucson, who died of injuries in support of Operation Inherent Resolve in Jordan; and fallen Show Low Police Officer Darrin Reed, who was killed in the line of duty on November 8th.

Chairman Madden announced the Governor's reappointment of Commissioner Kurt Davis to the Commission and welcomed him back. The appointment now awaits Senate confirmation.

Director Voyles was not present for Friday's portion of this meeting.

The Commission and Deputy Director Gray introduced themselves followed by introductions of the Director's staff. This meeting followed an agenda revision #1 dated November 22, 2016.

Awards and Recognition

Chairman Madden presented a Commission Certificate of Appreciation to Department employee Dr. Joyce Francis in recognition of her resolve, skill in complex negotiations, and dedication toward the successful resolution of issues related to Lee Valley Pond.

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1. Call to the Public

Mike Sorum, representing himself, spoke in opposition to Saturday's agenda item #5 in regards to the rule amendment that requires a state permit for the release of Mexican wolves. He has studied the Mexican wolf reintroduction program and believes the release of adult wolves is necessary for healthy genetics and to avoid significant inbreeding.

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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. There items were presented to the Commission and none were removed for discussion.

a. Renewal of Three Special Use Permits within the Apache-Sitgreaves National Forest

Presenter: Joyce Francis, Habitat Evaluation and Lands Branch Chief

Currently, the Commission has two Special Use Permits (SUP) for Apache Trout habitat protection within the Apache-Sitgreaves National Forest that are set to expire in December. One is in the Alpine Ranger District for habitat protection on Centerfire, Coyote, and Conklin Creeks. The other SUP is in the Springerville Ranger District for habitat protection on Mineral, Hayground, and Lower Stinky Creeks. A third SUP is for the maintenance of Willow Springs dam and associated improvements in the Black Mesa Ranger District.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE RENEWAL OF THE THREE SPECIAL USE PERMITS WITHIN THE APACHE-SITGREAVES NATIONAL FOREST AS PRESENTED OR AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

b. Renewal of an Interagency Service Agreement with Graham County, Arizona

Presenter: Joyce Francis, Habitat Evaluation and Lands Branch Chief

The Commission currently has an Intergovernmental Agreement with Graham County to conduct roadway maintenance through portions of the Cluff Ranch Wildlife Area. This agreement expires in December 2016. Renewal of the agreement would be for an additional twenty year period.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE RENEWAL OF AN INTERAGENCY SERVICE AGREEMENT WITH GRAHAM COUNTY AND EXECUTE THE AGREEMENT AS PRESENTED OR AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Motion: Ammons moved and Sparks seconded THAT THE COMMISSION VOTE TO APPROVE ITEMS A AND B ON THE CONSENT AGENDA.

Vote: Unanimous

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3. Legislative Engagement and State and Federal Legislation

Presenter: Ed Sanchez, Legislative Liaison

Mr. Sanchez, along with Legislative Specialist David Fernandez, provided a PowerPoint presentation and briefing on the current status of selected state and federal legislative matters. The presentation included the following:

State Legislative Update

Mr. Sanchez briefed the Commission on the 2016 state election results, which included an overview of changes in the Committee on Energy, Environment and Natural Resources and the Committee on Natural Resources, Energy and Water. The following significant updates were also provided:

- Arizona House of Representatives
 - 23 New Members
 - 1 Member Switches Chambers from the Senate
 - (Don Shooter, Appropriations Chairman)
 - 35 Republican / 25 Democrat Split
- Arizona State Senate
 - 1 New Member
 - 9 Members from the House of Representatives
 - 17 Republican / 13 Democrat Split
- House of Representatives Leadership
 - Speaker: J.D. Mesnard
 - Majority Leader: John Allen
 - Whip: Kelly Townsend
- Senate Leadership
 - President: Steve Yarbrough
 - Majority Leader: Kimberly Yee
 - Whip: Gail Griffin

Budget – The Number One Priority

Mr. Fernandez briefed the Commission on the budget. The Arizona Legislature is required to submit a budget that meets the state's necessary expenses. The Department does not receive General Funds, but is subject to the budget process. The Governor's Executive Budget is usually out by mid-January. The Department's FY18 budget requests include the following: Law Enforcement Vehicle Replacement, Aquatic Invasive Species Program, Watercraft Safety, and Lake Havasu Law Enforcement Water Safety Center.

The Department is seeking the ability to transfer in-lieu fee funds into an equity type account to gain sufficient interest to provide for long-term O&M. The Department is working with the Office of Strategic Planning and Budgets to include enacting language for this account as part of the Department's budget request. The language is identical to HB 2465, which passed through the House of Representatives and all assigned Senate committees unanimously last session but did not receive a final hearing on the Senate floor.

Law Enforcement Omnibus

Mr. Fernandez briefed the Commission on the Department's single proposal for this year's legislative agenda, which is a Law Enforcement Omnibus. The Omnibus includes the following:

Personal Flotation Device:

- The United States Coast Guard (USCG) has issued the final rule that will replace references to performance types codes (I, II, III, IV and V) with a more simple labeling system designated only as "wearable" or "throwable" PFDs within the Federal Code of Regulations regarding the carriage requirements and manufacturer labeling of Coast Guard-approved personal flotation devices (PFDs)
- The final federal rule instituting this change was effective October 22, 2014. The proposed amendments to Title 5 referencing personal flotation devices will bring Arizona's boating law into conformity with federal regulations as required by A.R.S. 5-311(A)(2).

Wildlife Theft Prevention Fund:

- 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. (Ex: "Unlawful take" and "possession")
- Adoption of the suggested statutory language will provide investigators much broader latitude in investigating a full spectrum of wildlife crimes and fraud.

Unlawful Feeding of Wildlife:

- This change would target individuals who habitually feed wildlife and create conditions where the health and welfare of the public becomes a concern
- Feeding wildlife is a regular occurrence in urban areas and often results in property damage and human exposure to disease through bites incurred by offending animals. When bites occur, rabies becomes a concern and testing of wildlife becomes necessary. Many times, the offending animal cannot be identified and groups/herds may be lethally targeted in attempt to capture the animal or assess the health of the group
- In many cases offenders are cited after multiple warnings however the damage is done. In many instances Department staff and officers spend hundreds of hours removing or destroying the habituated wildlife
- This change will allow the Department 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).

Tag Transfer:

- Removes requirement that minor child be accompanied by a parent, grandparent or guardian when hunting with a transferred tag.

Congressional Update

Mr. Fernandez briefed the Commission on several 2016 electoral changes to representative seats in Arizona's Congressional Districts, and reported that Representative Paul Gosar was named Chairman of the Congressional Western Caucus.

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4. Commission Priorities Update

Presenter: Kent Komadina, Special Assistant to the Director

Mr. Komadina provided the Commission with a Commission Priorities Report (attached) and highlighted several activities. The Commission Priorities are as follows:

- 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
- Process Improvement.

Wildlife Planner Clay Crowder provided a PowerPoint presentation on selected process improvements generated by employees as a result of the Employee Engagement Conference held earlier this year. Several process improvements were discussed including the following:

- OHV Renewal Notification: Transition from USPS reminders to electronic email; implementation occurred within 4 months; transition will save >\$100,000 annually; August email renewal subscriptions increased by 197% compared to last year.
- Lake Havasu Watercraft Registration: Provide local watercraft inspection and registration for the Lake Havasu community; customer service staff visiting Lake Havasu City two days/month beginning in June 2016; since June, avg. >100 transactions/month; third busiest location by number of transactions.
- Officer Sidearm Replacement: Department staff worked within procurement standards to exchange old sidearms from Sig Sauer for new ones; project completed within 8 months; cost savings of \$97,200; all officers issued new sidearms, lights and holsters; sidearms have a 10 year warranty and latest technology and safety features.
- Nuisance Bear Callouts in FOR1: Pinetop West Sector developed voluntary priority call-out schedule for officers to respond to nuisance bear calls during busiest time of year: Officers responded to >73 bear calls since August; Dispatch contacts officer; quicker response time; improved officer planning for day-to-day activities.
- Decrease Days Between Draw Deadline and Results Notification: Three major delays identified; Database reconciliation - last two draw cycles have decreased notification to

35 and 36 days respectively; handling of declined credit cards will likely improve the elk/antelope draw; rewrite of Sportsman Database scheduled for 2017.

- Other Process Improvements:
 - Ended employee staffing Department parking lots during draw deadline days
 - 2016 Employee Awards Ceremony
 - IT Service Desk web application
 - Employee PD updates, approved at AD level vs. DD level
 - Streamlined Wireless device request form
 - Streamlined Director's Office Orange Sheet
 - Computer virus scans in the middle of the night
 - ADOA excess hours worked reporting justification
 - Rule change email notification - efficiency and cost savings

The Commission expressed their appreciation for this process that provides for employee input and engagement, and that it is exciting to see these improvements be implemented and come to fruition.

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Meeting recessed for a break at 8:54 a.m.

Meeting reconvened at 9:03 a.m.

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1. (continued) Call to the Public

The following members of the public addressed the Commission in opposition to Saturday agenda item #5 in regards to the rule amendment that requires a state permit for the release of Mexican wolves:

Via video teleconference from Region II Flagstaff

- Toni Prothero
- Janice Przybyl
- David Lash, Wildlife Artist
- Debby DeWolfe, Grand Canyon Wolf Recovery Project
- Amy Knudsen, Grand Canyon Wolf Recovery Project
- Emily Renn, Grand Canyon Wolf Recovery Project

Via video teleconference from Region 5 Tucson

- Greta Anderson, Western Watersheds Project

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5. Approve the Article 6 Rules of Practice Before the Commission Five-year Rule Review Report, for Submission to the Governor's Regulatory Review Council (G.R.R.C.).

Presenter: Kent Komadina, Special Assistant to the Director

Mr. Komadina presented the Commission with the Five-year Rule Review Report for Article 6 regarding rules of practice before the Commission for approval. A.R.S. §41-1056 requires each state agency to review all of its rules at least once every five years. The Article 6 Five-year Rule Review Report is due to G.R.R.C. by March 31, 2017. 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 6 rules; however, if the Department fails to submit the report by the established due date, the Commission's Article 6 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 6 rule review team considered internal comments received during the previous five years, and processes that have changed since the last rulemaking. No external comments were received.

The Department recommends adopting a rule of definitions and moving all definitions contained within Article 6 to this new rule. The Department also recommends defining "business day", "Commission Chair," "contested case," "party," and "respondent" to ensure the consistent interpretation of Commission rules.

For all rules involving a petition, the Department recommends requiring a petitioner to use a form furnished by the Department to ensure a petition contains the required elements to reduce the regulatory burden.

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

R12-4-601. Petition for Rule or Review of Practice or Policy

- Replace the term "Director" with "Department" to make the rule more concise.
- Remove the statement that the petition shall be placed in the rule record as this requirement is covered under R12-4-602.

R12-4-602. Written Comments on Proposed Rules

- Clarify a written comment submitted by a person on behalf of a group/organization that does not contain all required information is placed in the rule record as the view of that person, not the group/organization.

R12-4-604. Ex Parte Communication

- Remove references to the service of a memorandum as a result of a comparison of this rule to rules governing rehearing or review made by other self-supporting agencies: the Arizona Medical Board, State Board of Dental Examiners, and State Board of Accountancy.
- Remove the reference to "hearing officer" as the Administrative Hearing Office is governed by R2-19-205 Ex Parte Communications.

R12-4-605. Standards for Revocation, Suspension, or Denial of a License

- Include additional offenses for which the Commission may revoke, suspend, or deny a license to reflect statutory amendments made to A.R.S. § 17-309(A)(1).

R12-4-607. Rehearing or Review of Commission Decisions

- Indicate a person who fails to file a timely motion for rehearing or review is prohibited from seeking a judicial review of the Commission's decision to increase clarity.
- Extend the time in which the Commission may initiate a rehearing or review.

- Specify the time-frame in which the Commission shall hold the rehearing or review to increase clarity.

R12-4-609. Commission Orders

- Allow the Commission to hold a meeting to review an order establishing a special season, allowing fish to be taken by additional methods on waters where a fish die-off is imminent, as soon as possible.

Motion: Zieler moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE THE ARTICLE 6 FIVE-YEAR REVIEW REPORT FOR SUBMISSION TO THE GOVERNOR'S REGULATORY REVIEW COUNCIL.

Vote: Unanimous

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6. Threatened and Endangered Wildlife Briefing

Presenter: Jim deVos, Assistant Director, Wildlife Management Division

Mr. deVos provided a PowerPoint presentation and briefing on the California Condor Reintroduction Program. The presentation highlighted the Department's wildlife management recovery efforts and successes and included charts, graphs and maps of historical and current ranges, seasonal movement, program history, and health status data including a summary of exposure to uranium pointing out that the radioactive isotope found in Condor tissue traces back to water the Condors drink rather than other environmental exposures. The Department continues its voluntary lead reduction program in an effort to reduce lead exposure in the condor population, and continues coordination of California Condor reintroduction with cooperating agencies, organizations and affected individuals. The Department, along with coordinators, participate in field monitoring, feeding, trapping and management of released condors and continues public education outreach to disseminate recovery information.

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11A Petition by Alex Corriere to Grant a Refund on his 2016 Bison.

Presenter: Rachel Gottlieb, Branch Chief, Customer Service & Sales Branch

Ms. Gottlieb presented Mr. Corriere's petition to the Commission in which he is requesting a refund for his 2016 Bison tag. The Department received Mr. Corriere's petition in October 2016. He was drawn for hunt 7515 valid for November 4 through December. 31, 2016 for unit 12A (excluding the southern portion of unit 12A), 12B and 13A (House Rock Herd) for an adult cow bison only. In September 2016 his family suffered a tragedy and Mr. Corriere has requested that he be allowed to surrender his tag for a refund.

Ms. Gottlieb added that according to A.R.S. § 17-332 there will be no refund issued unless it is by Department error.

Chairman Madden confirmed with Ms. Gottlieb that there was no Department error.

Motion: Davis moved and Sparks seconded THAT THE COMMISSION VOTE TO DENY THE PETITION BY MR. CORRIERE.

Vote: Unanimous

Commissioner Davis noted that this is an unfortunate situation and that PointGuard was created exactly for these types of situations.

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7. 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

Records of these proceedings are maintained separately.

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Meeting recessed for a break at 11:19 a.m.

Meeting reconvened at 11:30 a.m.

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8 and 9. Rehearing Requests Regarding Previous License Revocation/Civil Assessment, Dockets 2016-0046 and 2016-0047

Presenter: Gene F. Elms, Law Enforcement Branch Chief

Mr. Elms presented the following two rehearing requests by Mr. Dennis Branin.

Docket 2016-0046: On February 23, 2016, Dennis Branin was convicted in the Payson Justice Court for possession of unlawfully taken wildlife (elk). On May 5, 2016, the Commission revoked Mr. Branin's hunting, fishing and trapping licenses for a period of four years and further required him to complete a Hunter Education Course before obtaining any license(s) to take wildlife in the State of Arizona. Mr. Branin has requested a rehearing of this matter and decision because he feels that he has received excessive penalties and would like to maintain his fishing privileges. Dennis Branin was notified of the hearing to consider his request by certified mail.

Docket 2016-0047: On April 12, 2016, Dennis Branin was convicted in the Quartzsite Justice Court for possession of unlawfully taken wildlife (deer). On May 5, 2016, the Commission revoked Mr. Branin's hunting, fishing and trapping licenses for a period of five years, was assessed a civil assessment of \$8,000.00 for the loss of one trophy Mule Deer, and further required him to complete a Hunter Education Course before obtaining any license(s) to take wildlife in the State of Arizona. Mr. Branin has requested a rehearing of this matter and decision because he feels that he has received excessive civil assessment penalties. Mr. Branin would also like to maintain his fishing privileges. Mr. Branin was notified of the hearing to consider

his request by certified mail. All materials related to this case were provided to the Commission prior to this meeting for review and consideration.

Case Officer Nemlowill was not present.

Mr. Branin was present and addressed the Commission. He apologized for the whole incident and stated that he learned his lesson and it will never happen again. He would like to continue to at least fish. Also, the fees are crushing, so he would like the Commission to reduce the civil assessment. He provided a photo of the mule deer to the Commission and asked them to consider it a three point and reduce the fee.

Commissioner Zieler discussed with Mr. Branin that he has still not surrendered the elk antlers to the Department and it has been about a year since he was court ordered to do so.

Motion: Ammons moved and Sparks seconded THAT THE COMMISSION VOTE TO AFFIRM ITS ORIGINAL DECISIONS AND DENY THE REHEARING REQUESTS BY DENNIS BRANIN.

Vote: Unanimous

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

Presenter: Gene F. Elms, Law Enforcement Branch Chief

Mr. Elms presented a rehearing request by Dennis G. Scarla regarding the revocation of his license privileges. On August 5, 2015, Mr. Scarla was convicted in the Desert Ridge Justice Court for obtaining a 2014/15 resident hunting/fishing license by fraud. On April 8, 2016, the Commission revoked Mr. Scarla'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. Scarla has requested a rehearing of this matter and decision because he feels that he has received excessive penalties. Mr. Scarla was notified of the hearing to consider his request by certified mail. All materials related to this case were provided to the Commission prior to this meeting for review and consideration.

Mr. Scarla was present and addressed the Commission. Mr. Scarla compared his case to another case in which the Commission only required completion of the hunter education class. He has shared with everyone he knows that you cannot be a resident in two states simultaneously. Several people he knows have emailed the Commission on his behalf. Mr. Scarla requested that the Commission reduce his revocation period.

Commissioner Davis noted that the other case referenced by Mr. Scarla, did not get resident licenses in two states and that Mr. Scarla did.

Motion: Madden moved and Ammons seconded THAT THE COMMISSION VOTE TO AFFIRM ITS ORIGINAL DECISION AND DENY THE REHEARING REQUEST BY DENNIS SCARLA.

Vote: Unanimous

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11. Hearing Request Regarding Previous License Revocation/Civil Assessment.

Presenter: Gene F. Elms, Law Enforcement Branch Chief

Mr. Elms presented a hearing request by Kyran D. Walker requesting that the Commission set aside its original decision to revoke his guiding privileges. On February 4, 2015, Mr. Walker was convicted in the Greenlee County Justice Court for shoot from/across roadway. On September 4, 2015, the Commission revoked Mr. Walker's hunting, fishing, trapping and guide licenses for a period of three years and further required him to complete a Hunter Education Course before obtaining any license(s) to take wildlife in the State of Arizona. On December 4, 2015, Mr. Walker was granted a rehearing and his license revocation period was amended from three years down to one year.

Mr. Walker has requested that the Commission vacate their original decision to revoke his guiding privileges based on New Mexico's revocation standards. Mr. Kyran primarily resides in New Mexico and their laws treat a guide revocation for any period as a lifetime revocation. Mr. Walker was notified of this hearing by certified mail. All materials related to this case were provided to the Commission prior to this meeting for review and consideration.

Mr. Walker was not present.

Mr. Elms stated that he contacted New Mexico and verified that the New Mexico Game and Fish Commission would honor an action by the Arizona Game and Fish Commission if they decided to reconsider the revocation period for guiding for Mr. Walker. Mr. Walker is currently off of revocation so this is something that is in the past.

Chairman Madden confirmed with Mr. Elms that the conviction and revocation is still a matter of record and that the Department would only uncheck the box related to guiding.

Commissioner Zieler commented that he remembers making the motion for hunt, fish and trap with the understanding that it would be for only one year. This seems like just a technicality to correct this, so that Mr. Walker doesn't lose his guiding license for a lifetime in another state simply because of the way they structure their rules. The penalty should fit the crime. He feels a sense of responsibility to correct this and make this a revocation for one year, hunt, fish and trap.

Mr. Odenkirk stated that there is no need for a rehearing with Mr. Walker's revocation period has already expired. The request is to go back and vacate or set aside the one year revocation period for his guide license.

Mr. Odenkirk also stated for the record that this request is unprecedented. He does not recall a situation where anyone has asked the Commission to set aside a revocation period after it has already been complete. He wants to make sure it is understood that this is a request by Mr. Walker and is not to be construed as any error on the part of the Commission in regards to its

prior decision.

Commissioner Davis clarified with Mr. Odenkirk that if the Commission leaves everything as it is, Mr. Walker will not be able to make a living as a guide in New Mexico even though his revocation period is complete.

Motion: Zieler moved and Davis seconded THAT THE COMMISSION VOTE TO MODIFY ITS ORIGINAL DECISION IN THE MATTER OF KYRAN D. WALKER AND SET ASIDE ITS ORIGINAL DECISION TO REVOKE HIS GUIDING PRIVILEGES AND LEAVE THE REVOCATION PERIOD FOR HUNT, FISH AND TRAP TO ONE YEAR AS IT HAS ALREADY BEEN SERVED

Vote: Unanimous

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18. 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: Zieler moved and Sparks 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 1:35 p.m.

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12. Lands and Habitat Program Update

Presenter: Joyce Francis, Habitat Evaluation and Lands Branch Chief

Dr. Francis presented a PowerPoint presentation and briefing of the status of federal land planning efforts including land management and travel management plans throughout Arizona. Land management planning in the Forest Service or Bureau of Land Management is a daunting task with each plan usually requiring a full NEPA environmental impact analysis that takes many years, often a decade or more to complete. Besides the plan itself, each plan is accompanied by thousands of pages of supporting documents, analyses, policies, and guidelines which all have to be closely reviewed by the Department.

The Habitat Branch engages with the federal land management agencies on a number of levels through coordination, guiding and reviewing the Department's input. The Department's regional

staff are involved in every step of the planning process through a cooperator agreement and/or by engaging through the interdisciplinary teams. It is on those teams, that the vast majority of issues are identified and resolved. The few remaining issues are codified in formal comment letters to maintain the Commission's standing.

This presentation provided an update on new information, as well as progress toward resolving ongoing issues and concerns on all lands in Arizona during the Calendar year 2016 and included an overview of the following:

Apache-Sitgreaves National Forest:

- Land Management Plan
 - Final Plan September 2015
 - Notice of Appeal December 23, 2015.
 - Points of Appeal: Nonnative fish and fish stocking; Elk as Nonnative Species; Recommended Wilderness Expansions
 - Appeal resolution meeting February 26, 2016
 - Department declined to withdraw appeal– June 30, 2016

Coconino National Forest:

- Land and Resource Management
 - Final EIS expected early 2017 Draft Final Plan incorporates changes identified by the Department to: Recognize Department authorities; Incorporate wildlife-related recreation values; Not impose new restrictions on recreational shooting
 - Remaining Concerns: 12,500 acres in 3 recommended new Wilderness; The Recreation Opportunity Spectrum (ROS) may reduce motorized access in some areas
- Travel Management Plan
 - Currently undergoing scoping to revise TMP; MBGR for elk only Units 6A, 6B, 7E, 7W and 8; The current MVUM does not include all roads and camping corridors needed for adequate hunter access

Kaibab National Forest:

- Land and Resource Management Plan
 - Final signed 2014.
- Travel Management Plan –by Ranger District (RD)
 - North Kaibab RD – Final 2012
 - Tusayan and Williams RDs – Revision released January 2016; MBGR limited to elk and not allowed in 5A & 5B; Current MVUM does not include all roads and camping corridors needed for adequate hunter access

Prescott National Forest:

- Land and Resource Management Plan
 - Final signed May 2015
 - Notice of Appeal November 2015
 - Points of Appeal: Recommended Wilderness Expansions
 - Appeal resolution meeting February 26, 2016
 - Department declined to withdraw appeal– May 27, 2016

- Denial of Appeal Review – July, 1 2016
- Travel Management Planning – Finalized 2005

BLM Kingman Office:

- Burro numbers remain well above the AML. The Department continues to develop strategies for addressing Burro management issues in AZ through state and national venues.

BLM Planning – Region VI Multiple Field Offices:

- Resource Management Plans – final
 - Harquahala Wilderness Plan Finalized August 2016
 - Planet Ranch Public Access beginning December 15
 - Multi-agency Burro Partnership Moving Forward with proposed captures

Coronado National Forest:

- Land and Resource Management Plan
 - Final expected spring 2017
 - Remaining Concerns: Lack of coordination; Road closures and MVUM inconsistencies; Two Wilderness Recommendations
- Travel Management Planning – ongoing by District

BLM Planning – Tucson Field Office:

- Planning Overview
 - Resource Management Plan - draft San Pedro National Riparian Conservation Plan is expected early in 2017
 - SPRNCA Travel Management Plan – draft expected in early 2017.
- Remaining Concerns
 - Too few motorized access points
 - Firearm restrictions in some alternatives

Tonto National Forest:

- Land and Resource Management Plan - 1985
 - Revision has just begun
- Travel Management Plan
 - The Final plan is expected to be released this month or early 2017
- Remaining Concerns
 - Proposed closure of three roads due to wilderness boundary conflicts
 - Proposed closures at Roosevelt Lake
 - MBGR: 1 mile off road for elk and bear only

Other Items of Interest

- Department of Defense - Yuma Proving Ground
- Energy
 - Southline – ACC and Wilcox Wildlife Area
 - Sunzia – Plan of Development
 - 10 West Transmission
- Transportation
 - I-11 Wickenburg to Nogales

Commissioner Davis expressed his appreciation for the presentation and commented on just how complicated federal land management issues have become. An outdoor recreationist almost needs legal counsel to decide where you can and cannot go, what game you can collect, or where you can camp. The Department is doing a great job of working through the process of these issues and creating a record. Commissioner Davis recommended that the Department take this information and have a discussion with the new incoming administration about these ridiculous complexities. The law enforcement aspect needs to be a part of that discussion as well.

Commissioner Ammons confirmed with Dr. Francis that the most current information and lands updates are available to everyone on the website. The website will be kept updated on a monthly basis.

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13. Warmwater Sportfish Vision

Presenter: Chris Cantrell, Aquatic Wildlife Branch Chief

Mr. Cantrell provided a PowerPoint presentation and briefing on the Aquatics Branch development of the Department's Warmwater Sportfish Vision for the continued management of warmwater species, including bass and catfish in Arizona. Bass, catfish and other warmwater angling accounted for more than 3.9 million angler use days in 2013. The Department manages approximately 215,085 acres of impounded water (lakes, reservoirs, ponds, and tanks) and 1,226 linear miles of rivers and streams for warmwater species. The Department's Warmwater Sportfish Vision is to ensure Arizona is a nationally recognized leader in angler catch rates, satisfaction and trophy potential for warmwater sportfish. Specific population and size class guidelines will be set for bass and catfish species, with all other species being managed primarily for catch rates and satisfaction.

To achieve the Vision, the Department's aquatics managers must manage for and reasonably predict productivity, forage, habitat, species composition, access and angling success of those waters with warmwater angling opportunities. As most of Arizona's warmwater sportfish are nonnative and introduced into Arizona, the delicate balance of providing fishing recreation and conservation of Arizona's native aquatic wildlife must be improved. Therefore, as part of the Vision, the Department is committed to offsetting impacts for aquatic wildlife species of greatest conservation need.

The finalization of the Department's Warmwater Sportfish Vision will be completed through a series of public meetings with anglers and constituent groups. The expected completion date will be June 2017. Once completed, outreach for this Vision will be driven through challenge concepts for bass and catfish, similar to the Department's Arizona Trout Challenge. These challenges highlight the breadth of diversity of opportunities to catch trophy bass and catfish in the state of Arizona.

Commissioner Davis discussed with Mr. Cantrell that the total economic impact in Arizona from angling is \$1.57 billion dollars annually. Commissioner Davis recommended that the Department discuss with the Commerce authority about them potentially partnering with the

Department and discuss why and how growing fish maintains and enhances the economic impact in Arizona.

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14. Approve the Article 11 Aquatic Invasive Species Five-year Rule Review Report, for Submission to the Governor's Regulatory Review Council (G.R.R.C.).

Presenter: Chris Cantrell, Aquatics Branch Chief

Mr. Cantrell briefed the Commission using a PowerPoint presentation the Five-year Rule Review Report for Article 11 regarding aquatic invasive species, 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 11 Five-year Rule Review Report is due to G.R.R.C. by January 31, 2017. 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 11 rules; however, if the Department fails to submit the report by the established due date, the Commission's Article 11 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 11 rule review team considered internal comments received during the previous five years, and processes that have changed since the last rulemaking. No external comments were received.

The Department recommends amending R12-4-1102 to require a person to remove all plugs and devices, except those that are sealed and exist for maintenance purposes only, and any other barriers that prevent water drainage while the watercraft, vehicle, conveyance, or equipment is in transport after leaving any affected waterbody.

Motion: Zieler moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE THE ARTICLE 11 FIVE-YEAR REVIEW REPORT FOR SUBMISSION TO THE GOVERNOR'S REGULATORY REVIEW COUNCIL.

Vote: Unanimous

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15. Memorandum of Understanding with Adventure for Charity, L.L.C.

Presenter: Jim deVos, Assistant Director, Wildlife Management Division

Mr. deVos briefed the Commission on a proposed Memorandum of Understanding (MOU) to allow the Department to partner with Adventure for Charity, L.L.C. (AFC). The Department and AFC propose to work cooperatively for the common purpose of providing outdoor recreation opportunities for the public and educating and informing participants about the Department and the wildlife we manage. This MOU provides a relationship and framework for creating opportunities to engage the public and/or industry to participate in 'challenge' events that promote outdoor recreation while educating participants about wildlife and the Department's conservation

programs. These challenge events provide a unique opportunity for generating additional funding to support wildlife conservation.

Motion: Davis moved and Zieler seconded THAT THE COMMISSION VOTE TO PLACE THIS ITEM ON THE CONSENT AGENDA FOR THE NEXT REGULAR COMMISSION MEETING.

Vote: Unanimous

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16. Memorandum of Understanding with Pheasants Forever/Quail Forever, Inc.

Presenter: Jim deVos, Assistant Director, Wildlife Management Division

Mr. deVos briefed the Commission on a proposed Memorandum of Understanding (MOU) to allow the Department to partner with Pheasants Forever/Quail Forever, Inc. The Department and Pheasants Forever/Quail Forever, Inc. propose to work cooperatively for the common purpose of improving the status of quail, pheasants and other wildlife and the habitat upon which these species depend. This MOU provides a relationship and framework for conservation actions that benefit populations of these species and associated opportunities to inform and educate the public.

Motion: Zieler moved and Davis seconded THAT THE COMMISSION VOTE TO PLACE THIS ITEM ON THE CONSENT AGENDA FOR THE NEXT REGULAR COMMISSION MEETING.

Vote: Unanimous

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17. Landowner-Lessee/Sportsman Relations Committee Appointment

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

Mr. Eiden presented the Commission with a nomination for Jack Mann to fill a vacant livestock grower representative spot on the Landowner-Lessee/Sportsman Relations Committee. Mr. Jack Mann owns farms and ranches in Arizona and he is interested in improving public access issues. The Commission was provided with a biography to exhibit the nominee's qualifications prior to this meeting for review and consideration.

Motion: Sparks moved and Zieler seconded THAT THE COMMISSION VOTE TO APPROVE MR. JACK MANN TO FILL VACANT SPOT ON THE LANDOWNER-LESSEE/SPORTSMAN RELATIONS COMMITTEE.

Vote: Unanimous

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19. Litigation Report

There were no comments or questions regarding the Litigation Report.

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20. Approval of Minutes and Signing of Minutes

Motion: Davis moved and Zieler seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM AUGUST 26-27, 2016, SEPTEMBER 27, 2016 AND NOVEMBER 4-5, 2016.

Vote: Unanimous

The Commission signed the minutes following approval.

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21. Commissioner Committee Reports

Commissioner Ammons reported on the HPAC meeting in October at Horseshoe Ranch. It was a good meeting and well attended.

Chairman Madden and Commissioner Sparks commented on a sheep capture and release they participated in.

Commissioner Davis stated that the Legislative Committee will need to meet soon before going into the next legislative session, which is almost here.

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22. Director and Commissioner Comments

Chairman Madden commented on this meeting stating that it was a good and moved right along.

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23. Future Agenda Items and Action Items

Any action items or agenda items resulting from Friday's meeting will be included on Saturday's agenda item 6, Future Agenda Items and Action Items.

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18. (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: Davis moved and Zieler seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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Meeting recessed for the day at 4:00 p.m.

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Meeting reconvened on Saturday, December 3, 2016 at 8:00 a.m.

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Chairman Madden called the meeting back to order at 8:00 a.m. The Department’s Honor Guard presented the Colors and Chairman Madden lead those present through the Pledge of Allegiance. The Commission and Director Voyles introduced themselves and Director Voyles introduced his staff.

Awards and Recognition

Chairman Madden presented a Commission Commendation of Achievement to Southwest Wildlife Conservation Center for its dedication to wildlife, wildlife conservation, education, research, and rehabilitation in the State of Arizona. Linda Searles, founder of Southwest Wildlife Conservation Center, was present to accept the award.

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

25 Year Service Pin

- Bill Van Pelt
- Mark Stewart
- Don Mitchell
- Rosie Bernal
- Dave Weedman
- Sabra Tonn
- Mark Weise

20 Year Service Pin

- Gene Elms
- Gabriel Paz
- Connie Weise

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Meeting recessed for a break at 8:43 a.m.

Meeting reconvened at 8:55 a.m.

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1. Call to the Public

The following members of the public addressed the Commission in support of Mexican gray wolf reintroduction and recovery:

- Susan Zalkinol
- Felicia French
- Esther Peballos

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2. Consideration of Proposed Commission Orders 3, 4, and 26 for 2017 Hunting Season and Amendment to Commission Order 8 for the 2017 Spring Season.

Presenter: Amber Munig, Big Game Program Supervisor

Ms. Munig presented the Commission with Commission Orders 3 (pronghorn antelope), 4 (elk), and 26 (population management) establishing seasons and season dates, bag and possession limits, permit numbers or authorized limits, and open areas for the respective 2017 fall hunting season, and amending Commission Order 8 (bison) for the 2017 spring hunting season. Ms. Munig provided a PowerPoint presentation that included charts and graphs of historical and current survey data, as well as weapon type data and young/female and male/female ratios. A detailed description of all proposals was provided to the Commission prior to this meeting for review and consideration, and was available for public review at all Department offices and on the Department's website.

Hunt structures and recommendations were formulated based on the two-year hunt guideline package approved in September 2015. The following hunt recommendations for fall 2016 pronghorn antelope, elk, and population management seasons are based on the guidance provided by that document. Regions 1, 2, 3, and 6 held public meetings after analyzing current year survey data. These meetings were held from October 19–27, 2016. Attendance was low at these meetings. At each of these meetings, Regional staff shared recommended management direction regarding harvest with those in attendance.

Each Region held an open house between November 23 and November 30, 2016 at which the public can ask specific questions about hunt recommendations for pronghorn, elk, or population management seasons from knowledgeable staff. The hunt recommendations will be posted on the Department website by November 21, 2016.

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

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

Commission Order 3 – Pronghorn Antelope

(The Commission was provided with details of the recommended permit numbers by unit, which was also available to the public.)

The statewide buck to doe ratio is above guidelines at 34:100, whereas fawn to doe ratio is below the guidelines at 24:100. In Region 3, public access is an ongoing concern and influences permit recommendations; however, there are a number of ranches that do allow public access facilitating pronghorn hunting. Big Boquillas Ranch in Unit 10 continues to charge a fee to enter the Ranch. About 60% of the hunters with pronghorn permits are paying the fee to hunt on the Big Boquillas Ranch.

General season permits are recommended to decrease by 3 from last year for a total of 471 permits. Permit recommendations are 276 for archery-only pronghorn (an increase of 5) and 78 for muzzleloader pronghorn (an increase of 11). A second muzzleloader hunt is recommended in Unit 8 with 15 permits, and a new archery-only hunt is recommended in Units 35A and 35B with 2 permits. It is recommended that Hopi tribal members are allocated 13 general permits, 6 archery-only permits, and no muzzleloader permits in Units 4A, 5A, and 5B. The Raymond Wildlife Area will be open to all pronghorn hunters in this unit. The hunts for pronghorn on Fort Huachuca in Unit 35A are recommended to remain closed.

Pronghorn Permit Summary

- Bonus Point
- General 471 (-3)
 - Increase in Units 4A, 5A, 5B, 13B, and 30A
 - Decrease in Units 3A, 13A, 18B, and 21
- Muzzleloader 78 (+11)
 - Add Oct 6-15 hunt in Unit 8
- Archery 276 (+5)
 - Increase in Unit 9 and 35A/35B
 - Decrease in Unit 21
- Hopi Tribal Permits (4A, 5A, 5B)
- Fort Huachuca Seasons (no hunts recommended)
- Camp Navajo
- Total 825(+13)

Commissioner Zieler stated that the Hunt Recommendations Sub-committee concurs with the Department's recommendations.

Motion: Zieler moved and Sparks seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 3 – PRONGHORN ANTELOPE AS PROPOSED.

Vote: Unanimous

Commission Order 4 – Elk

(The Commission was provided with details of the recommended permit numbers by unit, which was also available to the public.)

The statewide bull to cow ratio is within guidelines at 32:100; the calf to cow ratio remains within guidelines at 35:100. As with pronghorn, a proportion of the permits in Units 4A, 5A, and 5B are recommended to be allocated to Hopi tribal members.

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

This recommendation package continues to adjust bull to cow ratios to meet or move toward management guidelines. General season permits are recommended at 14,401 permits, a decrease of 16 permits from last year. An additional 31 general bull and 10 general antlerless permits are recommended for allocation to Hopi tribal members in Units 4A, 5A, and 5B. The Raymond Wildlife Area will be open to all elk hunters in this unit.

Youth-only general antlerless elk permit numbers are recommended at 1,310 permits, an increase of 98 from 2016. Eight permits are recommended to be allocated to Hopi tribal members in Unit 4A and 5A. The Commission directed the Department to allocate at least 5% of the total available elk permits as antlerless elk permits to youth-only seasons. The permit allocation in this package for youth-only antlerless elk permits represents 5.4% of elk permits.

Muzzleloader permits are recommended to increase by 15 permits to 1,168 (the change is a result of units rotating in and out of the muzzleloader season structure). No muzzleloader permits are recommended for Hopi tribal members.

Archery-only elk permits are recommended to decrease by 40 to 5,644. Hopi tribal members are recommended to receive 20 archery-only bull and 5 archery-only antlerless permits in Units 4A, 5A, and 5B.

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

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

Bull Elk:	<u>Target</u>	<u>Recommended</u>
General	56.5%	56.6%
Muzzleloader	6.0%	6.0%
Archery	37.5%	37.4%
Antlerless Elk:	<u>Target</u>	<u>Recommended</u>
General	87.9%	83.6%
Muzzleloader	3.5%	4.8%

Archery	8.6%	11.6%
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Projected harvest for both bull and antlerless seasons are expected to be within one percent of targeted allocation.

Limited opportunity general hunts are recommended to decrease by 168 general permits to 1,667 (the Unit 12A, 12B, 13A, and 13B limited opportunity recommendation is not included in this total; the recommendation is addressed below) and limited opportunity archery-only hunts are recommended for no change at 135 permits. Two muzzleloader limited opportunity hunts are recommended with 55 permits, an increase of 5 from last year. Limited opportunity archery hunts are recommended to remain the same at 135 permits. Hopi tribal members are recommended to receive 68 antlerless general limited opportunity permits in Units 4A North, 5A, and 5B North.

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

The nonpermit over-the-counter elk seasons are recommended to continue; Units 12A, 12B, 13A, and 13B are recommended for removal from the over-the-counter hunt structure.

There has been a small population of elk in Unit 12A and possibly Unit 12B for more than 15 years. More recently a small population has established in Unit 13B with the possibility of them being present or expanding in to Unit 13A. The Department estimates there are fewer than 50 elk in all 4 units combined. These units are managed for mule deer, and Units 12A and 12B are identified as Minimal Occurrence Elk Management Zones in the 2016-2018 hunt guidelines. The elk issues surfaced recently enough in Units 13A and 13B that a management structure has not yet been identified for those units in the hunt guidelines. However, the Department is managing the presence of elk in Units 13A and 13B consistent with the parameters of a Minimal Occurrence Elk Management Zone.

The Department has identified the elk populations that exist, or may exist, in Units 12A, 12B, 13A, and 13B as appropriate for elimination under the elk management guidelines. The presence of elk is undesirable and could have a negative habitat impact for the mule deer population. These elk are not essential to the long-term maintenance of elk populations in the state. To date, established hunt strategies have not been effective at eliminating these elk herds. Hunters, specifically nonresident hunters who are more proximate to these units, have indicated the cost of an elk tag for this low density, difficult to find elk population is prohibitive; residents find the distance to these units is prohibitive. Therefore, the Department is recommending a 750-permit limited opportunity draw hunt, with season dates of May 1 – October 12 and October 27 – December 31, 2017. The cost of the elk hunt permit-tag for this hunt only will be reduced to \$35. The following note will be included in the regulations and will pop-up during the online application process if the hunt number for this hunt is selected.

Units 12A, 12B, 13A, and 13B have an extremely low-density elk population, about 40-50 elk combined for all four units. These units are specifically managed for wildlife values other than elk, and an established elk population is not desirable. The intent of this hunt is to eliminate this elk population. The cost of the

tag has been reduced to \$35 to help achieve this objective. The Department cautions you that due to extremely low elk densities, hunt success will be very low, likely less than 5%. If you apply for this hunt during the draw, you will almost certainly draw it, which will cause you to lose your bonus points. If you pick up one of these tags during the first come-first served process your bonus points will not be affected.

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

Elk Permit Summary

- Bonus Point
 - General 14,401 (- 16)
 - Youth Only 1,310 (+98)
 - Limited Opportunity (Gen) 1,667 (-168)
 - Units 12A, 12B, 13A, and 13B 750 (+750)
 - CHAMP 50 (same)
 - Muzzleloader 1,168 (+15)
 - Limited Opportunity (Muzz) 55 (+5)
 - Archery 5,644 (-40)
 - Limited Opportunity (Arch) 135 (same)
 - General / Archery Nonpermit Tag
 - Total 25,180 (+644/-106)
- Hopi Tribal (4A, 5A, 5B) and Camp Navajo Permits

Commissioner Zieler stated that the Hunt Recommendations Sub-committee concurs with the Department's recommendations.

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

Vote: Unanimous

Commission Order 26 – Population Management Seasons

Population management seasons are recommended for implementation in generally the same units, seasons, and permit levels as last year. "Designated deer," "designated elk," or "designated bison" is the legal wildlife in each of the population management seasons so that the Director may designate the desired legal animal for harvest if the permits are issued. Although the Department is recommending that the Commission authorize 1,725 deer (1,600 general and 125 archery only), 1,985 elk (1,205 general, 150 muzzleloader, 25 HAM, and 605 archery only), 770 javelina (360 general, 250 HAM, and 160 archery only), 170 bison (all general), and 122

bear (68 general, 26 HAM, and 28 archery only), these permits will not be issued unless approved by the Director following a determination from the population management hunt review and approval process. For archery turkey, the Department is recommending the Commission authorize 1,705 permits be available as “companion tags” to hunters who draw archery elk permits in the corresponding unit and season date.

Population Management Hunt Summary

- Population Management Seasons: January 1 – December 31, 2017
- Recommended for the same seasons and similar permit authorization levels as last year
Other PMH companion permits are authorized at April 2017 Commission Meeting with their companion hunts

Commissioner Zieler stated that the Hunt Recommendations Sub-committee concurs with the Department’s recommendations.

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

Vote: Unanimous

Commission Order 8 - Bison

Fall 2016 House Rock bison herd hunts in Unit 12A were approved by the Commission with a partial unit closure in the southeast portion of Unit 12A East in order to create a disturbance, pressure-free corridor down to House Rock Wildlife Area (HRWA). Through baiting and improved water distribution, the objective was to encourage bison to use HRWA where they may be undisturbed. In the past several years, very few bison had been harvested on the eastside. The Department believed this closure would have little impact on hunter harvest or opportunity.

The lightning-caused Fuller Fire started on June 29, 2016, east of AZ Highway 67 and north of the Point Imperial Road on the north rim of Grand Canyon National Park (GCNP). The fire burned northeast as far as the 8910 loop road on HRWA, burning a total of 14,541 acres, many of which were on the Kaibab National Forest. Summer rains on top of the Fuller Fire created a lush green understory, which has attracted the bison causing a significant increase in bison presence in the closed eastside area.

In addition to changing bison distribution, the increase in highly nutritional forage rendered ineffective the Department’s bison management actions from this summer and fall. The attempt to re-establish bison movement from the Kaibab Plateau to HRWA was the primary goal. The effects of the fire on bison distribution will likely last for several years. This change in bison distribution in Unit 12A East appears to be limiting harvest opportunities for permitted bison hunters in the open hunt areas of Units 12A East and 12A West.

In order to respond to changing bison distributions and decreased bison availability within the open areas of Unit 12A, the Department recommends amending Commission Order 8 (bison) to open most of the Unit 12A East closure to hunting. The only remaining closed portion would be

in the very northeast portion of HRWA, bounded by forest roads 8910 and 3510 and the northeast boundary of HRWA. This remaining closed portion includes HRWA headquarters and two bison pastures. This will allow the Department to continue bison management actions at HRWA to establish and protect new bison at HRWA.

If the Commission approves the following recommendation, the Department will notify successful applicants for the affected hunts through formal correspondence.

The Department recommends the following:

- Amend the open area for the following hunt numbers for Commissioner Order 8: Spring 2017 hunt numbers: 7026, 7027, 7028, 7029, 7030, 7031, and 7032, and the Fall 2016 hunt numbers 7511 and 7515.
- Amend the open areas to read: *12A (excluding a portion of east central 12A East, see note 4,) 12B, and 13A (House Rock Herd)*
- Amend Note 4 to read: *A portion of east central unit 12A East is closed to hunting. Beginning at the intersection of Forest Road 8910 and the Kaibab National Forest Boundary; south along FR 8910 to the intersection with FR 3510; easterly along FR 3510 to the Kaibab National Forest Boundary at South Canyon; Northerly then west along the Kaibab National Forest Boundary back to the intersection with FR 8910.*

Commissioner Zieler stated that the Hunt Recommendations Sub-committee concurs with the Department's recommendations.

Motion: Zieler moved and Davis seconded THAT THE COMMISSION VOTE TO AMEND COMMISSION ORDER 8 – BISON AS PRESENTED.

Vote: Unanimous

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3. Hunt Permit-Tag Application Schedule for 2017 Antelope and Elk Hunts

Presenter: Rachel Gottlieb, Customer Service & Sales Branch Chief, SSD

Ms. Gottlieb provided the Commission with a brief presentation relating to the proposed hunt permit-tag application schedule for the 2017 Antelope and Elk hunting seasons. The application schedule identifies proposed acceptance dates and deadline dates for all hunts associated with the draw process. In addition, the proposed dates for when hunt permit-tags and refund warrants will be mailed are also identified, along with information relating to the first-come/first-serve process for any permits that may still be available.

Motion: Zieler moved and Ammons seconded THAT THE COMMISSION VOTE TO APPROVE THE APPLICATION SCHEDULE FOR THE 2017 ANTELOPE AND ELK HUNTS.

Vote: Unanimous

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4. Petition by Mr. David Davis to Amend R12-4-318 Seasons for Lawfully Taking Wild Mammals, Birds, and Reptiles

Presenter: Josh T. Avey, Terrestrial Wildlife Branch Chief

Mr. Avey provided a PowerPoint presentation and briefing on a petition submitted by Mr. David Davis to Amend R12-4-318. Mr. Davis has petitioned the Commission to amend R12-4-318 (Seasons for Lawfully Taking Wild Mammals, Birds, and Reptiles) to create a "Native Pioneer Elk and Deer Hunting Privileges" for a person:

- Who is under the age of 85;
- Who holds a valid Pioneer License;
- Who is a native of Arizona or moved here as a child with a military family; and
- Who has resided in Arizona for a period of at least the previous 40 years.

The Native Pioneer Elk and Deer Hunting Privileges season would provide eligible persons:

- One general elk permit/tag once every two years in the hunt unit of their choice; and
- One general deer tag every year in the hunt unit of their choice.

These permits would not be transferable, all fees and other regulations would apply.

Mr. Davis indicates the reason for the rule change is to ensure persons in this age group can participate in big game hunting activities in their "twilight years" and that it is fair that special privileges be afforded to persons who have lived in Arizona all of their lives and endured the draw system since its enactment.

Although the Department understands the desire and passion to hunt, the Department recommends that the Commission deny this petition. The Commission's draw process is designed to provide equal opportunity to all classes of persons and not to provide an advantage to certain classes, especially for the higher demand hunts. As a result, the Commission has not supported that any class of persons, except youth hunters as a recruitment tool and CHAMP hunters as they typically need to hunt from a road, should be awarded tags for which others are not eligible. The Commission currently offers deer hunts with odds of drawing a tag every year and bull elk hunts with odds of drawing a tag every two to four years; these, of course, are not the high demand hunts and do not occur during the rut.

If the Commission chooses to consider the intent of this petition, R12-4-318 may not be the appropriate rule to modify. R12-4-104 would need to be modified as it directs the draw process.

Commissioner Davis discussed with Mr. Avey about a potential process if something like this were to be put in place. It would require substantial tracking for the Department to verify if someone is a native and has lived in Arizona all their life.

Commissioner Zieler discussed the potential number this could affect and that it could be a huge impact if a large number of people were able to pick their hunts.

Mr. David Davis was present and addressed the Commission on behalf of his petition. He would like to have further discussion with the Department on his proposal and maybe some fine tuning if parts of his proposal doesn't work.

Commissioner Davis thanked Mr. Davis for his interest and for taking time to submit his petition and analysis. It's food for thought and always good to look at ways to increase hunter opportunity.

Commissioner Zieler also thanked Mr. Davis, and added that at this point, and because of some of the issues it would create, it doesn't necessarily go along with the North American Model. He is going to make a motion to deny the petition, and at the same time, direct the Department to continue to look at this and see if there is something we might take from it and build on, but anything that is going to create a class or limit others will not be wise.

Motion: Zieler moved and Ammons seconded THAT THE COMMISSION VOTE TO DENY THIS PETITION BY DAVID DAVIS.

Vote: Unanimous

Director Voyles stated that the Department will take Mr. Davis' proposal and put it in the file for the next rule review cycle.

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Meeting recessed for a break at 9:41 a.m.

Meeting reconvened at 9:47 a.m.

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5. Approve Final Rulemaking Amending R12-4-402 Live Wildlife; Unlawful Acts.

Presenter: Jim Odenkirk, Assistant Attorney General

Mr. Odenkirk provided a PowerPoint presentation and briefing on a Notice of Final Rulemaking and Economic Impact Statement amending rules within Article 4, addressing live wildlife. The Department proposes to amend R12-4-402 to clarify that performing activities authorized under a federal license or permit does not exempt a federal agency or its employees from complying with state permit requirements. This amendment preserves the Department's authority to protect wildlife populations from disease and other negative events and is mandated under A.R.S. Title 17.

The Commission approved the Notices of Docket Opening and Proposed Rulemaking at the August 2016 Commission Meeting. The rulemaking record was open for public comment from September 16 to October 16, 2016; the public comments received and the Department's response is provided in the Notice of Final Rulemaking. The Notice of Final Rulemaking and Economic Impact Statement were provided to the Commission prior to this meeting for review and consideration and was available to the public.

If approved by the Commission, and in accordance with the exemption authorized by the Governor's office, the Department will submit the rulemaking to the Governor's Regulatory Review Council (G.R.R.C.) for review and placement on a future agenda.

Public Comment

The following were present and addressed the Commission in opposition to amending this rule as it relates to the requirement for federal agencies to obtain a state permit for the release or capture of wildlife, particularly in regards to the Mexican gray wolf:

- David Forjan
- Kathy Ann Walsh, Broad Band Leader, Great Old Broads for Wilderness
- Karen Michael, Board Officer, Animal Defense League of Arizona
- Amanda Wehrman
- Craig Miller, Southwest Representative, Defender of Wildlife
- Sandy Bahr, Chapter Director, Sierra Club – Grand Canyon Arizona Chapter
- Kathleen Cheatham
- Pay Jayson
- Robert Gibbs
- Ray Leimkuchler

Commissioner Davis thanked all those who attended to comment on the proposed rule change. He further stated that this is not an issue that is negotiable, it is a requirement in both federal and state law to have a permitting process, and it's done for the protection of all wildlife. This Department has trust responsibility for over 800 species and does a remarkable job in managing that many species, and part of that remarkable job is partnering and cooperating with both federal agencies, non-government organizations and constituents. But you must have a process to receive appropriate permits, to create cooperation, to ensure mistakes are not made that could have long term impacts on all of our species, not just one or two or three species, but all 800 species.

Motion: Davis moved and Sparks seconded THAT THE COMMISSION VOTE TO APPROVE THE NOTICE OF FINAL RULEMAKING AND ECONOMIC IMPACT STATEMENT AMENDING R12-4-402 LIVE WILDLIFE; UNLAWFUL ACTS.

Vote: Unanimous

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6. Future Agenda Items and Action Items

Deputy Director Gray captured the following action and future agenda items:

- The Department will have a discussion with new administration on the unreasonable complexity with travel management rules on federal lands. Include the Commission's position on enforcement (non-enforcement) of travel management rules
- The Department will reaffirm the Commission's position on enforcement of unreasonable/inconsistent travel management rules and include reaffirmation with the Sheriff's Office

- The Law Enforcement Branch will look at trophy status for other species besides deer and elk and statutory changes
- The Department will consider meeting with Commerce Authority about partnering with us to enhance the economic impact of sportfishing
- The Department will place David Davis' petition to increase senior hunting opportunity into the rule review cycle folder.

Commissioner Madden requested putting Commissioner Committees on the January Commission agenda for approval.

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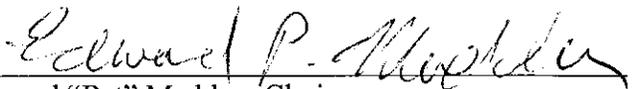
Motion: Zieler moved and Ammons seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

Vote: Unanimous

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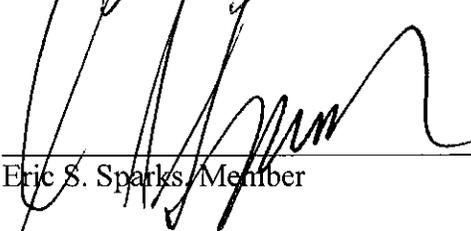
Meeting adjourned at 10:40 a.m.

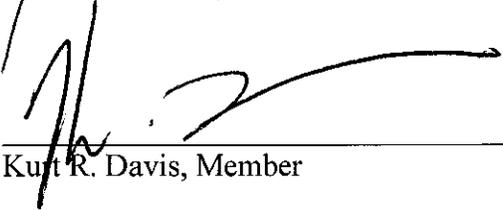
* * * * *


Edward "Pat" Madden, Chairman

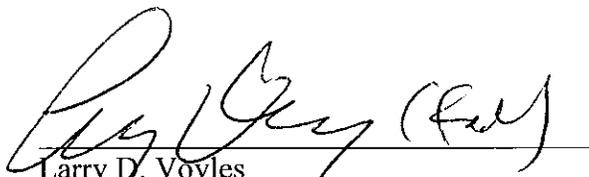

James R. Ammons, Member


James S. Zieley, Member


Eric S. Sparks, Member


Kurt R. Davis, Member

ATTEST:


Larry D. Voyles
Secretary and Director