

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, August 4, 2017
Saturday, August 5, 2017
Apache County Board of Supervisors Building
75 W. Cleveland St.
St. Johns, Arizona 85936

PRESENT: (Commission)

(Director and Staff)

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

Director Ty Gray
Deputy Director Tom Finley
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Linda Pollock
Assistant Attorney General John LeSueur

Chairman Ammons 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 The 19 Granite Mountain Hotshots who lost their lives at Yarnell Hill four years ago. The Commission introduced themselves followed by introductions of the Director and the Director's staff. This meeting followed an agenda revision #1 dated August 2, 2017. Commissioner Davis left the meeting at 1:30 p.m. following Executive Session.

Awards and Recognition

Chairman Ammons and Commissioner Zieler presented a Commission Commendation of Achievement to Mr. Eilertsen and students of the Snowflake Junior High School Class of 2017 for their outstanding efforts working together to win the 2017 National Solve for Tomorrow Contest. Their winning project consisted of an innovative solution to conserving wildlife in Arizona and providing safer roads for the traveling public.

Pinetop Regional Supervisor Chris Bagnoli and Chairman Ammons presented a Commission Certificate of Appreciation to Department Research Biologist Jeff Gagnon for his efforts mentoring the Snowflake Junior High School Class during the 2017 National Solve for Tomorrow Contest.

Pinetop Regional Supervisor Chris Bagnoli and Chairman Ammons presented a Commission Certificate of Appreciation to Department Habitat Program Manager Dave Dorum for his exemplary leadership serving as the Habitat, Evaluations, Lands Program Manager in the Pinetop Region.

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1. Call to the Public

St. Johns Mayor Ryan Patterson welcomed the Commission and expressed appreciation for the partnerships and projects that the Department has with the St. Johns community.

Seth Nadal, President, White Mountain Shooters Association, provided an update on the Second Knoll Target Range, which had its grand opening one year ago. He expressed his appreciation for the Department's assistance and provided an update including that they have had 2,500 shooters days to date and that the club has doubled in size.

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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 were previously presented to the Commission as a "first read" item. These items were presented to the Commission and none were removed for discussion.

a. Impact Analysis on Rotenone for the Department's Coconino National Forest Stock Tank Non-native Fish Removal Treatment Plan. Presenter: Chris Cantrell, Chief, Aquatic Wildlife Branch

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The Department requests Commission approval that the environmental analyses conducted per the Coconino National Forest Stock Tank Non-native Fish Removal Project Treatment Plan (Plan) are sufficient to ensure that the use of rotenone applied to remove illegally stocked non-native fish will not endanger the health of the environment, humans, or livestock when applied according to the Department's Piscicide Treatment Planning and Procedures Manual (PTPPM), product label, and Rotenone Standard Operating Procedures Manual.

Commission approval of the environmental analyses conducted for proposed rotenone treatments is a new requirement per A.R.S. Title 17-481 (Laws 2013, First Regular Session, Chapter 117). In adherence with the PTPPM, the planning, public outreach, and environmental compliance for the rotenone treatment of stock tanks on the Coconino National Forest (CNF) included in the Plan have been approved by the Assistant Directors of the Wildlife Management Division and Field Operation Division. The Plan also includes potential future rotenone treatments of additional stock tanks on the CNF should they be found to contain illegally stocked non-native fish.

In adherence with the PTPPM and Title 17-481, the Plan incorporates several environmental evaluations that assess potential impacts of rotenone on the environment, terrestrial wildlife, and human health, including a Categorical Exclusion and Decision Notice per the National Environmental Policy Act by the U.S. Fish and Wildlife Service; the Pesticide Use Plan per the U.S.D.A Forest Service (the sole land manager for the Project Area); the Department's Environmental Assessment Checklist; the Rotenone Review Advisory Committee's Final Report; and the Pesticide Discharge Management Plan per the Arizona Department of Environmental Quality.

If the Commission approves that the environmental analyses conducted per the Plan are sufficient to move forward with the use of rotenone in stock tanks on the CNF, the Department will schedule the treatment of stock tanks currently identified as containing non-native fish during July or August of 2017. Additional treatment dates may be set as additional stock tanks

are found to contain non-native fish or if treatment dates are logistically infeasible. Also per Title 17-481, prior to the treatment the Department will: 1) provide written notice about the treatment to all owners, lessees and permittees within the project area; 2) publish a general notice in two publications in a daily or weekly newspaper in the general area in which the chemical will be applied; and 3) conduct water and soil analysis pre- and post-treatment within the treatment area. The Department has coordinated closely with the grazing allotment permittees to ensure the treatments are conducted when cattle are off of the treatment areas; however, if cattle are encountered at the treatment sites, the Department will haze them away from the treatment sites and contact CNF range staff.

Efforts to remove Green Sunfish, a species native to the Mississippi River watershed and non-native to Arizona, have been ongoing on the CNF since 2004. Since then, 11 rotenone treatments have occurred in eight stock tanks and as such, monitoring efforts for non-native fish have increased. In particular, stock tanks within the Fossil Creek and West Clear Creek watersheds are monitored annually by the Department and U.S. Fish and Wildlife Service to reduce the likelihood of the introduction and establishment of non-native aquatic species into those drainages. In June 2016, the discovery of Green Sunfish in Willow Valley Creek, a headwater tributary of West Clear Creek, prompted the Department to increase monitoring efforts of stock tanks within the greater West Clear Creek watershed. Currently 17 stock tanks within the West Clear Creek watershed are known to contain non-native fish. Green Sunfish have been shown to have significant negative impacts of populations of native fishes through competition for food and habitat resources as well as predation. During high discharge events, Green Sunfish may be displaced from these stock tanks into the streams and rivers downstream, which are currently occupied by and managed for native and sportfish species. The application of rotenone as described in the Plan will allow the threat of highly invasive species to be controlled throughout the CNF.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE ENVIRONMENTAL ANALYSES CONDUCTED AS PRESENTED THAT FINDS NO ENDANGERMENT TO THE HEALTH OF THE ENVIRONMENT, HUMANS, OR LIVESTOCK.

Motion: Davis moved and Zieler seconded THAT THE COMMISSION VOTE TO APPROVE ITEM A 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 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 actions:

State Legislative Update

The Department's Legislative Team is currently reviewing the following 2018 proposals:

- License Simplification Reauthorization (current authority expires July 1, 2019)
- Title 5
 - Relax PFD requirement for children on larger commercial vessels
 - US Coast Guard Boating Safety Program Review (Registration fee, federal compliance, Sound Producing Device requirement)
 - Removal, impoundment or seizure of watercraft
 - Registration requirement for resident watercraft anchored or moored (language conformity)
 - Reporting of boating incidents to state authorities
 - Boater education course requirements
 - Wastewater disposal systems – inspection authority
- Off Highway Vehicles
 - Operator indicia (Including non-resident)
 - Definitions updates - ‘New’ vehicle types (UTV, sand rail, etc), ROPS
 - Equipment requirements
 - Child helmet requirements (Car seats; Responsible party)
- General Public Safety
 - Wild game meat processors – disposal of unclaimed game meat
 - Obtain bonus points by fraud

Commissioner Davis recommended that when the legislative proposals are ready to be submitted to the Governor's Office, that one or two of the Commission Legislative Committee members meet with the Governor's Office to have a discussion of why these proposals are priorities of the Commission and Department.

Commissioner Davis requested that the Department look at simplifying the qualifications for the disabled veterans license.

Congressional Update

H.R. 3005: Grand Canyon Bison Management Act; Directs the DOI to publish a management plan to reduce, through humane lethal culling by skilled public volunteers, the population of bison in the Grand Canyon National Park.

- Provisions:
 - Permits the removal by a skilled public volunteer of a full bison harvested from the Park
 - A “full bison” is defined as “all of the remains of a bison after field dressing.”
 - Interior shall coordinate & obtain written approval from the Game and Fish Commission on the development & finalization of the management plan
 - Shall comply with environmental laws, including NEPA

Motion: Sparks moved and Madden seconded THAT THE COMMISSION VOTE TO SUPPORT H.R. 3005.

Vote: Unanimous

H.R. 788 and S. 593: Target Practice & Marksmanship Training Support Act; Amends the Pittman-Robertson Wildlife Restoration Act to allow the construction & expansion of public target ranges.

- Provisions:
 - Changes the state/federal ratio of the costs of acquiring land for expanding or constructing a public target range
 - Authorizes a state to pay up to 10% and the limiting the federal share to 90%; current ratio is 25/75%
 - Requires amounts provided to remain available for five years; currently at two years.

Motion: Davis moved and Zieler seconded THAT THE COMMISSION VOTE TO SUPPORT H.R. 788 and S. 593.

Vote: Unanimous

H.R. 2591: Pittman-Robertson Modernization Act; Amends the Pittman-Robertson Wildlife Restoration Act (PR) to include financial and technical assistance to the states for the promotion of hunting and recreational shooting.

- Provisions:
 - Allows PR funds to be used from three accounts for recruitment, retention and reactivation (the 3Rs) activities; strikes the prohibition against the use of PR funds for “public relations.”
 - Funds can be used for construction, maintenance and operation of public shooting ranges

Commissioner Davis stated that the Commission is on the record for supporting this concept and recommended that the Commission Chairman send a letter to the Arizona Congressional Delegation requesting members of the Delegation to co-sponsor this bill.

Motion: Davis moved and Zieler seconded THAT THE COMMISSION VOTE TO SEND A FORMAL LETTER FROM THE COMMISSION REQUESTING SPONSORSHIP FROM ALL MEMBERS OF THE ARIZONA CONGRESSIONAL DELEGATION FOR H.R. 2591 AND THE COMPANION BILL S.B. 1613.

Vote: Unanimous

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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 discussed several activities with the Commission and Department staff. The Commission sets its priorities on an annual basis with some adjustments during the year. The Department regularly reports to the Commission on its progress for each priority. Currently, the Commission Priorities are as follows:

- Increase Access/Landowner Relations
- Business Enterprise 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 improvements

Law Enforcement Branch Chief Gene Elms provided an update on the Commission priorities to "Maximize Officer Field Time and Promote Fair Chase. The update included the following highlights:

Maximize Officer Field Time:

- Current law enforcement capacity and position vacancies
- Post academy training restructure; estimated total savings of 5,040 hours for FTO time
- Volunteer contributions; volunteer hours: 102,597
- May 2017 ALERT Procedure approved; provides for team of officers to mobilize quickly
- Financial Enhancements (Grants, DUI Abatement, seized firearms trade).

Promote Fair Chase:

- Fair Chase Commission Policy A2.23 approved on January 16, 2015 directs the Department to:
 - Monitor and evaluate emerging/evolving technologies and practices
 - Make recommendations to the Commission for statute or rule change to preserve fair chase standards.

The Fair Chase Committee is charged to monitor, evaluate, and recommend rule changes and promote Department outreach efforts and statements from the Committee on fair chase issues. Fair chase issues are improper advantages to include a condition, technology or practice that allows a hunter or angler to: Locate or take wildlife without acquiring necessary hunting and angling skills or competency; pursue or take wildlife without being physically present and pursuing wildlife in the field; and make harvesting wildlife almost certain and/or the technology or practice prevents wildlife from eluding detection and/or take. Evaluations include the smart rifle, unmanned aerial vehicle or drones, bow mag, wireless trail camera technology, sling bow, airbow, RC fishing, and submersible fishing drones. The Department will present the Commission with proposed rule changes for Article III at the December Commission meeting.

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5. Briefing on Department Deployment of Arizona Management System (AMS).

Presenter: Clay Crowder, Wildlife Planner

Mr. Crowder provided a PowerPoint presentation and informational briefing on the Department's deployment of AMS methods and tools used to reduce waste and build sustainable efficiency in the Department's systems and processes. AMS was implemented by Governor Ducey as part of his vision for Arizona to be the number one state to live, play, recreate, retire, visit, do business, and get an education. To achieve this vision, a professional, results-driven management system has been deployed to transform the way Arizona state government thinks and does business as one enterprise. State agencies are doing more good for Arizona by tracking and improving their performance each and every day.

Mr. Crowder's presentation included an update on the Department's scorecard metrics, information on Hunt/Fish license sales for FY16 and FY17, progress in eliminating outdated and unnecessary processes for savings in staff time, costs, and improved customer satisfaction, and how the Department's deployment of AMS relates to the Department's 2018 Strategic Plan.

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Meeting recessed for a break at 9:23 a.m.

Meeting reconvened at 9:45 a.m.

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1. (re-opened) Call to the Public

Arizona State Parks Director Sue Black presented a short video on Arizona State Parks and Trails, which is in the top four of a competition for the best managed state parks system in the country. On September 26, Arizona State Parks will find out if they win the top position. Director Black thanked all the partners and team members in this effort, including the Arizona Game and Fish Department.

Commissioners Davis, Madden and Zieler commented on the impressive efforts of Director Black and the improvements that have been made to Arizona's state parks.

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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 11:15 a.m.

Meeting reconvened at 11:30 a.m.

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8. Appeal of the Department's denial of Christopher North's application for a master-level sport falconry license

Presenter: Scott Poppenberger, Kingman Regional Supervisor

Mr. Poppenberger presented the Commission with the decision issued by the Arizona Office of Administrative Hearings (OAH) Administrative Law Judge in the matter of Christopher North's master-level sport falconry license application. In a letter dated March 6, 2017, the Department denied the application of Christopher North for a master-level sport falconry license on the grounds that the applicant failed to document sufficient falconry experience necessary under A.A.C. R12-4-422(H). Mr. North timely filed an appeal of the license denial pursuant to A.A.C. R12-4-409(F)(4).

A hearing was conducted May 16, 2017 at OAH, and a decision by the Administrative Law Judge, Tammy L. Eigenheer, was issued on June 5, 2017. In the Decision, Judge Eigenheer issued a recommended order upholding the Department's denial of Mr. North's license application. A.R.S. § 41-1092.08 authorizes the Commission accept, reject, or modify Judge Eigenheer's decision. If the Commission rejects or modifies the Decision, the Commission must provide the parties and OAH with a written justification setting forth the reasons for the rejection or modification.

Mr. Poppenberger provided the Commission with a brief summary of the sport falconry license process. The sport falconry license is the most highly regulated special license that the Department administers. It is an extremely complicated process to move through the levels and participate with this activity. Prior to 2013, the sport falconry licensing was a duo-licensing process with both the USFWS and the states. After 2013, the USFWS transferred that authority to the states. Like all other states, Arizona adopted a Commission rule that mirrors federal regulation to maintain authority to regulate this activity. The process involves a progressive process with oversight from both the state and a peer education processes through three phases of potential licensing. The initial phase is an apprentice level and then that moves into a general falconry license. The final and highest level is a master-level falconry license. That highest level takes two years as an apprentice and five years as a general falconer before you can attain the level of master falconer.

Mr. North became known to the Department in 2015 when he attempted to attain a sport falconry special license. The Department reviewed Mr. North's application and experience and determined that it did not meet the requirements for a master-level falconry license. The Department recommends that the Commission vote to accept the decision of the OAH which upholds the Department's decision to deny Mr. North's application for a master-level sport falconry license.

Motion: Sparks moved and Madden seconded THAT THE COMMISSION ACCEPT JUDGE EIGENHEER'S ORDER AND THAT IT UPHOLD THE DEPARTMENT'S DECISION TO

DENY CHRISTOPHER NORTH'S APPLICATION FOR A MASTER-LEVEL SPORT FALCONRY LICENSE.

Public Comment

Mr. North addressed the Commission via video teleconference from the Flagstaff Regional Office. Mr. North stated that the Migratory Bird Treaty Act is not being followed equally. It states that lessons and experience have to be taken into account and this is not happening in his case. By making him start from scratch the Department is ignoring his current and up to date experience, and therefore the law. Mr. North questioned the quality and professionalism of Department staff involved and further questioned the falconry regulations and process. He believes he has been manipulated and coerced by Department staff who have an extremely tenuous grasp of the law.

Commissioner Davis commented to Mr. North that the Commission decided to send this case to the Office of Administrative Hearings due to the complications of it and to have a third party review of the situation. Clearly, the judge's conclusions are the same as the Department's conclusions. Additionally, for the record, Commissioner Davis stated that he has read the materials and looked closely at this case to see the contending arguments. Further, Mr. North apparently doesn't know the folks in the Department very well evidenced by his disparaging comments toward Department staff and Mr. Poppenberger, which he finds blatantly offensive. Department staff are in the business of helping people and keeping them in the field, not out of the field or withholding licenses.

Commissioner Sparks asked Mr. North if he provided any evidence of a hunting license or falconry license from the United Kingdom at the time he filed his application.

Mr. North stated that hunting licenses and falconry licenses do not exist in the UK. He provided other types of evidence that he had a bird for a long time that the Department is ignoring.

Commissioner Sparks suggested that Mr. North look into the UK's Wildlife and Countryside Act, which does provide that a license must be had on the individual bird that a falconer uses and that a falconer must apply for a license.

Vote: Unanimous

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7. (re-opened) 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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6. Threatened and Endangered Wildlife Briefing

Presenter: Jim deVos, Assistant Director, Wildlife Management Division

Mr. deVos provided a PowerPoint presentation and briefing on the recent taxonomic change for headwater chub and Gila chub, and the subsequent withdrawal of the proposal by the U.S. Fish and Wildlife Service to list roundtail chub and headwater chub as Threatened under the Endangered Species Act. The presentation included an overview of the following:

- Taxonomic history - Three species were recognized: Roundtail Chub (*Gila robusta*), Gila Chub (*G. intermedia*), Headwater Chub (*G. nigra*). The three chub species, often referred to as the Roundtail Chub complex, occupy the Agua Fria, Bill Williams, Gila, Little Colorado River, Salt, San Pedro, Santa Cruz, and Verde rivers in the lower Colorado River basin of AZ and NM. Roundtail chub also exist in the upper Colorado River basin, but the Roundtail chub in AZ and NM were recognized as a Distinct Population Segment in 2009
- Conservation agreements - While lawsuits and USFWS findings were taking place, the Department took the lead in, or participated in, the development of conservation agreements for unlisted species including Roundtail and Headwater chub
- Focused conservation actions - Over the past 15 years the Department has implemented focused conservation agreements with the primary goals to establish and maintain chub populations and reduce threats to populations
- Taxonomic challenges and management - The ambiguity to distinguish among the species has been a challenge in management given the candidate designations of two and endangered status of one. Department biologists conducted a taxonomic evaluation of the 3 species by reviewing all available relevant literature, both grey and peer reviewed and determined that there was no justification to support the separation of 3 species and they should be classified as 1 species.
- Future chub management - The Department intends to continue conservation of the chub as it has for decades. At the recent WAFWA meeting, the Colorado River Fish and Wildlife Council recommended that the Colorado River basin states conduct a Roundtail Chub status review. As signatories to the Range-wide Conservation Agreement, the Department will be a strong participant in this process.

Commissioner Davis expressed his appreciation to Department staff and stated that this is one of those things where the Department does not get enough credit. The true economic impact of this kind of listing decision and its impact on the ability to maintain sport fishing in Arizona, which is huge numbers for the state's economy, is important. Maybe someday we'll read about these stories that demonstrate where the Arizona Game and Fish Department saved Arizona taxpayers related to this type of economic impact and economic opportunity.

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8A. Petition by Mr. Britten to purchase PointGuard after the March 16, 2017 purchase deadline.

Presenter: Rachel Gottlieb, Branch Chief, Customer Support and Sales Branch

Ms. Gottlieb informed the Commission that Mr. Britten has requested a continuance of his petition to the next regular Commission meeting.

Motion: Zieler moved and Sparks seconded THAT THE COMMISSION VOTE TO CONTINUE MR. BRITTEN'S PETITION TO THE NEXT REGULAR COMMISSION MEETING.

Commissioner Davis stated for the record that the system in place works and while he is okay to extend hearing the petition until the next meeting, this is one of those cases where you have to determine that the Department is at fault and the evidence shows that the Department is not at fault.

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

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9. Approve Revised Memorandum of Understanding (MOU) Between the Commission and the City of Tucson for the Opening of Lands in Avra Valley to Lawful Hunting.

Presenter: Raul Vega, Region V Supervisor

Mr. Vega briefed the Commission on an MOU between the City of Tucson and the Arizona Game and Fish Commission, which represents the third and final phase of the opening of various City of Tucson-owned parcels in Avra Valley to all-species lawful public recreational hunting. A map of the parcels in Avra Valley was provided in a PowerPoint presentation.

SB 1334 (2011) preempted political subdivisions from enacting any ordinance or regulation limiting the take of wildlife during an open season as established by the Commission. The Department took a thoughtful and proactive approach to implementing SB 1334 statewide in a manner responsive to local concerns. Working with representatives of towns, cities and counties, the Department succeeded in opening to lawful hunting over 1.85 million acres of open undeveloped municipal annexed lands, county parks and preserves.

The City of Tucson had acquired over 22,000 noncontiguous former agricultural parcels within the unincorporated Avra Valley (west of the City limits between the Tucson Mountains to the east and the Waterman and Roskrige Mountains to the west) for their water rights. These City-owned parcels were fenced and posted as closed to all public entry. In 2013 Region V staff and City of Tucson representatives conducted joint field trips and agreed to open in a phased approach certain parcels suitable for lawful recreational hunting. A 2013 MOU between the Commission and the City of Tucson opened the first two parcels for fall 2013 hunt (Phase 1) and installed public points of entry and directional signage for hunters. Six additional Avra Valley parcels (Phase 2) were then opened to hunting in 2015-16.

This 2017 MOU opens the remaining four Avra Valley parcels (Phase 3) that the City and Region V had agreed are suitable for recreational hunting (other City-owned parcels in Avra Valley will remain closed by agreement of the parties due to the presence of leaseholders or CAP

water storage infrastructure). All Phase 1, 2 and 3 Avra Valley parcels will now remain open to all-species hunting pursuant to Commission Orders for the duration of this 10-year MOU.

The Commission expressed their appreciation to Mr. Vega, staff and partners and stated that they understand the effort involved to get this successful outcome.

Motion: Sparks moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE THE MOU BETWEEN THE COMMISSION AND THE CITY OF TUCSON FOR THE OPENING OF LANDS IN AVRA VALLEY TO LAWFUL HUNTING, AS PRESENTED.

Vote: Unanimous

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12. Lands and Habitat Program Update

Presenter: Joyce Francis, Habitat Evaluation and Lands Branch Chief

Dr. Francis provided an update and PowerPoint presentation, via video teleconference from the Department Headquarters, on the status of federal land planning efforts including land management and travel management plans throughout Arizona. The presentation included an overview of the following:

A-S National Forest

- Land Management Plan
 - Final Plan September 2015
 - Travel Management Plan
 - The Draft EIS was release in October 2010.

Coconino National Forest

- Land and Resource Management
 - The Record of Decision on the Final LRMP is anticipated in November 2017
 - Travel Management Plan
 - Coconino revised the TMP last year and released a new Motorized Vehicle Use Map in April.

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.

Prescott National Forest

- Land and Resource Management Plan
 - Final signed May 2015

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

Coronado National Forest

- Land and Resource Management Plan
 - Final expected August 2017
- Travel Management Planning – ongoing by District
 - Santa Catalina - Final Draft EA estimated Sept. 2017
 - Douglas - Final Draft EA objection period.
 - Sierra Vista - Preliminary Draft EA July 2017
 - Safford - Final EA objections filed July 20, 2017
 - Nogales - Complete: Final EA Decision Notice Signed March 2017.

Tonto National Forest

- Land and Resource Management Plan - 1985
 - The NOI for the revision was released 2017
 - Travel Management Plan
 - Beginning to develop a Supplemental EIS.

BLM Travel Management Plan

- Hassayampa Field Office
 - Black Canyon Corridor - the Department is a cooperating agency and provided scoping input June 2017
- Lake Havasu Field Office
 - Bouse Cactus Plain - currently doing route evaluations; Step Down Plans will need to be evaluated when they are developed
- Lower Sonoran Field Office
 - Buckeye Hills TMP - the Department is a cooperating agency; alternative selection and route evaluations will occur September – November 2017
- Yuma Field Office
 - Imperial Hills - beginning route evaluations.

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15. Intergovernmental Agreement between the Arizona Game and Fish Department and the City of Scottsdale.

Presenter: Jay Cook, Mesa Regional Supervisor

Mr. Cook provided a PowerPoint presentation and briefing on an Intergovernmental Agreement between the Arizona Game and Fish Commission and the City of Scottsdale for continued wildlife conservation projects within the McDowell Mountains. The City of Scottsdale (COS) has requested to enter into a five year Intergovernmental Agreement (IGA) with the Arizona Game and Fish Department (Department) to continue and increase the scope of wildlife conservation within the McDowell Mountains east of Scottsdale.

The Department has held several agreements over the past five years with the COS for wildlife and habitat conservation work, primarily performed within the McDowell Mountains east of Scottsdale. Recent projects include annual deer and javelina surveys that support Hunt Recommendations for archery deer and javelina within the Phoenix Metro Game Management Unit 25M, and Contracts Branch multi-year research project of radio-telemetry collared deer to determine habitat use and travel corridors to mitigate roadkill and evaluate wildlife connectivity between the McDowell Mountains and the adjacent Tonto National Forest.

This IGA will allow the Department to continue working collaboratively with the COS to provide gates and/or barriers on mineshafts to protect bat habitat and populations; monitor the habitat and wildlife populations within the Paradise Mine; continue performing annual deer, javelina and wildlife aerial surveys, and any additional, mutually negotiated wildlife related projects in association with the McDowell Mountain Preserve.

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

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16. Intergovernmental Agreement (IGA) to Install Fishing Docks at Patterson Ponds, Saint Johns.

Presenter: Andy Clark, Aquatic Wildlife Assistant Branch Chief

Mr. Clark provided a PowerPoint presentation and briefing on a 15-year IGA between the Department and the City of Saint Johns for the purpose of conveying Federal Sportfish funds (DJ) to the City to acquire, install, and maintain two fishing docks at Patterson Ponds. The City of Saint Johns successfully applied for Heritage Grant funds in 2017 to make several improvements at Patterson Ponds, a new Community Fishing water within City limits. Approved grant funds were insufficient to accomplish all desired improvements. The Department opted to convey \$5,500 in federal funds (Sportfish, DJ) in fiscal year 2018, and another \$5,500 federal funds (Sportfish, DJ) in fiscal year 2019, to acquire, install, and maintain two fishing docks in Patterson Ponds. The dock manufacturer (Porta Dock) warranties their dock frames for 15 years, so this proposed agreement would fulfill a grant requirement by initiating an agreement for the useful life of the dock structures.

Motion: Zieler moved and Davis seconded THAT THE COMMISSION VOTE TO AUTHORIZE THE DEPARTMENT TO FINALIZE NEGOTIATIONS, EXECUTE AND AMEND AS NECESSARY INTERGOVERNMENTAL AGREEMENTS AND FUTURE SUB-AGREEMENTS BETWEEN THE DEPARTMENT AND THE CITY OF ST. JOHNS FOR A PERIOD OF 15 YEARS TO ACQUIRE AND INSTALL TWO FISHING DOCKS, AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO APPROVE THE AGREEMENTS AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

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17. Intergovernmental Agreement (IGA) to Implement a New Community Fishing Water in Show Low Creek, Show Low AZ.

Presenter: Andy Clark, Aquatic Wildlife Assistant Branch Chief

Mr. Clark provided a PowerPoint presentation and briefing on an IGA between the Department and the City of Show Low Arizona for the purpose of adding Show Low Creek as a new Community Fishing Water. The City of Show Low desires to partner with the Department to implement a new Community Fishing Water in Show Low Creek. The initial IGA would expire 6/30/2019 to coincide with several other IGA's within the Community Fishing Program, and the Department would seek to renew for 5-year increments thereafter.

Motion: Madden moved and Sparks seconded THAT THE COMMISSION VOTE TO AUTHORIZE THE DEPARTMENT TO FINALIZE NEGOTIATIONS, EXECUTE, AND AMEND AS NECESSARY INTERGOVERNMENTAL AGREEMENTS AND ANY FUTURE SUB-AGREEMENTS BETWEEN THE DEPARTMENT AND THE CITY OF SHOW LOW TO IMPLEMENT A COMMUNITY FISHING PROGRAM FOR AN INITIAL PERIOD OF APPROXIMATELY TWO YEARS THROUGH JUNE 30, 2019, AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO APPROVE THE AGREEMENTS AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

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18. Designation of Two New Community Fishing Waters and Off-cycle Request to Amend Commission Order 40

Presenter: Andy Clark, Aquatic Wildlife Assistant Branch Chief

Mr. Clark provided a PowerPoint presentation and briefing on the Department's request to designate two new Community Fishing Waters and amend Commission Order 40: Fish, establishing bag and possession limits within those waters. The Community Fishing Program is proposing to designate two new waters in two new communities. Greenfield Park Lake in Mesa was recently renovated as part of a park improvement project, and the City wishes to add the lake to the Community Fishing Program. The City of Show Low has made improvements to a meadow near Show Low Bluff Trail and wishes to add Show Low Creek to the Community Fishing Program. The Department proposes to establish daily bag limits at Greenfield Park Lake and Show Low Creek that are consistent with the Community Fishing Program pond concept of 2 Catfish, 2 trout, 1 bass (13 inch minimum length), and 5 sunfish. Statewide limits apply to all other species.

Motion: Sparks moved and Zieler seconded THAT THE COMMISSION VOTE TO DESIGNATE SHOW LOW CREEK WITHIN THE MUNICIPAL BOUNDARIES OF SHOW LOW, AND GREENFIELD LAKE WITHIN THE MUNICIPAL BOUNDARIES OF MESA AS COMMUNITY FISHING WATERS WITH DAILY BAG LIMITS OF 2 TROUT, 2 CATFISH,

1 BASS (13 INCH MINIMUM LENGTH), 5 SUNFISH, 1 WHITE AMUR (MINIMUM 30 INCHES IN LENGTH); STATEWIDE BAG LIMITS APPLY TO ALL OTHER SPECIES.

Vote: Unanimous

* * * * *

19. Approve Proposed Translocation of Elk to West Virginia.

Presenter: Amber A. Munig, Big Game Management Supervisor

Ms. Munig briefed the Commission using a PowerPoint presentation on a request by the West Virginia Department of Natural Resources (WVDNR) for translocation of up to 60 elk from Arizona to establish a population in the southwestern portion of the state. The Arizona Game and Fish Department has been involved in an intrastate elk translocation once before when the Commission approved providing elk to the Kentucky Department of Fish and Wildlife Resources. The Department anticipates that elk will be available within Regions 1, 2, 3, or 6 to provide to the State of West Virginia during the upcoming winter and spring. However, due to the vagaries of elk population dynamics, weather, and capture success, a plan to accomplish the proposed translocation effort within 2 years is recommended.

The WVDNR established an Elk Management Area (EMA) in the southwestern portion of West Virginia that borders the elk management zones of both Virginia and Kentucky. The EMA was established through legislation in 2015 and totals about 2,800 square miles. WVDNR's objective is to establish a self-sustaining herd of about 2,500-2,800 elk and allowing for limited hunting opportunity. WVDNR has approached Kentucky Department of Fish and Wildlife Resources, has assisted other eastern states with elk translocations, but they are under obligation to another state and will be for at least two more years. Facing this obstacle but wishing to begin their program, WVDNR worked with the US Forest Service at their Land Between the Lakes facility to relocate 24 elk in December of 2016. This however was a limited opportunity and leaves them in need of another source.

The WVDNR elk management plan calls for translocation of 150-200 animals at two different locations (75-100 at each location) within the EMA. Though a timeline was not established in the plan due to the uncertainty of a source herd, WVDNR would like to complete the releases over the next three to four years. WVDNR may request additional elk from Arizona over the next three to five years to help accomplish this goal. Any future requests will, again, be brought before the Commission for approval.

USDA guidelines for transfer of wild-caught cervids require that the animals be held in the source state for 30 days after captures for disease testing. Following this, WVDNR would hire a professional livestock moving company to complete the transfer to West Virginia. The WVDNR will pay for or reimburse the Arizona Game and Fish Department any cost incurred during the capture, containment, testing, and transfer of all elk. WVDNR would also provide personnel to assist with the capture and subsequent handling during the process. WVDNR has been in contact with the Rocky Mountain Elk Foundation, which is a proponent of this project.

Pursuant to Department Policy I1.2 Game Animal Translocation Procedures, subsection C, translocation of big game animals for population reestablishment requires the approval of the Arizona Game and Fish Commission.

Motion: Zieler moved and Sparks seconded THAT THE COMMISSION VOTE TO APPROVE THE TRANSLOCATION OF UP TO 60 ELK TO WEST VIRGINIA OVER THE NEXT TWO YEARS.

Vote: Unanimous

* * * * *

20. Proposed Commission Orders 5, 6, 8, and 9, for Spring 2018 Hunting Seasons.

Presenter: Amber A. Munig, Big Game Management Supervisor

Ms. Munig presented the Commission with a PowerPoint presentation and briefing on Department recommendations for Commission Orders 5, 6, 8, and 9 (spring turkey, spring javelina, spring buffalo, and spring bear) establishing seasons and season dates, bag and possession limits, permit numbers, and open areas for spring 2018. An open house was held in each region where the public could review these hunt recommendations prior to the Commission meeting. The recommendations were also posted on the Department web site and press releases were provided to let the public know of their availability.

The Commission provided the Department with direction through the hunt guidelines approved in September 2015. The proposed Commission Orders were formulated in accordance with that guidance and any deviation is noted in the species-specific summaries below. The following describes the Department recommendations for Commission Orders 5, 6, 8, and 9 for spring turkey, javelina, bison, and bear:

Commission Order 5 – Spring Turkey

For 2018, spring limited-weapon-shotgun-shooting-shot seasons are recommended to increase by 203 permits statewide for a total of 5,173. Trend or average hunt success in Units 1, 3C, 5B, 6B, 13A, and 13B South was above objectives therefore the recommendation is for permit increases in these; permit decreases are recommended in Units 9 and 22. Most spring seasons permits are recommended during stratified seasons occurring April 27–May 3 and May 11–24 or May 4–24, 2018.

Spring seasons are recommended for Gould's turkeys in Units 29 and 30A, 31, 32, 33, 34A, 35A, and 35B. Gould's turkey permit numbers are recommended at 78, an 8-permit increase from last year. Permit increases are recommended in Units 29/30A and 35A.

The Department recommends no change to permits in the stratified seasons in Unit 13B (north of Wolfhole-Jacobs Well Road) for the Rio Grande subspecies at 2 permits in each hunt.

Nonpermit limited-weapon-shotgun-shooting-shot-seasons for youth-only are recommended in Units 1, 4A, 4B, 5A, 5B, 7, 8, 10, 12A, and 27. These permits would be unlimited in number and

could be purchased over-the-counter. For permitted spring youth-only seasons, the Department recommends 340 permits in Units 3C, 6A, 6B, and 23. This is a 10-permit increase from last year. Season dates for the juniors-only season are recommended to be April 20–26 and May 11–24, 2018.

Over-the-counter permits are recommended for archery spring turkey hunts in Units 1, 4A, 4B, 6A, 12A, 23, and 27. Archery seasons are recommended to occur May 11–24, 2018. Preliminary harvest data for 2017 is not available.

Commissioner Zieler stated that the Hunt Recommendations Committee has reviewed and approved the Department's recommendations.

Motion: Zieler and Davis seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 5 – SPRING TURKEY, AS PRESENTED.

Vote: Unanimous

Commission Order 6 – Spring Javelina

The Department recommends continuing the annual bag limit of 2 for javelina in 2018. The recommended bag limit would allow for only 1 javelina to be taken with a permit for a given hunt number; subsequent permits would only be issued for a separate hunt number.

Permits (percentages) recommended for spring 2018 include 11,830 (42.7%) general, 5,850 (21.1%) HAM, 8,725 (31.5%) archery, and 1,270 (4.6%) youth-only. There are a few archery hunts that continue to have permits unsold after the close of the season despite the adoption of the two bag limit for javelina several years ago. The Department has managed harvest in these units recognizing that a portion of the permits authorized are not expected to be issued. With this recommendation, the Department is re-allocating these unsold permits to general, HAM, or youth hunts where demand is higher. General permits are recommended to increase by 375 permits, HAM by 345 permits, youth-only by 125 permits, while archery permits are recommended to decrease by 750. When considering the 780 fall youth-only permits plus the 695 javelina companion tags to deer hunts authorized by the Commission for fall 2017, this brings the total allocation of youth permits to 9.4% of the total permits recommended.

Archery seasons are recommended to occur during January 1–26, 2017, youth-only seasons during January 27–February 5, 2017, HAM seasons during February 10–20, 2017, and general seasons during February 24–Mar 2, 2017. Over-the-counter permits are recommended for archery hunts in Units 1–5, 7, 9, 11M, 25M, 26M, and 38M. Season dates for Units 1–5, 7, 9, and 11M correspond with other archery javelina season dates of January 1–31, 2018. For Units 25M, 26M, and 38M, the season is recommended to overlap the January and December archery deer over-the-counter seasons and run from January 1-31, 2018 and December 14-31, 2018. A yearlong general season with over-the-counter permits is also recommended for January 1–December 31, 2018 in the Mohawk Valley Hunt Area in Unit 41.

Motion: Zieler moved and Madden seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 6 – SPRING JAVELINA, AS PRESENTED.

Vote: Unanimous

Commission Order 8 – Spring Bison

The Department's recommendation for the 2018 spring bison hunt is as follows: one 52-day general hunt with 25 bull bison only permits, two 10-day general hunts with 12 bull bison only permits in each, one 10-day general hunt with 10 bull bison only permits, two 10-day general hunts with 10 cow bison only permits for a total of 59 bull bison only permits and 20 cow bison only permits. This recommendation is an increase of 6 additional bison permits.

This recommendation changes any bison tags to bull bison only tags and reduces the length of the first spring hunt to 52 days (April 13-June 3, 2018). Conversations with many of the 2017 spring hunters suggests that hunting pressure between January and May likely disturbed bison enough to keep them from using House Rock Wildlife Area more during that winter. Over the last three years, there has only been one bison harvested between January and mid-April.

This recommendation also reduces the length of subsequent hunts from 14 days to 10 days. A recurrent complaint from hunters is that the back-to-back bison hunts in the spring limit a hunter's ability to scout and not disturb the bison being pursued by other hunters. It is important to the Department that the bison remain available to hunters and are not pushed back onto the National Park. Shortening the season to 10 days should allow a scouting period between hunts and not negatively impact hunters or the expected harvest.

No hunts are recommended for the Raymond herd in Units 5A and 5B, as we are on track for replacing this herd with bison from the Wind Cave National Park (WICA) lineage. WICA bison will arrive at the Raymond Wildlife Area in late October this year.

Motion: Zieler moved and Madden seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 8 – SPRING BISON, AS PRESENTED.

Vote: Unanimous

Commission Order 9 – Spring Bear

The Department recommends no changes to most seasons, season structures, female harvest limits, and permits for spring 2018. General bear hunts (Units 1, 2A, 2B, and 2C; 10, 18A and 19B; 17A, 17B, 18B, 20A and 20B; 19A; 22; 23N; 24A; 27; 29 and 30A; 31; 32; 34A; and 35A and 35B [except Fort Huachuca]) and archery (Units 3B and 3C and 33) are recommended as over-the-counter permits for the March 23–May 3 season. Each hunt will have a female harvest limit, and any female bears taken during this time will apply to the annual female harvest limit that if met would close subsequent hunts. The Department recommends individual hunt female harvest limits increase in Units 34A, 35A, and 35B and the annual female harvest limits to increase in Units 23, 32, 34A, 35A, and 35B.

Permitted general bear hunts are recommended in Units 6B (except Camp Navajo) and 33 with 5 permits and a female harvest limit of 1 in each unit. Permitted archery-only bears hunts are recommended in Units 3B and 3C, 4B, 22, 23N, 33, 34A, 35A, and 35B (except Fort Huachuca),

and Fort Huachuca; total permits are recommended at 280. Over the last 5 years, about one third of the bears harvested during this later season are females.

Female harvest limits total 23 for general hunts and 14 for archery hunts (Fort Huachuca harvest limits are a subset of Unit 35A).

Motion: Zieler moved and Sparks seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 9 – SPRING BEAR, AS PRESENTED.

Vote: Unanimous

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21. Hunt Permit-Tag Application Schedule for Spring 2018 Hunts

Presenter: Rachel Gottlieb, Customer Support and Sales Branch Chief

Ms. Gottlieb presented the Commission with the hunt permit-tag application schedule for the spring 2018 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 Sparks seconded THAT THE COMMISSION VOTE TO APPROVE THE APPLICATION SCHEDULE FOR THE SPRING 2018 HUNTS.

Vote: Unanimous

* * * * *

22. Executive Session

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

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

Vote: Unanimous

The Commission had a working lunch during Executive Session.

* * * * *

Meeting recessed for lunch at 12:00 p.m.

Meeting reconvened at 1:30 p.m.

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23. Litigation Report

There were no comments or questions regarding the Litigation Report.

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24. Approval of Minutes and Signing of Minutes

Motion: Zieler moved and Madden seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM MAY 6, 2017, JUNE 5, 2017, JUNE 9-11, 2017 AND JULY 17, 2017.

Vote: Unanimous
4 to 0
Davis not present

The Commission signed the minutes following approval.

* * * * *

25. Commissioner Committee Reports

Chairman Ammons reported on the following: Attended the Big Game Super Raffle where the hard work of this group \$673,000 for wildlife conservation; attended the first combined HPC/LLSRC with the Arizona Cattle Growers Association, which was well attended; attended his fourth HAWGG meeting.

Commissioner Sparks commented that the HPC/LLSRC and Cattle Growers joint meeting was well received; there was good communication and sharing of information and ideas that could lead to more partnerships and opening up of lands for hunting.

Commissioner Madden reported on Fair Chase and asked Jay Cook to report on its progress. The rule review request has been sent to the Governor's Office and we are waiting for a response before starting a public outreach program.

* * * * *

26. Director and Commissioner Comments

Director Gray commented that he has been very busy; he has met with a lot of state agencies and constituent groups including the following:

- Met several times at the Governor's Office on a variety of different topics, including Chief Darwin before he left to go to the EPA, Hunter Moore, Gold Council meetings, Strategic Planning meetings
- Met with the Department of Water Resources, Department of Agriculture, State Land Department, and State Parks

- Met with the Wildlife for Tomorrow Board
- Attended the ASFWC meeting
- Met with representatives with the Navajo Nation and folks from the Big Bo Ranch
- Participated in a conference call with the Forest Service about the TMR issues
- Attended the WAFWA conference in Vail, CO
- Met with the Maricopa County Association of Sheriffs on a recreational access map
- Met with representatives of the ASRPA, specifically the former and incoming presidents
- Attended the Employee Engagement Workgroup
- Attended the joint HPC/LLSRC and Cattle Growers meeting; toured Babbitt Ranches
- Held interviews for the Assistant Director for Field Operations and selected Craig McMullen; conducted interviews for the Region II Supervisor position.

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27. Future Agenda Items and Action Items

Deputy Director Finley captured the following future agenda/action items from this meeting:

- When the Department discusses legislation at the Governor's office, ensure the Legislative Commissioners are invited and present.

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22. Executive Session (continued)

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 Madden seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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

Vote: Unanimous

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Meeting adjourned at 2:50 p.m.

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Saturday, August 5, 2017, 8:00 p.m.

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Field Trip: From 9:00-10:00 a.m. at Patterson Pond in St. Johns, Department staff and St. Johns community leaders provided a tour and discussion of the Patterson Pond Community Fishing Water. The Commission, Department staff and the public learned about the history of the pond and the partnership that allowed the area to be developed into a successful community fishing pond. No legal action was taken by the Commission during the field trip.

These minutes were approved by the Commission at the September 8, 2017 Commission meeting.

A handwritten signature in black ink, appearing to read 'J. Ammons', is written over a horizontal line.

James R. Ammons, Chairman

**Game and Fish Litigation Report
Presented at the Commission Meeting
August 4, 2017**

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

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

On its own motion, the court transferred this case to the same court assigned to *Center for Biological Diversity v. Jewell*, CV 15-00019. Due to ongoing settlement discussions, the federal defendants filed a motion on January 29, 2016, seeking an additional 45 days to file an answer to the complaint. The Commission voted on February 5, 2016, to approve the agreement in principle.

On April 26, 2016, the parties submitted the settlement for court approval and filed a joint motion to enter the settlement. On October 18, 2016, the court issued an order approving the settlement agreement and ordering the parties to comply with the settlement. The settlement requires the FWS to complete a revised Mexican wolf recovery plan no later than November 30, 2017. In approving the settlement, the court also ordered the dismissal of the complaint.

On April 17, 2017, the federal defendants submitted a six-month status report. The report states the FWS will issue a biological report in May and publish a draft recovery plan in June. In July, the FWS will hold four public meetings in Arizona and New Mexico. The FWS will issue the final recovery plan in November 2017.

On June 28, 2017, the FWS issued a draft recovery plan and opened the public comment period until August 29, 2017.

2. *Center for Biological Diversity v. Jewell*, CV-15-00019-JGZ; *WildEarth Guardians v. Ashe*, CV 15-00285. CBD filed its lawsuit on January 15, 2015, alleging violations of the Endangered Species Act ("ESA") and the National Environmental Policy Act ("NEPA"). Plaintiffs contend that the U.S. Fish and Wildlife Service's ("FWS") final revised rule governing the Mexican wolf experimental population, and a research and recovery permit issued under Section 10(a)(1)(A) of ESA impede Mexican wolf recovery and survival. Plaintiffs also allege the final environmental impact statement ("EIS") and a biological opinion associated with the final rule are inadequate. Plaintiffs seek a court order to set aside and remand to the FWS portions of the final rule, the permit and final EIS.

On April 15, 2015, the State of Arizona on behalf of Game and Fish filed a motion to intervene in support of the FWS. At the same time, Arizona filed a motion to dismiss the lawsuit

on the basis the court lacks subject matter jurisdiction. The federal defendants filed an answer to the complaint on April 22, 2015.

On May 12, 2015, the court granted a motion to consolidate a case from New Mexico brought by various livestock organizations and local governments. On May 12, 2015, the court also granted Arizona's motion to intervene and authorized Arizona to file either a motion to dismiss or an answer. On July 20, 2015, the court granted the plaintiffs' motion and granted a motion to consolidate the lawsuit *WildEarth Guardians v. Ashe*, CV 15-00285. On July 23, 2015, the court issued a scheduling order.

WildEarth Guardians filed its lawsuit on July 2, 2015, alleging violations of ESA and NEPA. The plaintiffs contend that the FWS's final revised rule and the research and recovery permit impede Mexican wolf conservation. The plaintiffs also allege the final EIS and the biological opinion associated with the final rule are inadequate. The plaintiffs contend the FWS has a duty to reconsider its decision that the Mexican wolf population is nonessential. The plaintiffs seek a court order to set aside and remand to the FWS portions of the final rule, the permit and final EIS.

On August 7, 2015, the Game and Fish Commission voted to intervene in the WildEarth Guardians case on behalf of the FWS. On December 2, 2015, the court granted Arizona's motion to intervene and ordered the filing of Arizona's motion to dismiss.

On January 8, 2015, the parties filed a joint stipulation to amend the scheduling order to delay the start of briefing an additional 30 days. The parties filed the stipulation to allow the New Mexico District Court to issue an expedited ruling on the motion to transfer *SCI v. Jewell* to Arizona and to consolidate the case with the other Arizona cases challenging the Mexican wolf 10(j) rule. On February 11, 2016, the New Mexico District Court granted the motion to transfer the *SCI* case to the Arizona District Court. On February 26, 2016, the Arizona District Court issued an order consolidating the *SCI* case with the other Arizona cases. On February 23, 2016, the plaintiffs in three of the consolidated cases filed motions for summary judgment.

On March 31, 2016, the court issued an order denying Arizona's motion to dismiss in *CBD v. Jewell*. On April 18, the federal defendants filed a cross motion for summary judgment in *CBD v. Jewell* and on April 25, Arizona filed its cross motion for summary judgment in the same case. On April 25, the federal defendants filed a cross motion for summary judgment in *WEG v. Ashe*, and on May 2, Arizona filed its cross motion for summary judgment in the same case. On May 2, the federal defendants filed a cross motion for summary judgment in *Arizona and New Mexico Coalition v. Jewell*.

On June 20, 2016, the plaintiffs filed responses in opposition to the federal defendants' and Arizona's cross motions for summary judgment. The federal defendants filed replies on July 20 and July 27, and Arizona filed replies on July 27 and August 3. The briefing is now complete and the next step will be a hearing on the summary judgment motions. The court heard oral argument on April 26, 2017.

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

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

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

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

Plaintiffs filed a notice of appeal on August 21, 2013. The Ninth Circuit held oral argument on November 19, 2015, and took the case under advisement. The Ninth Circuit issued a decision on January 12, 2016, reversing the lower court decision dismissing the complaint on the basis of standing. The court found that CBD satisfied the constitutional standing requirements, but the court remanded the case back to the district court to resolve the Forest Service's separate motion to dismiss on the basis CBD failed to allege a legal cause of action. On remand, the district court must decide whether the Forest Service can be held legally liable under RCRA. If the court finds the Forest Service is not liable as a "contributor" to causing harm to the environment, then the court will need to dismiss the case for failure to state a claim.

The district court held a status conference for April 18, 2016. The court agreed to resolve the pending motions to intervene filed by NRA, SCI and NSSF, and then take up the Forest Service's motion to dismiss for failure to state a claim. On June 10, 2016, the court granted NSSF's, NRA's and SCI's motions to intervene. On July 21, 2016, the court granted the parties' stipulated motion to set a briefing schedule on the motions to dismiss. The federal defendants and intervenor NSSF filed their motions on August 12, 2016. The NRA and SCI will file their motions to dismiss by August 26, 2016. The parties have completed briefing the motions to dismiss and now await a hearing or a decision from the court.

On March 15, 2017, the district court issued an order granting the motions to dismiss. The court on its own volition decided the case could not proceed because CBD was only seeking an advisory opinion and did not meet the Constitution's Article III requirement of establishing an actual case or controversy. The court concluded that CBD's requested relief for an order that the Forest Service exercise its discretion to abate the harm from lead ammunition would be nothing more than the court's recommendation to the Forest Service. According to the court, an order that only recommends action would constitute an advisory opinion. Even if the court were to find the Forest Service in violation of RCRA, the court could not compel it to take action to stop

the violation. CBD has sixty days from the date of the court's order to file a notice of appeal.

CBD filed a notice of appeal on April 20 2017.

4. *Holden and Guynn v. Arizona Game and Fish Commission*, Maricopa County Superior Court CV 2014-013211 (filed October 14, 2014). The Plaintiffs, whose Title 17 criminal charges were dismissed by the justice court (Guynn) or resulted in an acquittal following a justice court bench trial (Holden) were separately civilly assessed by the Commission for the loss of wildlife to Arizona. The Plaintiffs, who have not paid their civil assessments, filed their suit against the Commission after they were denied the right to purchase hunting licenses and big game tags.

The superior court denied the State's Motion to Dismiss, stating that the language and legislative history of A.R.S. §17-314 only authorizes the courts of this state to assess civil damages for the loss of wildlife to the state. The Commission has directed the AGO to file suit in the superior court to collect civil damages from Holden and Guynn. On September 26, 2016, the AGO filed an action against Guynn (CV 2016-015578) and a separate action against Holden (CV 2016-015579). **The superior court granted the motion of AGO to dismiss Holden and Guynn's suit (CV 2014-013211) as moot.** Judge Brodman then assigned the *State v. Holden* case to mandatory arbitration (No developments have occurred in the *State v. Guynn* case, as Guynn is allegedly deployed overseas with the Department of Defense). **So far, the two arbitrators appointed by the superior court to hear the case have recused themselves. The parties will now ask the superior court to appoint yet another arbitrator.**

5. *WildEarth Guardians et al. v. United States Forest Service*, 3:16-cv-08010-PCT-PGR. This suit, filed January 25, 2016 by WildEarth Guardians, Grand Canyon Wildlands Council and the Sierra Club, seeks a ruling that the Forest's travel management decision on the Williams, Tusayan and Kaibab Ranger Districts allowing motorized retrieval of legally-harvested big game (elk and, for the Kaibab, elk and bison) during designated hunting seasons violates the Forest's Travel Management Rule, NEPA, and the National Historic Preservation Act. The suit also seeks injunctive relief enjoining Forest from allowing motorized big game retrieval until the Forest "can demonstrate compliance with federal law". The Department, along with Safari Club International, filed motions to intervene. The Plaintiffs and the Department of Justice did not oppose the motions. At the AGO's request DOJ forwarded the Forest's administrative record. Department staff have reviewed it to ensure all written submissions of the Department are included in the record. **All parties have completed their motions and cross-motions for summary judgment. The Court has not yet set the matter for oral argument.**

6. *Dennis G. Scarla v. Arizona Game and Fish Commission*, Maricopa County Superior Court LC2017-000019-001 (filed Jan. 23, 2017). Dennis Scarla filed a notice of appeal challenging the Commission's order revoking his license to hunt, fish, and trap in the state and denying him the privilege of obtaining a new license for a period of five years. Mr. Scarla asserts that the Commission should not have imposed the statutory-maximum five-year ban on him because this was his first offense. The Department received notice of the appeal on March 10, 2017, and Mr. LeSueur entered a notice of appearance on behalf of the Department and Commission on March 26, 2017.

Commission Priorities Report

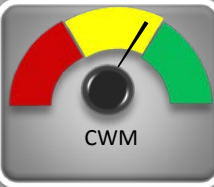
August 4, 2017



FY17: Target of 200,000 acres secured for access: secured 120,239 new acres, 4.45 million acres for Program total; Target of 5,000 Volunteer hours: 5,947 hours coordinated, contributing \$83,100 in value to the Department; Target 3 outreach efforts on Access Program targeting sportsmen: 6 for year.



Over 9,000 PointGuard Purchases during Fall Draw. Exceeded 110,000 Portal Memberships by FY17 Year End, exceeding the target by 10%. Currently, 118,895 Portal Memberships. Sportsmans Re-Write underway. This will result in a Customer Database that will support ongoing Marketing efforts.



Hunter questionnaire improvement in process. Survey tool used for all pronghorn surveys. Phone survey tool in beta testing. Survey and Hunter Questionnaire Summary data tools in progress. Beta version of the Hunt recommendation model nearly complete.



The projects module in the Wildlife Land and Water (WLW) database has been completed. Regional staff have received individual log in credentials to begin tracking the projects, and have been instructed to begin inputting projects into the WLW application.



856,198 lbs in 129 locations far exceeds our goal of 610,000lbs in 122 locations. The Department exceeded our goals in large part due to the community fishing waters and stocking numbers expansion as well as the "250,000 more reasons to go fishing" campaign.



On July 1, staff began work on projects from 2017 EEC. From the 2016 EEC, employees have completed 43 ideas; 7 exhibit significant progress; 13 exhibit slow progress but expect to be accomplished on time. Additionally, some work has started on the Category 3 (Next 5 years) ideas. Planning for 2018 EEC has begun.



The Fair Chase Committee reviewed submersible fishing drone technology and determined it didn't pose a fair chase issue. MODT: Law Branch is developing a process to allow officers to submit citations electronically for data entry. This will save time, reduce errors, improve efficiency and reduce cost.



"Quarter-million fish" campaign a success; Chairman Ammons' op-ed on Bison distributed; Merger of social media pages continues; Info. staff won 4 awards from Association for Conservation Information; Ended FY17 with 1.6 million engagements, or 231% of target.



"1/4 Mil. Reasons to Fish" campaign delivered 9633 online fishing licences. Two partnered AZ Get Outdoors Expos generated new leads, funded cost recovery, license and hip stamp sales, leveraged fish campaign and initiated dove season campaign. Piloted new complex collaborated R3 and marketing efforts.



FY17: TARGET of 500,000 acres restored: 1,002,004 acres restored; TARGET to secure \$1 million in external funding: ~2.4 million secured for our priorities; Target of 6 aquatic restoration projects: 6 complete. TARGET to Engage in 2 federal planning activities per quarter: met; TARGET of 20 catchments: 33 complete.



WILDERNESS ISSUES: Cherry Cr Rd.; de facto wilderness; Wildlife Mgt in W.A.s. MONUMENT E.O.: Comments sent to DOI. WOLF: Reviewing draft Rec. Plan. BURROS: Data gathering in process. COLORADO RIVER: Working with DOI/BOR on fish stockings.