

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, April 7, 2017
Saturday, April 8, 2017
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
Assistant Attorney General John LeSueur

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 Officer Houston James Largo who was recently killed in the line of duty; Former astronaut and Congressman John Glenn for his final internment; and former Game and Fish employee, Steve Galiziolli, who recently passed away at the age of 92.

The Commission introduced themselves followed by introductions of the Director and the Director’s staff. This meeting followed an agenda revision #1 dated April 5, 2017.

Awards and Recognition

Mike Ingram with the Shikar Safari Club International Foundation, presented Wildlife Manager Darren Tucker with the 2016 Shikar Safari Wildlife Officer of the Year Award. Each year this award is presented to conservation officers in all 50 states. The award recognizes officers for their outstanding performance and dedication to protecting and preserving wildlife.

Chairman Madden presented a Commission Certificate of Appreciation to Department employee and Financial Analyst Cari Mausling in recognition of her leadership, excellence and dedication to the Department’s Budget and Accounting Branch.

Director Voyles presented Information Systems Branch Chief Doug Cummings with a Certificate of Appreciation in recognition of his leadership and innovation in the development and implementation of the Department’s Business Enterprise.

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1. Call to the Public

John Spear, President of Western Wildlife Alliance, addressed the Commission via video teleconference from Region I Pinetop regarding mule deer north of the Grand Canyon. He would like to see an archery only hunt rotated in the Units there, and he would like to see doe hunts on the Kaibab reduced or eliminated until further studies are done.

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

a. Approve Cooperative Agreement with the Yavapai Prescott Indian Tribe

Presenter: Scott Poppenberger, Kingman Regional Supervisor

The Arizona Game and Fish Department (Department) desires to work with the YPIT to facilitate specialized training for the YPIT Police Department’s Conservation Officer position. The Cooperative Agreement provides framework for coordination between the YPIT and Department which will lead to training opportunities being offered to the YPIT PD related to Conservation Law Enforcement. The Department regularly hosts this type of training for Department Wildlife Manager Trainees and officers from other agencies who have graduated the police academy. Offering this training to an officer with the YPIT PD will come at almost no extra cost to the Department as our training is already scheduled.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE AGREEMENT WITH THE YAVAPAI PRESCOTT INDIAN TRIBE.

b. Approve Renewal of an existing Arizona State Land Department Right-of-Way at Wenima Wildlife Area

Presenter: Joyce Francis, Habitat Evaluation and Lands Branch Chief

The Commission currently holds an Arizona State Land Department Right-of-Way (ROW) associated with the Wenima Wildlife Area that provides legal public access to the property. This ROW is set to expire on May 29, 2017, therefore, the Region is requesting that the Commission approve renewing the ROW for an additional 10 year period.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE RENEWAL AN EXISTING ARIZONA STATE LAND DEPARTMENT RIGHT-OF-WAY AT THE WENIMA WILDLIFE AREA, AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

c. Approve Renewal of Road Closure on State Trust Land Approximately Four Miles West of Eager, Arizona

Presenter: Al Eiden, Landowner Relations Program Supervisor

Wink Crigler, of the X Diamond Ranch in Unit 1, has requested the renewal of a closure to vehicular access which was granted by the Arizona Game and Fish Commission, with concurrence from the Arizona State Land Department, in 2002 and subsequently renewed in

2007 and 2012. This closure addresses an unnamed two-track road, 0.35 miles in length, which crosses the Little Colorado River and proceeds to the Old Walton Place (a historic building). The closure has been very effective in reducing stream bank erosion at the river and resource damage to the riparian habitat and floodplain from off-road vehicles. The closure has also reduced the issues with vandalism at the historic building. The Department is aware of no complaints regarding the closure. Hunters, fishermen, and other outdoor recreationists still use the area in its "foot access only" form. Regional personnel and the Arizona State Land Department support renewal of this closure for natural resource protection.

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

d. Approve Renewal of Road Closures on State Trust Lands of the Perrin Ranch, North of Williams, Arizona

Presenter: Al Eiden, Landowner Relations Program Supervisor

Michael Macauley has requested the renewal of closure on multiple unnamed roads on State Trust lands to vehicular access; this closure was originally granted by the Arizona Game and Fish Commission, with concurrence from the Arizona State Land Department, in 2007. The two-track roads are dispersed over the Perrin Ranch, which is located approximately seven miles north of Williams, Arizona. This closure is part of a Landowner Compact agreement and road management plan for the protection of soil, watershed, vegetation, and wildlife habitat while maintaining reasonable alternate public access.

Much recreational use occurs on the Perrin Ranch year-round. During hunting season, an average of over 500 vehicles per month uses the ranch. This closure has helped manage this high use while still allowing adequate vehicular access on the ranch. These closed roads are interior two-track roads that originate off the 3 major roads, which continue to provide access throughout the 64,000-acre ranch. The closure includes some wildcat roads, some roads created by past wood cutting operations, and certain ranch roads which provide alternate access points to the roads that Mr. Macauley wants to restrict vehicular access on. Most of these old roads are closed by means of informative signs; six roads were ripped and are being restored to their natural state.

Non-motorized access will be allowed on all of the closed roads. Furthermore, vehicular access for the purpose of game retrieval will be allowed on all of the closed roads except for the six roads which are being rehabilitated. The Arizona State Land Department supports this closure.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE RENEWAL OF ROAD CLOSURES ON THE PERRIN RANCH FOR RESOURCE PROTECTION.

e. Approve Renewal of a Road Closure on State Trust Land Approximately Fifty-five Miles Northwest of Prescott, Arizona

Presenter: Al Eiden, Landowner Relations Program Supervisor

Swayze McCraine of the 7-Up Ranch has requested the renewal of a closure to vehicular access which was granted by the Arizona Game and Fish Commission, with concurrence from the Arizona State Land Department, in 2012. The closure allows for locking an existing gate which is located approximately 1/3 mile south of the ranch's deeded land at Halfway House. Although Mr. McCraine allows access through various portions of his deeded property, he desires to restrict vehicular access at this particular gate because it prevents the buildings at Halfway House, which are often unattended for multiple days, from being seen from the roadway, thereby reducing the likelihood of vandalism and theft, which has been an issue in the area.

The issue relates to wildlife management in that another option for the ranch to protect their buildings would be to fence and post their deeded property. If the access routes through the parcels of private land were lost, it would deny recreational users vehicular access to over 30,000 acres of State and Federal lands. The ranch has cooperated with the Department on several habitat improvement projects in the past and it is one of the best areas in GMU 18B for wildlife such as deer, antelope, bear, and mountain lion.

There is not much to gain by having this gate unlocked; the road only continues on state trust land for approximately 1/3 mile before it reaches the private land boundary. Non-motorized access by properly permitted recreationists would continue to be allowed at this gate. Regional personnel and the Arizona State Land Department support this closure for wildlife management and good landowner relations.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE REQUEST TO RENEW A ROAD CLOSURE ON STATE TRUST LAND APPROXIMATELY FIFTY-FIVE MILES NORTHWEST OF PRESCOTT.

f. Approve Renewal of the Forage Resource Study Group Selective Road Closures on State Trust Lands in Coconino County

Presenter: Al Eiden, Landowner Relations Program Supervisor

The Forage Resource Study Group (FSRG) is a diverse group of agency, resource user group, and landowner representatives who convene periodically to develop resource management strategies within their area of interest. The subject area consists of Arizona Game and Fish Management Units 5A and 5B, near Flagstaff. In 1996, the FRSG filed a petition with the Commission requesting road closures within these units for the protection and enhancement of soil, watershed, vegetation, and wildlife habitat while maintaining reasonable alternate public access. The FRSG developed the road closures in conjunction with a Road Management Plan (Plan) as one element in a holistic approach to resource management. Initially heard at the September 1996 meeting, the Commission reviewed the proposal and directed the FRSG to facilitate a compromise with public users who raised objections to specific road closures. User groups and organizations were contacted by the FRSG to identify potential concerns, and the FRSG worked cooperatively with the individuals who responded. Their issues focused primarily on hunting access, and were successfully resolved. The Commission unanimously approved the closure in December 1996 and then has since renewed it in 2002, 2007, and 2012.

The time period for the closures has expired once again. Involved parties believe that the objectives outlined in the Plan are being met, and there has been public acceptance of the

designated access routes. Rehabilitation of closed roadways has been successful while ensuring hunter and recreation access. The parties have requested that the designated closures continue for another five-year period to allow further progress towards the stated goals and objectives.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE RENEWAL OF THE FORAGE RESOURCE STUDY GROUP ROAD CLOSURES WITHIN GAME MANAGEMENT UNITS 5A AND 5B FOR RESOURCE PROTECTION.

Motion: Davis moved and Zieler seconded THAT THE COMMISSION VOTE TO APPROVE ITEMS A, B, C, D, E, AND F 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

53rd Legislature, 1st Regular Session

- Days of Regular Session: 89
- Bills Posted: 1057
- Bills Passed: 151
- Bills Vetoed: 3
- Bills Signed: 138

FY18 Budget

- No action yet. The Department continues to monitor and respond to questions about the Department's budget

Commission Legislative Agenda

S 1154: G&F Omnibus: Provisions: Update personal Floatation devices (PFD) to current US Coast Guard standards; Wildlife Theft Prevention fund – expands investigations to include hunting & fishing fraud, unlawful take and unlawful possession of wildlife; Youth Big Game Tag transfer allows youth receiving transferred tag to hunt under same regulations that govern all youth hunts.

- Passed House:45-14; Signed by Governor March 14

Other Bills of Interest

S 1285: In Lieu Fee; Trust Fund: Provisions: Allows the Commission the ability to transfer ILF funds into an equity account to gain sufficient interest for long-term O&M of mitigation projects

- Passed House Energy, Environment & Natural Resources Committee 9-0 amended; Next: Back to Senate for final vote on amended bill

HB 2535: Concurrent criminal jurisdiction; Goldwater range. Provisions: Removes the sunset date of December 1, 2017, for concurrent criminal jurisdiction of the Barry M. Goldwater Range. Concurrent criminal jurisdiction enables federal law enforcement officers to enforce both federal and state laws on federally owned property.

- Passed Senate 29-0, Signed by Governor March 29

SCM 1004 : Urging Congress; Hunting & Angling; Provisions: Urges Congress to: respect the historic and current use of Arizona's recreational areas by sportsmen and sportswomen; supports the time-honored Arizona traditions of hunting and angling, the very backbone of conservation; and respects the administration of wildlife conservation through the sound science delivered by AGFD and science-based policies developed by the Game & Fish Commission.

- Passed House Energy, Environment & Natural Resources Committee 6-3; House COW approved with amendment; Next: Final House floor vote

The Department recommended that the Commission vote to support SCM 1004.

Motion: Davis moved and Sparks seconded THAT THE COMMISSION VOTE TO SUPPORT SCM 1004.

Vote: Unanimous

Congressional Update

HJ Res 44: Halts BLM Planning Rule 2.0. Provisions: Disapproves the rule relating to BLM regulations that establish the procedures used to prepare, revise, or amend land use plans pursuant to the Federal Land Policy and Management Act of 1976.

- Passed House & Senate and signed by President

HJ Res 69: Provisions: Halts US Forest Service rule restricting state hunting & wildlife management in National Wildlife Refuges in Alaska

- Passed House & Senate and signed by President

S. 733: Protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes

- Passed Senate Energy and Natural Resources Committee by voice vote on March 30

S 733 is intended to address one of the primary concerns of sportsmen – a lack of access to enough places to hunt, fish, and shoot.

Provisions:

- A declaration of national policy that federal agencies will facilitate hunting, fishing, and recreational shooting on public lands

- A requirement that national forests and Bureau of Land Management lands will remain open to hunting, fishing, and recreational shooting unless closed for good cause
- A program to provide better public access to inaccessible parts of our public lands
- Permanently reestablishes a western "land exchange" program to use sale proceeds from Bureau of Land Management disposal lands for high priority conservation and public access lands
- Formalizes the Wildlife Hunting Heritage and Conservation Council, which advises the Secretaries of Interior and Agriculture on wildlife and habitat conservation, hunting, and recreational shooting
- Authorization for agencies to permit shooting ranges on non-conservation public lands
- New ways to fund public shooting ranges, which are in short supply in many areas
- Allows bows and crossbows to be safely carried through national parks
- A program to provide the public with more information about federal lawsuits
- Language that makes it easier to film on public lands
- (Sec. 502) Wildlife Management in Parks Use of Qualified Volunteers – allows the Secretary to use volunteers to assist in carrying out wildlife management in a National Park; Distribution and donations of meat from wildlife management activities
- (Sec. 603) State Authority for Fish and Wildlife - Authorizes the Secretary of Agriculture or the Secretary to allow hunting and fishing on National Parks/ Federal Land.

The Department recommended that the Commission vote to support S 733

Motion: Zieler moved and Sparks seconded THAT THE COMMISSION VOTE TO SUPPORT S 733.

Vote: Unanimous

Commissioner Davis stated that he will be asking the Department later, in regards to tags for bison on the National Parks, to identify the numbers and objectives related to bison hunts in the future that would be incorporated into the Park, so that when that opportunity presents itself, the Department will be prepared post haste to manage the bison herd that runs on in and out of the Park.

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4. Threatened and Endangered Wildlife Briefing

Presenter: Jim deVos, Assistant Director, Wildlife Management Division

Mr. deVos provided a PowerPoint presentation and briefing on the Mexican wolf recovery program that included an update on actions the Department has taken since the December Commission meeting to accomplish the direction provided by the Commission at the August 5, 2014 Commission Meeting and at subsequent Commission Meetings. The presentation included an overview of the following:

- Genetic Diversity and Recovery
- Cross-fostering Success
- Habitat Suitability

- Recovery in Mexico
- Clarifying Historical Range
- The Science of Recovery
- The Department's Role
- Continued Path to Recovery

The Commission discussed the lone Mexican wolf that recently came north from Mexico across the US-Mexico border and the multi-agency coordination and effort that allowed the wolf to be quickly captured. Discussion included another Mexican wolf that previously came up into Texas. That wolf returned to Mexico on its own. A Mexican wolf in Texas has full endangered species protection making capture extremely difficult. The Department has been encouraging Texas to participate in the recovery program.

Public Comment

The following members of the public addressed the Commission regarding the Department's Mexican wolf recovery program. Comments included that the Mexican wolf reintroduction area should include north of the I-40 and the Grand Canyon area, and that the Mexican wolf should be able to roam and breed with wolves coming down from the north and up from Mexico. Several commented that adult captive-bred wolves and packs should be released for the purpose of genetic diversity and to more quickly increase populations, and that cross-fostering wolf pups was not sufficient to ensure a healthy and viable population.

- Kristen Wolfe

Via video teleconference from Region II Flagstaff

- Amy Knudsen, Grand Canyon Wolf Recovery Project
- Annette Sunda, Grand Canyon Wolf Recovery Project
- Debby DeWolfe, Grand Canyon Wolf Recovery Project
- David Spence, Grand Canyon Wolf Recovery Project
- Emily Renn, Executive Director, Grand Canyon Wolf Recovery Project

Via video teleconference from Region V Tucson

- Jody Inman

Mr. deVos responded to comments made about the I-40 boundary of the Mexican wolf recovery area. The Mexican wolf gene pool is relatively small and that is the purpose of not expanding Mexican wolves north of the I-40. The northern wolves are larger and more genetically diverse and if a casual expansion of the range and breeding with the northern wolves occurred, we would very quickly have genetic swamping and not have any Mexican wolves. This is about conserving the *baileyi* sub-species and an infusion of the northern species into the population would be counter to wise conservation of the Mexican wolf. In regards to release of adult captive-bred wolves, when these naïve wolves are released, they tend to get into trouble and intensify an already socially charged issue regarding Mexican wolf reintroduction. Mexican wolves born in the wild and cross-fostered pups tend to stay in the wild.

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

Meeting reconvened at 10:20 a.m.

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

Presenter: Gene F. Elms, Law Enforcement Branch Chief

Mr. Eh K. Htoo has requested a rehearing regarding the revocation of his license privileges. On September 29, 2016, Mr. Htoo was convicted in the Flagstaff Justice Court for hunt without a valid license, take wildlife with the aid of artificial light, take wildlife with the aid of a vehicle, and possess unlawfully taken wildlife. On March 3, 2017, the Commission revoked Mr. Htoo'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. Htoo has requested a rehearing of this matter and decision because he was unable to attend the March meeting because of work and family matters. Mr. Htoo feels his punishment was excessive and would like the opportunity to speak to the Commission. Mr. Htoo has been notified of the hearing to consider his request by certified mail. The Commission was provided with all related documents and information regarding this case prior to this meeting for review and consideration.

Agenda items #8 and #9 were addressed at the same time. See item #9 for Commission action.

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

Presenter: Gene F. Elms, Law Enforcement Branch Chief

Mr. Eh T. Htoo has requested a rehearing regarding the revocation of his license privileges. On September 29, 2016, Mr. Htoo was convicted in the Flagstaff Justice Court for take wildlife with the aid of a vehicle, take wildlife with the aid of artificial light and possess unlawfully taken wildlife. On March 3, 2017, the Commission revoked Mr. Htoo'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. Htoo has requested a rehearing of this matter and decision because he did not understand the hearing process and feels his punishment was excessive. Mr. Htoo was been notified of the hearing to consider his request by certified mail. The Commission was provided with all related documents

and information regarding this case prior to this meeting for review and consideration.

Mr. Elms stated that the Department's Education Branch has provided an interpreter for Mr. Eh K. Htoo and Mr. Eh T. Htoo for today's meeting. When the Department talked to the Htoo's initially, they were very interested in completing the Hunter Education Course, so the Department's Education Branch has agreed to pay for an interpreter to help them complete the course.

Mr. Eh K. Htoo and Eh T. Htoo were present and addressed the Commission with the assistance of the interpreter provided by the Department's Education Branch. The Htoo's would like to complete the Hunter Education Course and not have their licenses suspended.

The Commission discussed with Mr. Odenkirk potential options and stipulations for requiring the completion of the Hunter Education Course as it relates to granting, denying, or postponing this rehearing request.

Motion: Ammons moved and Davis seconded THAT THE COMMISSION VOTE TO POSTPONE THIS HEARING UNTIL MR. EH K. HTOO AND MR. EH T. HTOO COMPLETE THE HUNTER EDUCATION COURSE, AND AT THAT TIME THEY CAN COME BACK TO THE COMMISSION WITH THEIR REHEARING REQUEST.

Vote: Unanimous

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10. Hearing on appeal of Lynn Northern-Spanganberg's denial of Wildlife Holding Licenses to possess an African Serval cat for commercial photography and educational purposes.

Presenter: Linda Pollock, Assistant Attorney General

Ms. Pollock presented an appeal by Lynn Northern-Spanganberg the denial of Wildlife Holding Licenses to possess an African Serval cat for commercial photography and educational purposes. In a letter from the Department dated January 26, 2017, the Department denied the application of Lynn Northern-Spanganberg for wildlife holding licenses for an African Serval cat on the grounds that the applicant is not an educator certified by the Arizona Department of Education, failed to provide a business name and federal tax identification number and failed to demonstrate that the cat will be photographed or displayed without posing a threat to the public. Ms. Northern-Spanganberg has timely filed an appeal of this decision pursuant to R12-4-409(F)(4).

The Commission, as a self-supporting regulatory board, may elect to either conduct the hearing or contract with the Arizona Office of Administrative Appeals to conduct the hearing for the Commission. A.R.S. § 41-1092.01(E). The Commission retains its authority to make the final administrative decision on the appeal by accepting, modifying or rejecting the administrative law judge's decision. A.R.S. § 41-1092.08.

Ms. Pollock added that the attorney for Ms. Spanganberg intends to call witnesses and introduce exhibits, and it is anticipated that the hearing will take at least a full day.

Motion: Sparks moved and Ammons seconded THAT THE COMMISSION VOTE TO ALLOW THE DEPARTMENT TO HIRE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR THE APPEAL OF LYNN NORTHERN-SPANGANBERG ON THE DENIAL OF LICENSES TO POSSESS AFRICAN SERVAL CAT.

Vote: Unanimous

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11. Presentation on Audubon Arizona's Conservation and Education Activities in Partnership with the Arizona Game and Fish Department.

Presenter: Josh Avey, Chief, Terrestrial Wildlife Branch

Mr. Avey introduced Sonia Perillo, Vice President and Executive Director of Audubon Arizona. Ms. Perillo provided a PowerPoint presentation and briefing on conservation and education programs offered in partnership with the Arizona Game and Fish Department throughout the State of Arizona. Tice Supplee, Director of Bird Conservation with Audubon Arizona and former Arizona Game and Fish Department employee, provided a briefing on Arizona's Important Bird Areas. Ms. Supplee presented to the Commission a copy of a publication dated May 4, 1916 Arizona Bird Day Annual published by the Arizona State Game Department of that time, which was prior to the creation of the Arizona Game and Fish Commission.

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

Presenter: Ty Gray, Deputy Director

Mr. Gray 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 and is a professional, results-driven management system that focuses on customer value and vital mission outcomes for citizens. The system is based on principles of Lean, a proven people-centered approach that has delivered effective results in both public and private sectors. Lean focuses on customer value, identifying waste, continuous improvement and engaged employees to improve productivity, quality and service.

Mr. Gray's presentation included an update on the Department's scorecard metrics and breakthrough improvement projects. The following successful projects were highlighted:

- Ceased credit card call backs
- Stopped mailing hard copy DOM updates
- Reduced Post Academy Training for cadets by 22%, over 50% for FTOs
- Stopped late night curb side service on dead-line day
- Officer side-arm replacements at significantly reduced cost
- Computer virus scans done after hours

Commissioner Davis asked about promoting hunt/fish licenses to non-hunters and non-anglers as a way to help fund and support wildlife conservation. Even though they may choose to not be in the field, they may want to purchase a license to support wildlife conservation.

Mr. Guiles stated that the Department has been integrating components into moving forward in regards to Commissioner Davis' question and will be bringing a presentation to the Commission in August with some of those ideas and metrics.

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17. 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 1:00 p.m.

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12. Petition by Mr. John Mullen and Mr. Ted Hamilton to Amend R12-4-414 Game Bird License.

Presenter: Jarrod McFarlin, Field Operations Coordinator

The Commission considered petitions by John Mullen and Ted Hamilton to amend R12-4-414. Mr. Mullen and Mr. Hamilton believe the current Game Bird License (Field Training) application and reporting requirements are overly burdensome. The requested amendments are as follows:

- Issue a Game Bird Field Training license that is valid for one-year
- Allow the applicant to provide a general location where activities will take place as opposed to a specific location
- Require only one application when multiple locations will be used
- Repeal the annual reporting requirement.

Mr. McFarlin briefed the Commission on the Department's standard five-year review of Article 4, which last occurred in 2015 and included Special Licenses. During the review it was determined that game bird licenses could be combined into one over-arching rule to reduce the burden to the users. This was done because data indicated most applicants held multiple game bird licenses authorizing the different game bird activities. As a result, these activities could be

offered using one application for multiple activities.

One of the licenses within this over-arching rule is the Game Bird Field Training license. This free license allows a person to train a dog or raptor to hunt pen reared game birds. Historically, this license required a separate application for multiple locations, had been valid for one year and allowed the release of birds in a general area based on township and range. The rule also required the Department to deny the license when: 1) The applicant proposes to release game birds at a location where an established wild population of the same species exists; 2) The release of the game birds interferes with wildlife or habitat restoration programs; and 3) The release of game birds takes place during nesting periods of upland game birds or waterfowl that nest in the area.

Recognizing there was a potential health risk to native wildlife populations due to the limited oversight on where and when pen reared birds were being released on the landscape, the team changed this license to “no more than 10 consecutive days”; however, this change does not prevent a user from purchasing multiple 10 day licenses. Changing the location requirements from township and range to GPS coordinates was determined to simplify the process for the user as GPS coordinates are easier to acquire with today’s technology. The team also added a reporting requirement that is consistent with all other special licenses and in this case, allows the Department the ability to track released birds versus retrieved birds as well as training days per area. It was ultimately determined that issuing a license that is valid for a full year circumvents the Department’s ability and responsibility to manage wildlife and not requiring a report detracts from its ability to make wildlife management decisions based on real data.

Mr. McFarlin stated that the regular five-year rule review process for Article 4 will begin in January of 2018, and that Mr. Mullen and Mr. Hamilton’s comments will be added to the review process.

Commissioner Zieler confirmed with Mr. McFarlin that there had been no negative impacts to wildlife prior to the rule change and that the rule change was made in order for the Department to have better tracking of releases and locations and to be proactive in avoiding impacts to wildlife.

Commissioner Ammons discussed with Mr. McFarlin that a person can get as many 10-day permits at one time as desired that could cover the whole year. A person could potentially get 32 10-day licenses, indicating specific areas and specific timeframes, and would not have to come back for another license for a whole year.

Commissioner Zieler discussed with Mr. McFarlin that one of the issues with the rule is that the person has to provide a specific location for each 10-day permit.

Public Comment

Ted Hamilton, President of Grand Canyon Chapter of the North American Versatile Hunting Dog Association, addressed the Commission in opposition to the current new rule. He is a concerned hunter, dog owner and trainer. He trains once a month or as often as he can. To stay in compliance, he would have to get 10-day permits for the entire year for 3-4 locations; that would amount to 104 permits for the year that he would have to get and the Department would have to process. Permits take time and the applications are confusing with many sections that

don't pertain to each applicant. Captive birds don't survive long in the wild and he doesn't see a threat to native wildlife. He doesn't believe accurate logs will be submitted by bird dog hunters which negates the Department's attempt for better tracking. The hoops to jump through are excessive.

The Commission asked Mr. Hamilton several questions and discussed how this rule affects him personally and whether or not the new rule was really this much different than it was previously.

Commissioner Davis discussed with Mr. McFarlin and Information Systems Branch Chief Doug Cummings regarding electronic capabilities for applying for these licenses online.

Mr. Cummings stated that the Department anticipates these licenses being available online by 2018.

Commissioner Davis discussed with Mr. Odenkirk whether the Commission had the authority to go back to the previous procedure until online capabilities were available.

Mr. Odenkirk stated that the Commission does not have that authority and would need to go through a rulemaking to suspend the existing rule.

Director Voyles stated that an enforcement directive regarding how this rule would be enforced during an interim period could be an option.

Mr. Odenkirk recommended an Executive Session discussion on this issue.

Commissioner Zieler asked how long it took a person to get the license after it was applied for.

Mr. McFarlin stated that it takes about 30 days, which is about the same amount of time as it was before.

Public Comment

John Brent Mullen, bird dog trainer and Secretary of the Grand Canyon Chapter of the North American Versatile Hunting Dog Association, addressed the Commission and requested an amendment to the R12-4-4114 Game Bird License Application. The application is now three pages long when it used to be one; there are numerous reasons for the need to be flexible and relocate at a moment's notice; and annual report to identify and recap every bird by species and location, date obtained, source of all game birds and date obtained, and disposition of all game birds by location is a tremendous burden to put on the public. He does not believe the average dog handler will comply with the annual report and thus not be eligible for the game bird license the following year.

Jim Cassara, bird dog owner, citizen and hunter, expressed his support of Mr. Hamilton and Mr. Mullen's comments. Mr. Cassara submitted more detailed comments to the Commission by mail and email prior to this meeting for consideration. Mr. Cassara encouraged the Commission to modify the rule as requested.

Commissioner Zieler discussed with Mr. Cassara that in his review of the issues, he is struggling to see where there is very much difference in the rule and the application as it was previously.

Commissioner Davis discussed and clarified with Mr. McFarlin that the permits for different regions must be acquired from the Department's Regional Offices for that region. So if a person wants to train in three different regions they will have to apply three times, one at each of the three different regional offices. He can see where this is not customer friendly, but he can also understand why the Department needs to track for scientific purposes. If online applications were available, he would see this as a happy medium, so maybe this new rule should be instituted when it is available online.

Director Voyles recommended that the Commission go into Executive Session for legal advice on potential alternatives and options.

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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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12. (continued) Petition by Mr. John Mullen and Mr. Ted Hamilton to Amend R12-4-414 Game Bird License.

Presenter: Jarrod McFarlin, Field Operations Coordinator

Public Comment

Ed Rucker, Top Knot Outfitters, LLC and member of Grand Canyon Chapter of the North American Versatile Hunting Dog Association, addressed the Commission. The rule does not allow for flexibility and "spur of the moment" decisions to train dogs as opportunities arise. He agrees that an online application would resolve a lot of the issues. Cost to the Department for paper application processing should be a concern as well.

Rich Williams, Quail Forever member, questioned the proactive gathering of data and whether it was worth it. Additionally, this all seems overly complicated and is another barrier to hunter recruitment and retention.

Commissioner Davis stated that he is going to make a motion to deny the petition and instruct the Department to begin out of cycle rulemaking. If the Commission supports his motion, then the rule will stay in place during the rulemaking process, but during the rulemaking process, the

Department can have dialogue with its constituents to get to a rule that works for both the Department and its constituents.

Motion: Davis moved and Sparks seconded THAT THE COMMISSION VOTE TO DENY THE PETITIONS BY JOHN MULLEN AND TED HAMILTON BUT TO INSTRUCT THE DEPARTMENT TO INITIATE OUT OF CYCLE RULEMAKING FOR R12-4-414 GAME BIRD LICENSE.

The Commission discussed that this was the quickest option possible for making a change to the rule.

Rules and Risk Branch Chief Jennifer Stewart stated that the process will take approximately six months. The Department can begin work next week on a proposal for Commission for approval. Then there will then be a comment period followed by a final product to present to the Commission. The Department must also get permission from the Governor's Office.

Vote: Unanimous

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Meeting recessed for a break at 2:21 p.m.

Meeting reconvened at 2:32 p.m.

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5. 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

Al Eiden, Landowner Relations and Habitat Enhancement Program Manager, provided a short informational video developed to highlight the Department's efforts towards opening up and

maintaining hunter access on federal, state and private lands, landowner access programs, and small game hunting opportunities.

Commissioner Sparks confirmed with Mr. Eiden that this video will be sent out to current landowners and others to encourage additional landowner partnerships with the Department for access to hunting.

Bill Andres, Information Branch Chief, provided a PowerPoint presentation and briefing on the Commission Priority regarding Public Affairs. The briefing included an overview of the skilled, qualified and professional personnel in the Information Branch and their efforts to exceed the Commission's expectations for this priority. The Commission's priority for the Information Branch includes shifting from public information to public affairs, transforming the communication model, work with Off Madison Avenue on outreach campaigns, relationship building with the media, shaping the playing field and increasing followers for Department information channels.

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13. Ben Avery Shooting Facility Campground Policy and Fee Structure Revisions

Presenter: Mike Raum, Shooting Sports Branch Chief

Mr. Raum provided a PowerPoint presentation and briefing on the Department's proposed new campground policy and fee simplification strategy for the Ben Avery Shooting Facility (BASF). The purpose of the new BASF Campground policy is to address stays longer than 180 days, which triggers laws appropriate to a RV Park. The intent for BASF campgrounds is to provide a convenient place to stay for customers that participate in events and shooting opportunities at the range.

The new policy will limit stays to no longer than 14 days in a 30 day period, except in circumstances when an extended stay is approved by range management and will only allow stays up to 24 weeks (168 days) in a 365 day period. A camper will be required to submit an application for an extended stay, including proof of event registration and/or a competitive governing body membership card. At the discretion of the range manager, extended stay can be approved for recreational shooters without affiliation with a competitive governing body. The additional purchase of a Clay Target Center shooter's card and \$25 in targets or 3 range passes for each week of extended stay will be required at the time of extended stay payment.

The current fee structure was developed in 2008 with fee revisions in 2014. Department staff has developed a simplified fee structure that will align with the new policy. The new structure sets fees for all three campgrounds on the facility with the same daily, weekly, and extended stay rates. The simplified strategy will provide customers a clear, consistent fee structure and a feasible place to stay while recreating at the range.

Public Comment

Thomas Puls with Competitive Cowboy Action Shooters expressed concerns about the new policy and fee structure. With his volunteer work before and after the event, he could be at the

campground for two months and sometimes he likes to stay a month after the event and just relax.. Also, he doesn't think the rates should be the same for the east campground where you have unimproved facilities and have to unhook and go to the dump station.

Commissioner Zieler asked Mr. Raum how the new policy and fee structure would affect Mr. Puls.

Mr. Raum stated that volunteering for a big event would be part of the application process and approved by the range manager.

Charles Cable addressed the Commission stating that he stays at the Ben Avery 2-5 months every year because he volunteers for several shooting activities. He doesn't always participate as a shooter, but participates as a volunteer. The policy should include volunteers as well as shooters for those applying for the extended stay application. He enjoys staying at the BASF campground, but he has stayed at many campgrounds and it is unprecedented for the campground to charge the same fee for a dump station campground like the east campground as they would for a full hook-up. He would like the Commission to reconsider the new fee structure for the east campground. At \$600 a month, he will not be staying and volunteering with the proposed new fees.

Commissioner Ammons asked about adding the volunteer piece to the extended stay policy.

Mr. Raum stated that an addition to the policy could be stated "At the discretion of the range manager, extended stay can be approved for campers volunteering for an organization hosting events and competitions at the BASF" with no purchase tied to it. The application process would be where the details of the event would be disclosed and evaluated.

Mr. Raum added that if a camper is approved for the extended stay, they automatically go to the extended stay rate from day one, which would be \$480 for a four week period.

Commissioner Davis commented on the price model for the campground. He is also an avid RV camper and he knows what's available in the surrounding area. The BASF campground is unique and is extraordinarily competitive in its pricing.

Commissioner Zieler discussed with Mr. Raum the business model of the campground and how the Department would want to keep the campground full with shooters at the range. He is not a fan of having the least expensive campground in the area and filling it with people that just want to stay for the winter, but he has concerns about putting unnecessary burdens on shooters that want to stay for an extended period of time. Some folks that are utilizing the facility may fall through the cracks, like Mr. Puls who may want to stay for a month after an event and just relax. He thinks that is what we want rather than sending people out of the campground that would continue to pay. Commissioner Zieler also asked about the thought process of charging the same fee for the east campground with no water/sewer hook-ups.

Mr. Raum addressed the issue of extended stay for a volunteer after an event and stated that if a volunteer wanted to stay and camp after an event, then at that point, the additional purchases at the range would be required. In regards to the increased fees at the east campground, Mr. Raum explained that the cost to operate the east campground is actually more than the other

campgrounds considering the cost of manpower, maintenance, and city water, which recently became available at the east campground. Also, there are additional benefits at the east campground, such as more space, trees, landscaping and the desert experience.

Motion: Ammons moved and Sparks seconded THAT THE COMMISSION VOTE TO PLACE THIS ITEM ON THE CONSENT AGENDA FOR THE NEXT REGULAR COMMISSION MEETING WITH THE CHANGES AS DISCUSSED RELATED TO VOLUNTEERS.

Vote: Unanimous

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14. Approve Final Notice of Exempt Rulemaking Amending Article 5 Rules Addressing Boating and Water Sports

Presenter: Tim Baumgarten, Boating Law Administrator

Mr. Baumgarten presented a PowerPoint presentation and briefing on the Department's request for approval of a Final Notice of Exempt Rulemaking amending Article 5 Rules addressing boating and water sports. The Department prepared the Final Notice of Exempt Rulemaking amending Article 5 Rules addressing boating and water sports; watercraft fees to enact recommendations developed during the preceding Five-year Review Report approved by the Commission in January 2016 and by the Governor's Regulatory Review Council in June 2016.

The current watercraft transfer, \$2 duplicate certificate of number or annual decal, and \$2.50 dealer certificate of number fees have been in place for over 28 years. At the January 2016 Commission Meeting, the Commission directed the Department to recover the costs of providing these services now and into the future because it will be a long time before these fees are raised again. The Department proposes the following rule amendments:

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

- Increase the watercraft transfer fee to \$13; the duplicate certificate of number and annual decal fee to \$8; and the dealer certificate of number fee to \$20
- Establish a \$100 abandoned watercraft application fee to help defray Department costs
- Establish a \$100 unreleased towed watercraft application fee to help defray Department costs.

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

- Require a person submitting an abandoned/unreleased watercraft application to pay the fee required under R12-4-504.

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

- Require a towing company submitting an unreleased towed watercraft application to pay the fee required under R12-4-504.

The Commission approved the draft Notice of Exempt Rulemaking at the February 2017 Commission Meeting. The rulemaking record was open for public comment from February 3,

2017 to March 5, 2017. One public comment was received and the Department's response is provided in the Notice of Final Rulemaking, and was provided to the Commission for review and consideration prior to this meeting. 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 Secretary of State's Office for publication in the Arizona Administrative Register and Code.

Motion: Sparks moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE THE FINAL NOTICE OF EXEMPT RULEMAKING AMENDING ARTICLE 5 RULES ADDRESSING BOATING AND WATER SPORTS.

Vote: Unanimous

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15. Approve Final Rulemaking Amending Article 5 Rules Addressing Boating and Water Sports.

Presenter: Tim Baumgarten, Boating Law Administrator

Mr. Baumgarten presented a PowerPoint presentation and briefing on the Department's request for approval of a Notice of Final Rulemaking and Economic Impact Statement amending rules within Article 5 Rules addressing boating and water sports. The Department proposes to amend rules within Article 5 to enact recommendations developed during the preceding Five-year Review Report approved by the Commission in January 2016 and by the Governor's Regulatory Review Council in June 2016. The Department proposes the following rule amendments:

R12-4-501. Boating and Water Sports Definitions

- Define "Authorized third-party provider" to reflect new third-party program
- Revise the definition of "abandoned watercraft" to establish a watercraft remaining unattended in a designated mooring/anchorage area is not considered an "abandoned watercraft" to make the rule more concise
- Repeal the definition of the "Nonresident Boating Safety Infrastructure decal"
- Define "wearable" and "throwable" PFDs and revise the definition of "personal flotation device" to remove references to Type.

R12-4-502. Application for Watercraft Registration

- Require the owner's signature to be notarized/witnessed when seller is not listed as owner or the buyer/seller signature is in question
- Require a physical inspection of a watercraft when it is new to AZ and required information cannot be provided
- Establish a dealer certificate is subject to invalidation if used for personal recreational purposes.

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

- Establish online duplicate watercraft registration system. This change is in response to customer comments received by the Department.

R12-4-505. Hull Identification Numbers

- Allow a person to present a bill of sale with a nonconforming HIN if it matches the HIN on the watercraft to make the rule more concise and reduce costs to persons regulated by the rule.

R12-4-506. Invalidation of Watercraft Registration and Decals

- Allow the Department to invalidate a watercraft registration erroneously issued by a third party provider (agent)
- Allow the Department to invalidate a dealer watercraft registration when the watercraft dealer registration is used contrary to law
- Allow the Department to invalidate a watercraft registration when the watercraft registered or used as a livery is operated in violation of A.R.S. § 5-371 or R12-4-514.

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

- Allow an agent to act on behalf of the lienholder for watercraft abandoned on foreclosed real property. This change is in response to customer comments received by the Department.

R12-4-509. Watercraft Agents

- Allow a used watercraft dealer to issue a temporary certificate of number for a used watercraft they sold. This change is in response to customer comments received by the Department
- Increase the time for which a temporary certificate of number is valid from 30 to 45 days. This change is in response to customer comments received by the Department
- Increase the time in which a watercraft dealer must submit fees and documentation for a watercraft they sold from 72 hours to 5 business days. This change is in response to customer comments received by the Department
- Establish an online system that allows a watercraft agent issue temporary certificates of number
- Remove language referencing prenumbered temporary certificates of number processes and reporting requirements as the Department will no longer provide prenumbered temporary certificates of number to watercraft agents and will obtain data from the online system.

R12-4-510. Refund of Fees Paid in Error

- Allow a person who renewed the watercraft registration in error to obtain a refund to increase customer satisfaction. This change is in response to customer comments received by the Department
- Establish a person who renewed their watercraft registration at a third-party provider must request a refund from the third-party that issued the registration.

R12-4-511. Personal Flotation Devices

- Reflect changes made to U.S. Coast Guard regulations concerning throwable and wearable PFDs

R12-4-514. Liveries

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

R12-4-517. Watercraft Motor and Engine Restrictions

- Restrict electric motors to 10 hp or less to address technological advances in electric motors and watercraft. This change is in response to customer comments received by the Department.

R12-4-520. Arizona Uniform State Waterway Marking System

- Combine R12-4-520, R12-4-521, and R12-4-522 into one overarching rule that addresses regulatory markers and aids to navigation. This repeals R12-4-521 and R12-4-522
- Prohibit the use of lights to mark waterways or their shorelines without authorization.

R12-4-524. Towed Water Skiing Sports

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

R12-4-526. Unlawful Mooring

- Require owner to remove abandoned/submerged watercraft within 72 hours when notified in person or in writing
- Establish owner shall be responsible for towing and storage fees. This change is in response to comments received from Law Enforcement and Department personnel.

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

- Establish time-frames in which a towing company must request owner/lienholder information (15 days) and notify owner/lienholder of possession/location (15 days). Both time-frames mirror statutory time-frames applicable to the tow company.

R12-4-529. Nonresident Boating Safety Infrastructure Fees; Proof of Payment; Decal

- Remove references and requirements that relate to the Arizona NBSIF Decal.

R12-4-530. Third-party Provider; Agent

- Establish the Department to enter into a contract, through the State procurement process, with a private entity to perform limited or specific services on behalf of the Department. This change is in response to customer comments received by the Department
- Authorize a third party vendor to process watercraft transfers, watercraft registration renewals, duplicate watercraft registrations and decals, and new watercraft registrations. This change is in response to customer comments received by the Department

- Establish the Department shall determine minimum quality standards of service and a quality assurance program
- Require a third-party provider to collect and remit the State's fees to the Department
- Authorize a third-party provider to collect and retain a reasonable and commensurate fee for its services. This change I in response to customer comments received by the Department
- Require a third-party provider to identify to the applicant the Department's fees separately from any other costs
- Authorize the Department to suspend or cancel an authorization/certification when it determines the third-party provider made a material misrepresentation or misstatement in the application for authorization or certification, been convicted of fraud or a watercraft related felony in any state or jurisdiction of the U.S. within the ten years immediately preceding the date a criminal records check is complete or any other felony within the five years immediately preceding the date a criminal records check is complete, violated a rule or policy adopted by the Department, failed to keep and maintain records required by the rule, failed to remit to the Department the State's fees, or allowed an unauthorized person to engage in any business pursuant to this Section
- Authorize the Department to order a summary suspension of a third-party provider's authorization if the Department has reasonable grounds to believe a certificate holder or other person employed by an authorized third-party provider has committed watercraft registration fraud, improperly disclosed a watercraft owner's personal information, committed bribery or theft
- Establish an appeal process pursuant to A.R.S. Title 41, Chapter 6, Article 10.

The Commission approved the Notice of Proposed Rulemaking and Economic Impact Statement at the February 2017 Commission Meeting. The rulemaking record was open for public comment from February 3, 2017 to March 5, 2017. Three public comments were received and the Department's responses are provided in the Notice of Final Rulemaking, and were provided to the Commission for review and consideration prior to this meeting. If approved by the Commission and in accordance with the exemption authorized by the Governor's Office, the Department will submit the final rulemaking package to the Governor's Regulatory Review Council (G.R.R.C.) for review and placement on a future agenda.

Motion: Sparks moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE THE NOTICE OF RULEMAKING DOCKET OPENING, NOTICE OF PROPOSED RULEMAKING, AND ECONOMIC IMPACT STATEMENT AMENDING RULES WITHIN ARTICLE 5, ADDRESSING BOATING AND WATER SPORTS.

Vote: Unanimous

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15A. Approval of revised Commission Policy A2.39 License Classifications; Fees.

Presenter: Jennifer Stewart, Rules and Risk Branch Chief

Ms. Stewart briefed the Commission on the Department's request to revise Commission Policy A2.39 License Classifications; Fees. The proposed revised policy (attached) is modified to streamline the manner in which the public is notified of temporary fee reductions or promotions that enhance the value of a license allowing customers to take advantage of these opportunities in a timely manner.

Motion: Zieler moved and Sparks seconded THAT THE COMMISSION VOTE TO APPROVE THE REVISION TO COMMISSION POLICY A2.39 LICENSE CLASSIFICATIONS; FEES AS PRESENTED.

Vote: Unanimous

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18. Litigation Report

There were no comments or questions regarding the Litigation Report.

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19. Approval of Minutes and Signing of Minutes

Motion: Zieler moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM MARCH 3, 2017.

Vote: Unanimous

The Commission signed the minutes following approval.

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20. Commissioner Committee Reports

Commissioner Zieler stated that the Budget Committee has a meeting coming up on March 14.

Chairman Madden commented on a Hunt Recommendation Committee meeting. The hunt recommendations were reviewed and will be presented to the Commission tomorrow.

Commissioner Ammons stated a combined HPC and LLSRC meeting with the Cattle Growers is set for July 26 in Prescott.

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21. Director and Commissioner Comments

Director Voyles commented on some of his activities as follows:

- Attended the North American Wildlife and Natural Resources Conference in Spokane, WA and extended appreciation to America's wildlife conservation partners on behalf of himself and the Commission for their engagement and support on the greater Grand Canyon Watershed National Monument concept and their help to turn that situation around
- Attended the Mining Day at the Capitol and had lunch the next day with the Governmental Affairs team and one of the chief litigators for Freeport-McMoRan. They have been supportive of the trajectory of the Department and it was a good meeting
- Spoke on a talk show with Kelly McMillan who is a supporter of the Commission
- Met with the Audubon folks and their National Conservation Director David O'Neil at the Audubon Nature Center. Director O'Neil has a national agenda to close ranks with the sporting community as they once were
- Met with Pat Graham with The Nature Conservancy and discussed mutual interests
- Had lunch with Ethan Amuck of Grand Canyon Trust and discussed his desire to have a closer relationship with the Commission and Department, and some of their vision for the lands north of the Grand Canyon
- Had breakfast with Bas Aja of the Cattle Growers to talk about the Livestock Compensation Board
- Met with the Arizona Lottery and discussed a special program that may be implemented related to the Department and highlighting the Department's brand
- Attended the Fish and Wildlife Business Summit. There are some issues coming from the angling, boating angling and archery industries. Their business is down and they are looking for more engagement from state agencies in recruitment and retention activities.

Commissioner Sparks commented on a tour last week at the BSE Archery manufacturing facility in Tucson. Several Department staff and SCI folks participated in the tour. Discussion included that firearms companies are overstocked and sales are down. Sales have been down for BSE Archery in the past two years and they are hoping that things are now going to turn around.

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22. Future Agenda Items and Action Items

Future agenda and action items are addressed on Saturday's agenda item #6.

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17. (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: Ammons 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 5:10 p.m.

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Meeting reconvened on Saturday at 8:00 a.m.

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

Awards and Recognition

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

35 Year Service Pin

Kevin Bright

30 Year Service

Joseph Yarchin
Charles Benedict
Tom McMahon

25 Year Service Pin

Jodi Niccum
Susan MacVean
Steve Rosenstock

20 Year Service Pin

Laura Cooper
Dennis Abbate
David Fox
Renee Wilcox
Ruth Gregory
Caroline Vidal
Scott Gurtin
Margaret Martinez

Chairman Madden presented a Commission Commendation of Achievement to Jim Unmacht, President of the Arizona Sportsman's for Wildlife Conservation (ASFWC), for ASFWC's dedication to wildlife and wildlife conservation and for working to preserve Arizona's hunting and angling heritage for future generations.

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Meeting recessed for a break at 8:47 a.m.

Meeting reconvened at 9:00 a.m.

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1. Call to the Public

There were no requests to speak at this time.

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2. Consideration of Proposed Amendment to Commission Order 16 and Proposed Commission Orders 19, 20, 21, 22 and 24 for the 2017–2018 Hunting Season.

Presenter: Johnathan O'Dell, Small Game Biologist

Mr. O'Dell presented the Commission with a PowerPoint presentation and briefing on an amendment to Commission Order 16 (quail) and proposed Commission Orders 19 (dove), 20 (band-tailed pigeons), 21 (waterfowl), 22 (snipe) and 24 (sandhill cranes) establishing seasons and season dates, bag and possession limits, and open-closed areas for the 2017-2018 season. A detailed description of all proposals was provided to the Commission prior to this meeting for review and consideration and was also available for public review at all Department offices. Information provided to the Commission and subsequent Commission action included the following:

Commission Order 16 – Amendment to Quail

Closure Due to Translocation—The Department is performing the translocation of California quail from the Little Colorado River into Wenima Wildlife Area. Following current translocation policy, the area needs to be closed to hunting for a period of time while the translocations are occurring. The first translocation of California quail was conducted by Region 1 staff on March 10-11, 2017. The Department recommends amending the 2017-2018 hunting season of Commission Order 16 (Quail) to include closing the Wenima Wildlife Area to quail hunting.

Motion: Sparks moved and Zieler seconded THAT THE COMMISSION VOTE TO APPROVE THE AMENDMENT TO COMMISSION ORDER 16 – QUAIL, IN ACCORDANCE WITH THE FINAL FEDERAL FRAMEWORKS, AS PRESENTED.

Vote: Unanimous

Commission Order 19 – Dove

Harvest data—The Fish and Wildlife Service estimates dove harvest in Arizona through the Harvest Information Program (HIP). The HIP program estimates hunter participation, success, and harvest by surveying a random sample of hunters who purchase an Arizona Migratory Game Bird Stamp. This survey has been in place since 1999.

Mourning dove—Migratory Bird Stamp sales are a stronger indicator of the numbers of hunters versus HIP data. Preliminary stamp sales for 2016 were 50,792 which was a 5.9% decrease over 2015 (53,964).

White-winged dove—Preliminary analysis of banding data and nationwide harvest data indicates the white-winged dove population is growing and expanding its range. In general, white-winged doves typically account for 10% of Arizona's annual harvest.

Dove call counts—White-winged dove call counts are conducted each year during the last half of May. We are temporarily conducting distance sampling mourning dove call counts to refine the National Harvest Plan, but we have moved to using banding data to manage this species. We will be conducting our regular annual white-winged dove call count surveys in May and June. The 2016 call count index for White-winged doves was incomplete due to agency turn over.

Dove bag and possession limits—The National Mourning Dove Harvest Strategy relies on mourning dove absolute abundance estimated from band recovery and harvest data. This is a much more reliable monitoring method that allows us to harvest more doves. Regulatory

alternatives are prescribed based on abundance thresholds depicted as percentages of the population size. There are 3 packages: Standard, Restrictive and Closed. The current (2016) Western Management Unit (WMU) mourning dove abundance estimate is 37,043,828. This number qualifies Arizona to have a standard package, which allows for a 15 mourning dove bag limit and a 60 day season.

Season Structure Recommendation:

The Department recommends no change to the season structure for mourning doves and white-winged doves from the 2016 recommendation. The 2017-2018 recommendation is for a September season of 15 days from September 1–15 as per Federal Frameworks. The late season recommendation is for the season to be open from November 24, 2017 to January 7, 2018 for mourning doves only. This recommendation is the maximum number of days allowed under Federal Frameworks.

For the early season the Department recommends an aggregate bag of 15 mourning doves and white-winged doves; of which no more than 10 may be white-winged doves, and possession limits for the early season are 45 mourning doves or white-winged doves in the aggregate of which no more than 30 may be white-winged doves. During the remainder of the season, the daily bag limit is 15 mourning doves and 45 in possession.

The dates for the Robbins Butte junior's-only hunt are recommended for September 2-3, 2017. To facilitate hunt operation, hunters will be required to check in and out. Bag limits and shooting hours will be the same as for the general season.

The Department is recommending continuation of the extended falconry-only dove season initiated in 1991. Recommended falconry-only season dates are September 16, 2017 through November 1, 2017. This season recommendation includes the maximum number of hunt days available for falconry (47). Falconry is also a legal method of take during both the regular early and late dove seasons.

The Department recommends the Eurasian collared dove season to remain open yearlong (September 1, 2017 through August 31, 2018) with an unlimited bag limit. Falconry remains a recommended legal method of take with an open season yearlong for Eurasian collared doves. Pneumatic weapons are recommended as a lawful method of take for Eurasian collared doves.

Commissioner Zieler stated that the Commission's sub-committee on hunt orders supports the Department's recommendation.

Motion: Zieler moved and Sparks seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 19 – DOVE, IN ACCORDANCE WITH THE FINAL FEDERAL FRAMEWORKS, AS PRESENTED.

Vote: Unanimous

Commission Order 20 – Band-tailed Pigeon

In 1997, the Harvest Information Program (HIP) replaced Arizona's harvest survey protocol for band-tailed pigeon. Band-tailed pigeons have always been difficult to survey for both harvest and population information. The principle management difficulty with these birds is that few hunters hunt them, so harvest information is difficult to estimate since traditional surveys often miss the majority of band-tail pigeon hunters. In addition, band-tailed pigeon distribution is spotty and changes from year to year. Birds typically congregate where mast and other food sources are abundant, but those areas differ from year to year and may even change mid-summer.

Harvest information obtained from band-tailed pigeon hunters for the 1999–2015 seasons indicate Arizona has between 400 and 2,100 active hunters; 600 hunters were estimated in 2015. HIP harvest estimates indicate variable harvest of band-tails over the same time period ranging between 400 and 2,300 with 500 harvested in 2015. Based upon a declining population trend from the Breeding Bird Survey data and unpredictable harvest over time the Federal Frameworks for band-tailed pigeons within the four-corner states remains restrictive.

Recommendation:

The Department recommends an adjustment to season dates placing the hunt later in the allowable framework. The season is recommended to be October 7–October 20, 2017 which allows for 2 weekends of hunting opportunity. The Department also recommends bag and possession limits of 2 and 6, respectively.

To address the deficiency in band-tailed pigeon harvest information, the Department recommends continuation of the voluntary free online registration for all hunters that wish to hunt band-tailed pigeons that was put in place two years ago. This will allow us to identify and survey those hunters resulting in a better harvest estimate than we currently get through HIP.

Commissioner Zieler stated that the Commission's sub-committee on hunt orders supports the Department's recommendation.

Motion: Zieler moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 20 – BAND-TAILED PIGEON, IN ACCORDANCE WITH THE FINAL FEDERAL FRAMEWORKS, AS PRESENTED.

Vote: Unanimous

Commission Order 21 – Waterfowl

Robust waterfowl populations are forecast again this year due to good carryover from last year and favorable water conditions on the prairies and in most of the Intermountain West. Production of mallards in the coastal regions of the Pacific Flyway remains strong. Because of this, the prescription for the Pacific Flyway is a Liberal season.

Season frameworks for the Pacific Flyway are:

1. Liberal, 107 day season, 7 bird bag limit;
2. Moderate, 86 day season, 7 bird bag limit;
3. Restrictive, 86 day season, 4 bird bag limit.

Management plans for pintail, canvasback, redhead, and scaup prescribe bag limits and seasons for those species separate from the above frameworks. Despite good conditions overall for ducks, the long-term average population size for these 4 species remains below the goals outlined in their management plans. There was a change in frameworks from last year for pintail which will have a daily bag limit of 1. The frameworks for hen mallards, Mexican-like ducks, redheads, and canvasback will have a 2 bird daily bag limit. Scaup will have a 3 bird daily bag limit and an 86 day season. Arizona will also see the daily bag limit increased on white geese (snow, blue, and Ross geese) from 10 to 20 which also changes the possession from 30 to 60.

Recommendation:

The Department recommends adopting the Liberal package with a daily bag limit of 7 ducks and mergansers, including no more than 2 female mallards (or Mexican-like ducks), 1 pintail, 2 canvasback, 3 scaup, and 2 redheads. For scaup, the season length is 86 days, which may be split according to applicable zones/split duck hunting configurations approved for Arizona. Recommended goose bag limits are no more than 20 white geese (snow, including blue and Ross' geese) and 4 dark geese (Canada and white-fronted). Recommended coot and common moorhen bag limit is 25 singly or in the aggregate. Recommended possession limits for all waterfowl is 3 times the daily bag limits. The waterfowl season has different opening and closing dates for the Mountain and Desert zones. Federal frameworks do not allow the general waterfowl season to extend beyond January 31. However, junior hunts may occur into February.

Liberal Package:

	<u>Mountain Zone</u>	<u>Desert Zone</u>
Juniors-Only	Sep. 31– Oct 1, 2017	Feb 3 – Feb 4, 2018
Falconry-Only	Oct 2 – Oct. 5, 2017	Jan 29 – Feb 1, 2018
General Waterfowl	Oct. 6, 2017 – Jan. 14, 2018	Oct. 20, 2017 – Jan. 28, 2018
Scaup	Oct. 21, 2017 – Jan. 14, 2018	Nov. 4, 2017 – Jan. 28, 2018

The Mountain and Desert Zones in Arizona are defined by unit within the Federal Register as follows: Desert (South) Zone: Those portions of Units 6 and 8 in Yavapai County, and Units 10 and 12B–45. Mountain (North) Zone: Units 1–5, those portions of Units 6 and 8 within Coconino County, and Units 7, 9, and 12A. Essentially, the North Zone is in the mountainous, high elevation areas of Arizona; the South Zone is in the lowland, desert areas.

Commissioner Zieler stated that the Commission's sub-committee on hunt orders supports the Department's recommendation.

Motion: Zieler moved and Ammons seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 21 – WATERFOWL, IN ACCORDANCE WITH THE FINAL FEDERAL FRAMEWORKS, AS PRESENTED.

Vote: Unanimous

Commission Order 22 – Common Snipe

The Department recommends that the Commission approve a general snipe season with the 101 days and limits of 8 snipe per day and 24 in possession as allowed by the Service for Pacific Flyway states. Seasons for snipe are recommended to run concurrent with the general waterfowl seasons in each of the state's zones.

Commissioner Zieler stated that the Commission's sub-committee on hunt orders supports the Department's recommendation.

Motion: Zieler moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 22 – SNIPE, IN ACCORDANCE WITH THE FINAL FEDERAL FRAMEWORKS, AS PRESENTED.

Vote: Unanimous

Commission Order 24 – Sandhill Crane

The sandhill cranes traditionally hunted in Arizona include cranes from both the Mid-Continent Population (MCP) and Rocky Mountain Population (RMP). The RMP is composed almost entirely of greater sandhills. MCP cranes are primarily the lesser subspecies. The population of RMP cranes is smaller than the MCP and can tolerate only light harvest; hence, the number of RMP cranes harvested drives the number of permits in Arizona and other Pacific Flyway states.

The Pacific Flyway Council approved an updated RMP plan in March 2016. The RMP Cooperative Flyway Management plan established population objectives, a survey to monitor recruitment, and harvest levels that are designed to maintain a stable abundance of a 3 year average between 17,000–21,000 birds. The plan contains a formula for calculating allowable annual harvests to achieve population objectives. All sandhill crane hunters in the range of the RMP must obtain a state permit to hunt cranes. This provides the sampling frame for independent state harvest estimates and allows for assignment of harvest quotas by state. In many areas, harvest estimates are supplemented by mandatory check station reporting. The Federal Frameworks cite the management plans approved by both the Central and Pacific Flyway Councils.

Check stations for RMP cranes are mandated every 3 years. The last check station was conducted in 2014 and the next check station for RMP cranes will be held this fall of 2017. Arizona harvested 84 of our allocated 142 RMP cranes in 2016.

Arizona's allocation for 2017 is 169 RMP cranes. The 3-year average that includes the most recent 2016 population estimate for RMP cranes was 22,264. This allocation is a reflection that RMP crane populations are above the population objective (17,000–21,000) defined in the management plan for sandhill cranes in the Pacific Flyway.

Arizona has conducted its own January survey of MCP and RMP sandhill cranes since 1978 and that survey shows a steady increase in the numbers of cranes wintering in the state. In 1978, AGFD counted 4,264 wintering cranes in Arizona. The 2017 survey was 23,497 cranes observed. Wintering habitat in both White-Water Draw and Wilcox Playa and widespread corn production in the Sulfur Springs Valley are the primary reasons Arizona winters so many sandhill cranes.

Season Structure Recommendation:

Mid-Continent and Rocky Mountain populations – The allowed Federal season dates and bag limits for the Mid-Continent and Rocky Mountain populations of cranes in Arizona are as follows: The outside dates of the season must fall between September 1 and January 31 and must not exceed 30 days. The bag limit may not exceed 3 per day or 9 per season.

The Department recommends no change to the season structure for sandhill cranes from the 2016 season. Each permitted hunter is allowed to harvest 3 cranes.

General Sandhill Crane

Nov 17 - 19 2017	Units 30A, 30B, 31, and 32	90 Permits
Nov 21 - 23 2017	Units 30A, 30B, 31, and 32	90 Permits
Nov 25 - 27 2017	Units 30A, 30B, 31, and 32	90 Permits
Nov 29 – Dec 1 2017	Units 30A, 30B, 31, and 32	90 Permits
Dec 3 – 5 2017	Units 30A, 30B, 31, and 32	90 Permits
Nov 25 - 27 2017	Unit 28	12 Permits
Nov 29 – Dec 1 2017	Unit 28	12 Permits
Dec 3 - 5 2017	Unit 28	12 Permits
Dec 7 - 9 2017	Unit 28	12 Permits
Dec 11 - 13 2017	Unit 28	12 Permits

Youth-Only Sandhill Crane

Dec 8 - 10 2017	Units 30A, 30B, 31 and 32	25 Permits
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With the recommended season structure, the Department estimates total harvest will be between 400 to 525 cranes. The predicted RMP harvest is estimated at 90-110 birds. This is within the 2017 RMP allocation for Arizona (169).

Commissioner Zieler stated that the Commission's sub-committee on hunt orders supports the Department's recommendation.

Commissioner Zieler thanked Mr. O'dell for his presentation stating that he did a great job.

Motion: Zieler moved and Sparks seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 24 – SANDHILL CRANE, IN ACCORDANCE WITH THE FINAL FEDERAL FRAMEWORKS, AS PRESENTED.

Vote: Unanimous

Commissioner Davis thanked Mr. O'dell as well, and further commented on the 30% of hunters that exclusively hunt small game. It may be worth the team to look at how many of the 30% are reactivated hunters coming back through the small game piece, and maybe we should be working with our partners on new recruitment through their youth and hunting camps. If reactivation is occurring through the small game activities, then maybe we should re-emphasize the use of our resources.

Director Voyles agreed that it would be good to know how many are new recruitments and how many are reactivated. It could make a difference of how we engage or re-engage them.

Mr. O'dell stated the Department has already begun those efforts and mining the data has been difficult. However, in regards to dove, the Department has a lot of data and has been able to find some information. Mr. O'dell can provide that information to the Commission at a later date.

* * * * *

3. Consideration of Proposed Commission Orders 2, 5-10, and 26 for 2017–2018 Hunting Seasons.

Presenter: Amber Munig, Big Game Management Program Supervisor

Ms. Munig presented the Commission with a PowerPoint presentation that included charts and graphs of survey data, historical data and scientific data related to the Department's recommendations for Commission Orders 2 (deer), 5–10 (turkey, javelina, bighorn sheep, buffalo, bear, and mountain lion), and 26 (population management) establishing seasons and season dates, bag and possession limits, permit numbers, and open areas for the 2017–2018 season. Detailed descriptions of these proposals were available for public review at Department offices and on the Department's website, and were provided to the Commission prior to this meeting for review. Information provided to the Commission and subsequent Commission action included the following:

The Department is recommending seasons, season dates, bag and possession limits, permit numbers, and open areas for Commission Orders 2 (deer), 5–10 (fall turkey, fall javelina, bighorn sheep, fall bison, fall bear, and mountain lion), and 26 (population management seasons) for 2017–2018 according to hunt guidelines approved by the Commission in September 2015. The current hunt guidelines were approved by the Commission for a 2-year period that extends through spring 2018. Public meetings to discuss harvest prescriptions for the 2017–2018 seasons were held in each Region prior to meeting with the Terrestrial Wildlife Branch. Each Region also hosted an open house prior to the April Commission meeting where final recommendations were available for public review and discussion. Public participation ranged from 3 to 11 at public meetings where population trends were discussed.

The Commission has provided the Department with direction through the hunt guidelines to offer specific hunting opportunities. The Department was to allocate at least 5% of the general deer permits to youth-only seasons, units with multiple deer hunts will have stratified 7-day seasons and each region will offer a late mule deer season.

Statewide, white-tailed deer hunting opportunity in December is limited to 5% of the total white-tailed deer permits, although alternative white-tailed deer units (Units 6A, 23, 30B, 31, and 36C) will be structured to harvest up to 30% of the expected take for that unit during December. Units 3A, 3C, 12A, 12B, 13A, 13B, 17A, 45A, 45B, and 45C are managed according to the alternative guidelines for mule deer. Archery deer seasons are recommended for season length adjustments or permitting to attain 10–20% of the total deer harvest by archers. Units 3A/3C, 11M, 12A, 12B, 13A, and 13B have permitted archery seasons recommended. Hopi tribal members will be

allocated an agreed upon small proportion of deer tags in Units 4A, 4B, 5A, and 5B according to the Hopi Trust Land allocation authorized in the hunt guidelines.

Fall turkey hunts are recommended as limited-weapon shotgun-shooting-shot seasons. Youth-only turkey permits will be recommended as over-the-counter nonpermit-tags in specific units. Archery turkey seasons have been adjusted to overlap with corresponding archery deer seasons.

Fall javelina hunts are to be offered during youth-only seasons to strive for 10% of total tags (both fall and spring) for youth hunters. Youth-only seasons should coincide with a youth-only deer season, and companion population management seasons are recommended to capitalize on youth deer hunters in the field.

Bison hunts for the Raymond Herd in Units 5A and 5B are recommended as 2 general hunts with 6 permits each. The bison recommendation for the House Rock Herd in Unit 12A is still being evaluated and will be shared with the Commission when completed.

All bear seasons have specific female harvest limits that close a season on the Wednesday following when that number of female bears has been harvested. Each unit that provides a bear hunt will also have an annual female harvest limit. If the annual female harvest limit is met, this will close any open season on the following Wednesday or any subsequent season in that unit during the current calendar year, even if the subsequent season has not yet opened. The annual female harvest limit comprises female bears lethally removed through Department action (e.g., nuisance) and female bears harvested by hunters.

The Department is recommending all mountain lion seasons with daylong shooting hours revert back to daylight shooting hours only and the 3 mountain lion bag limit season in Units 39, 40A, 40B, 41, 42, 43A, 43B, 44A, and 44B be incorporated in the statewide season with an annual bag limit of 1.

Commission Order 2 – Deer

The Department is recommending 42,197 general deer permits in 2017, an increase of 390 permits statewide. Muzzleloader permits are recommended at 1,400, a 175-permit increase from 2016. Permitted archery deer are recommended to decrease by 15 (decreases of 25 in Units 12A/12B and 10 in Unit 13A, and a 20-permit increase in Unit 11M). Youth-only general permits are recommended to increase by 125 to 2,885 and youth-only muzzleloader permits are recommended to remain unchanged at 45 permits. CHAMP permits are recommended to remain unchanged at 20 permits. The net change to recommended permits overall is an increase of 675 from 2016 to a grand total of 47,212 permits.

Relatively minor changes to individual unit deer permits are recommended this year. Youth permits are recommended at 6.1% of all deer permits. This recommendation continues stratification of the Unit 12AW youth, antlerless deer hunts into 2 hunts with an overall decrease of 25 permits, which will stabilize growth of the deer population on the Kaibab. December general mule deer hunts are recommended in Units 5A/5B, 17B, 20C, 21, and 27. December any antlered deer muzzleloader seasons are recommended in Units 35A and 35B, and Units 39, 40A, 40B, 41, and 42. The December youth-only hunt in Unit 20C is not being recommended for

2017. The December archery deer and general deer seasons are recommended to begin on December 15, 2017.

The archery deer over-the-counter nonpermit-tag season recommendation is to remain unchanged. Closures enacted by the Commission for archery hunting within ¼ mile of occupied structures are again recommended, with the addition of portions of Unit 3B, 33, and 38M.

A 10-permit CHAMP hunt is again recommended for Unit 12AW during September 22–26, 2017, and a new 10-permit CHAMP hunt is recommended for Unit 7 during October 27–November 2, 2017.

Hopi tribal members are recommended to receive 43 general deer permits, an increase of 5 permits. There are no youth-only permits recommended for Hopi tribal members.

2017 Deer Hunt Summary:

Bonus Point

General	42,132 (+325)
Hopi	
Youth General	2,885 (+125)
CHAMP	20 (same)
Muzzleloader	1,400 (+175)
Youth Muzzleloader	45 (same)
Archery (permitted)	665 (-15)
Archery OTC	
• Adding Units 6A and 9 to Dec 15-31, 2017	
• Removing Unit 9 from Jan 1-31, 2018	
• Adding Unit 9 from Jan 1-15, 2018	

Total Permits **47,147 (+610)**

Commissioner Zieler stated that the Commission's sub-committee on hunt orders supports the Department's recommendation.

Commissioner Zieler expressed appreciation for Ms. Munig and the Department for the idea on Unit 6A and 9 regarding over the counter archery deer. It was thinking outside the box to deal with an issue and increase opportunity for hunters.

Motion: Zieler moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 2 – DEER, AS PRESENTED.

Vote: Unanimous

Commission Order 5 – Turkey

The fall limited-weapon shotgun-shooting-shot turkey season is recommended to run October 6–12, 2017 with 4,800 permits, a decrease of 250 permits from 2016. There are 7 units (Units 1, 4A, 4B, 6A, 12A, 23, and 27) recommended for youth-only seasons where over-the-counter nonpermit tags will be offered (no change from 2016). These seasons will run concurrently with the permitted turkey season in the unit. The archery fall turkey nonpermit tag season is recommended to run from August 25–September 14, 2017 with no change to open units from 2016.

2017 Fall Turkey Hunt Summary:

Bonus Point

Limited Weapon Shotgun	4,800 (-250)
• Increasing: Units 1, 3C, and 5B South	
• Decreasing: Units 4A/4B, 5A, 6A, 7 and 22	

Archery Only	Nonpermit-tag
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Youth Only	Nonpermit-tag
• Units 1, 4A, 4B, 6A, 12A, 23, and 27	

Total Permits	4,800 (-250)
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Commissioner Zieler stated that the Commission's sub-committee on hunt orders supports the Department's recommendation.

Motion: Zieler moved and Ammons seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 5 – TURKEY, AS PRESENTED.

Vote: Unanimous

Commission Order 6 - Javelina

For fall 2017, the Department recommends fall youth-only javelina seasons remain unchanged, with 780 permits, during season dates that coincide with a youth-only deer season. Units within Region 5 allocate 15% of the annual permits to either an October 6–12 or a November 24–30, 2017 season. Additional units (Units 16A, 17B, 18B, 19A, 19B, and 20A) also offer youth-only opportunity, with season dates typically overlapping a school holiday.

In accordance with hunt guidelines, the Department is also recommending the youth-only deer hunters in Units 15A, 15B, 15C, 15D, 16A, 28, 29, 30A, 30B, 31, 32, 33, 36A, and 36B be provided with the opportunity to purchase over-the-counter "companion" tags for javelina, which must be authorized within Commission Order 26.

2017 Fall Javelina Hunt Summary:

Bonus Point	Open to all hunters
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Youth – General 780 (same)

Archery OTC nonpermit-tag

- Units 1, 2A, 2B, 2C, 3A, 3B, 3C, 4A, 4B, 5A, 5B, 7, and 9
- Aug 25 - Sept 14

Total Permits 780 (same)

Commissioner Zieler stated that the Commission's sub-committee on hunt orders supports the Department's recommendation.

Motion: Zieler moved and Sparks seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 6 – JAVELINA, AS PRESENTED.

Vote: Unanimous

Commission Order 7 – Bighorn Sheep

Bighorn sheep permits are recommended at 104, a decrease of 1 from last year. Permit increases are recommended in Units 28 South, 37A, 44A East, and 45A. Lower Blue River Hunt Area in Unit 27 is recommended as a new hunt. Permit decreases are recommended in Units 15D, 43B, 44B North, and Upper Blue River Hunt Area in Unit 27. Unit 44A West is recommended for closure.

2017 Bighorn Sheep Summary:

Bonus Point 104 (-1)

General

- Increase in Units 28 South, 37A, 44A East, and 45A
- Add Lower Blue River Hunt Area in Unit 27
- Decrease in Units 15D, 43B, 44B North, and
- Upper Blue River Hunt Area
- Close Unit 44A West
- Stratify hunts in Units 37A, 6A/22N, 27S/28N, and Upper Blue River Hunt Area

Total Permits 104 (-1)

Commissioner Zieler stated that the Commission's sub-committee on hunt orders supports the Department's recommendation.

Motion: Zieler moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 7 – BIGHORN SHEEP, AS PRESENTED.

Vote: Unanimous

Commission Order 8 - Bison

For the Raymond herd in Units 5A and 5B, the Department recommends 2 designated yearling hunts with 6 permits each. After these hunts, 3-5 bison may be remaining; a population management hunt may be initiated in late September to remove these bison. These hunts will keep us on track for complete replacement of the Raymond herd by October 2017. This is a decrease of 7 permits for the Raymond herd over last year.

The bison recommendation for the House Rock Herd in Unit 12A, 12B, and 13A is still being evaluated and will be shared with the Commission when completed. The recommendation will continue the closure of a portion of Unit 12A East near the House Rock Wildlife Area holding pasture.

2017 Bison Hunt Summary:

Bonus Point

Raymond Herd	12 (-7)
House Rock Herd	46 (-24)

Total Permits	58 (-31)
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Commissioner Zieler stated that this one was difficult with a significant decrease in permits, but it is based on science and management. Commissioner Zieler stated that the Commission's sub-committee on hunt orders supports the Department's recommendation.

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

Commissioner Davis reminded Department staff of his comments during the Legislative agenda item yesterday, in which he requested that the Department begin to evaluate and identify the numbers that we would prescribe in an expanded Unit 12 hunt that includes the Grand Canyon National Park, so that we are ahead of the game if the opportunity should come about.

Vote: Unanimous

Commission Order 9 – Bear

During 2017, fall bear seasons are recommended to occur during August 5–18, from August 19 for up to 38 days, or October 6 through the end of the 2017 calendar year. Units 4A/5A and 29/30A are recommended to begin on November 3 and run through the end of the calendar year. General seasons may occur during any of these season dates and archery seasons may occur during the 38 day season beginning on August 19, 2016. This structure maintains open seasons while allowing Regions to manage female harvest and maintain sites to relocate nuisance bears if necessary. The 2017 recommendation is for a cumulative female harvest limit of 110 for general

and 24 for archery season. This represents an increase to the individual hunt female harvest limit in Units 5B, 6A, 7, and 8; the annual female harvest limit remains the same for these units.

The annual female harvest limit will apply to all fall seasons. Annual female harvest limits were established in August 2016 for the units with 2017 spring hunts. Harvest that applies to annual female harvest limits includes take by a hunter or Department action that occurs in the calendar year. Implementation of the annual female harvest limit may result in the closure of a hunt before it opens if the annual female harvest limit is reached before the start of a season.

Hunters will need to contact the Department before they go hunting to determine if a specific hunt unit is open, and notification of this need will be plainly identified within the regulations. Compliance with the mandatory physical check for bear remains high.

2017 Black Bear Hunt Summary:

Seasons

- August 11-24, August 25-Sep 14, and Oct 6-Dec 31
- Units 4A/5A as Nov 3-Dec 31
- Unit 27 and 29/30A as Oct 6-Nov 2 and Nov 3-Dec 31

Female Harvest Limit

- Annual limit includes Department take
- Individual Hunt Female Harvest Limits
 - General 110 (+5)
 - Archery 24 (+3)
 - Increasing FHL in General – Units 5B, 6A, 7, and 8
 - Increasing FHL in Archery – Unit 34A

Mandatory check out procedures

Commissioner Zieler stated that the Commission's sub-committee on hunt orders supports the Department's recommendation.

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

Vote: Unanimous

Commission Order 10 – Mountain Lion

The Department recommends all mountain lion seasons with daylong shooting hours revert back to daylight shooting hours only and the 3 mountain lion bag limit season in Units 39, 40A, 40B, 41, 42, 43A, 43B, 44A, and 44B be incorporated in the statewide season with an annual bag limit of 1. These season structures have had very limited use and have had no documented influence on the prey species populations for which they were put in place to support.

2017 Mountain Lion Summary

All Seasons

- July 1, 2017 through June 30, 2018
- Daylight shooting hours only

Statewide general and archery-only seasons

Multiple Bag Limit Areas

- Units 15BW, 15C, 15D, 16A North, 16A South and 18B South, 21, and Lower Blue River and Upper Blue River hunt areas
- Remove Unit 28 South

Remove Minimal Occurrence Zone

Continuation of mandatory check out

Commissioner Zieler stated that the Commission's sub-committee on hunt orders supports the Department's recommendation.

Motion: Zieler moved and Ammons seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 10 – MOUNTAIN LION, AS PRESENTED.

Vote: Unanimous

Commission Order 26 – Population Management Seasons

Population management seasons are recommended for javelina to be available to youth-only muzzleloader deer hunters in Unit 15A, 15B, 15C, and 15D and Unit 16A and to youth-only general season deer hunters in Units 28, 29, 30A, 30B, 31, 32, 33, 36A, and 36B. These permits are popularly known as "companion" tags. Youth-only javelina population management restricted nonpermit tags are recommended at 700 for general, an increase of 50 over last year, and 45 for muzzleloader youth-only seasons. These permits will be available only to hunters that successfully draw a deer tag in the companion deer hunt.

Commissioner Zieler stated that the Commission's sub-committee on hunt orders supports the Department's recommendation.

Motion: Zieler moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 26 – POPULATION MANAGEMENT HUNTS, AS PRESENTED.

Vote: Unanimous

Commissioner Zieler thanked the Department's hunt recommendation team and recognized them and thanked them for meeting on a Sunday.

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Meeting recessed for a break at 10:32 a.m.

Meeting reconvened at 10:47 a.m.

* * * * *

4. Hunt Permit-Tag Application Schedule for Fall 2017 Hunts

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

Ms. Gottlieb briefed the Commission on the Department's proposed hunt-permit tag application schedule for the Fall 2017 hunts and asked the Commission to approve the application schedule (attached). The application schedule identifies proposed acceptance dates and deadline dates for all hunts associated with the draw process. In addition, the proposed dates for when hunt permit-tags and refund warrants will be mailed are also identified, along with information relating to the first-come/first-serve process for any permits that may still be available.

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

Vote: Unanimous

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5. A Briefing on Public Comment Received on Hunt Guidelines

Presenter: Amber Munig, Big Game Management Supervisor

Ms. Munig briefed the Commission using a PowerPoint presentation and provided an update on comments received thus far on the existing hunt guidelines and on the timeline that will be followed in review and approval for the remainder of this guideline cycle. The Department began taking formal comment on the existing hunt guidelines on January 6, 2017, although any comment received by the Department since September 2015 (last guideline adoption by Commission) regarding hunt guidelines has been retained on file for evaluation during this evaluation cycle (The Commission has been provided with all comments for review). As part of the hunt guidelines review process, the Commission requested an opportunity to formally identify to the Department any areas of inquiry in which they might have interest. This briefing is the second formal opportunity for the Commission to provide the Department with direction regarding this process, although they will have additional opportunities at their June meeting and when the next guidelines are submitted for their final approval in September. The following information was included in the presentation:

Guidelines Process:

- Solicit input on current guidelines
- Commission input and direction
- Team evaluates input and biological data
- Commission input and direction
- Agency drafts recommended changes to guidelines
- Public input: TeleTownHall, meetings, written comments
- Commission input and direction - proposed changes

- Public comment period on proposed guidelines
- Agency revision; final recommendation
- Commission review and approval
- Hunt Recommendations then based on approved Guidelines for
- Fall 2018 through Spring 2023

Proposed Guidelines Process Changes:

- Recommend approving for 5 years
 - Few changes in the last 3 guideline cycles
- Consider setting season dates and permits for a 2-year period
 - Considering population survey frequency that would support this
 - Rarely see significant permit level changes from year to year
- Commission retains authority to amend guidelines and hunt recommendations

Public comments are solicited from the Commission, Department staff, the general public through e-news and website, and wildlife conservation organizations. The Department has received 120+ comments so far.

Common comments run the spectrum such as:

- Too many permits; Too few permits
- Quality vs Quantity (most want quality)
- Too crowded
- Hunts aren't long enough
- Animals never get a break, too many hunts
- Over hunted, rest Unit X for X number of years

Some specific comments are:

- More CHAMP opportunity (the Department is evaluating relative to demand)
- Deer – Offer doe hunts
- Deer – Rotate white-tail alternative management units
- Elk – First in opportunity (the Department is preparing a survey)
- Elk – Add Unit 22 to alternative management (the Department is evaluating)
- Quail season – Adjust opening and/or adjust closing date (the Department is evaluating)

In general the Department is evaluating season timing, flexibility, rotation; muzzleloader, archery, youth, CHAMP; Evaluation of Buck:Doe, and Fawn:Doe ratios, and hunt success parameters; and evaluation of Alternative Management Unit parameters. Specific evaluations include the following:

- Deer
 - Alternative Management – older age class
 - OTC Archery deer
 - Youth deer opportunity
- Elk
 - Alternative Management – older age class
 - Survey – first in opportunity
- Turkey

- Gould's season timing based on nest chronology
 - Permit allocation guideline
- Javelina
 - Average herd size parameter
- Bighorn sheep
 - Percent harvest of rams
- Bear
 - Review female harvest limit
- Mountain Lion
 - Season
 - Harvest threshold
 - Effectiveness of multiple bag limits and minimal occurrence zone
- Small Game
 - Quail season timing
 - Prairie dog seasons
 - Recognizing appropriate common names for species

Commission Ammons asked about one of the comments regarding bighorn sheep hunts for one-horned or ugly horned animals, and asked if there had been any considerations for that type of hunt.

Ms. Munig stated that the surveys conducted did not observe any one-horned bighorn rams. If a significant amount of one-horned rams were observed in a population over multiple years, a season with the legal animal being a single-horned ram could be implemented. One-horned rams are observed on occasion but not over multiple years. Establishment of the legal animal for a hunt is addressed under Commission order and would not need to be addressed in the guidelines.

Commissioner Zieler commented that any effort to get more public input would be valuable.

Ms. Munig stated that the team is already looking at that and are investigating using TeleTownHall and a type of webinar approach.

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6. Future Agenda Items and Action Items

Mr. Gray recapped the future agenda and action items captured from this meeting as follows:

- The Department will initiate out of cycle rulemaking for R12-4-414 to address issues with the game bird license
- The Department will provide the Commission Priorities Report with the Commission meeting packets prior to meetings
- The Department will consider/evaluate focusing efforts on reactivation and support our partner's efforts to focus on recruitment and retention should the data indicate this is appropriate approach

- The Department will begin developing hunt recommendation numbers for bison in Unit 12A for the portions included in GCNP should future legislation allow for harvest within the park boundary.

Chairman Madden asked Commissioner Davis to form a Marketing Committee with Department staff to include looking at reactivating hunters and anglers as discussed earlier in this meeting.

Commissioner Davis stated that he would be glad to do it and would pull a team together from multiple units within the Department that would each be a part of this effort.

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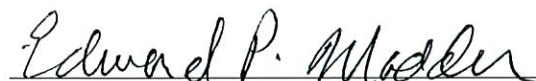
Motion: Zieler moved and Ammons seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

Vote: Unanimous

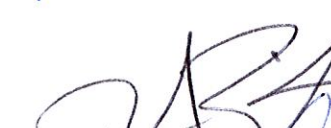
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Meeting adjourned at 11:10 a.m.

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Edward "Pat" Madden, Chairman

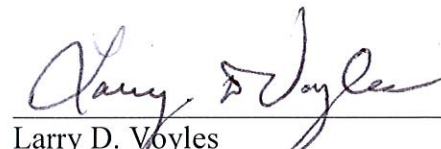

James R. Ammons, Member


James S. Zieler, Member


Eric S. Sparks, Member


Kurt R. Davis, Member

ATTEST:


Larry D. Voyles
Secretary and Director

**Game and Fish Litigation Report
Presented at the Commission Meeting
April 7, 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.

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, 2016, 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 set an oral argument hearing for April 26, 2017 at 1:30 PM.**

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.

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 AGO then moved to dismiss Holden and Guynn's suit (CV 2014-013211) as moot. On November 14, 2016, Judge Brodman issued an order transferring the two new actions to his division but not consolidating them together or with the existing action. **Judge Brodman issued an order dismissing the existing action with prejudice on February 15, 2017, and on February 24, 2017, he 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.**

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

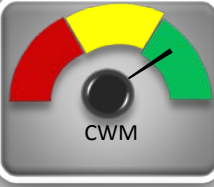
April 7, 2017



FY17 Target: 200,000 acres secured for access-14 new agreements this year. Total acreage reported end of FY; Target of 5,000 Volunteer hours: ~3,500 hours coordinated; Target 3 outreach efforts on Access Program targeting sportsmen: 6 for year- 1 this quarter.



22,000+ new Portal Memberships established during the Elk/Antelope Draw. 100,000th Portal Membership was established on March 28, 2017, more than three months ahead of schedule. To date, more than 105,000 Portal Memberships have been established.



Automation of the Hunt Reccs in development, to be completed by May 2017. Hunt Guidelines tool is in development, and framework being created for Recommendation templates. We are in the planning stages for a Data warehouse for Wildlife Management.



SSDV Engineering initiated construction on: BASF City Water Main Connection; BASF Shop Bldg; SSDV Operations Bldg; Raymond WLA Residence; Three Points Range Multipurpose Bldg; Aquatic Research and Conservation Center Phase II. Phase 1 of Arlington Pond Construction was completed.



Target: 610K lbs stocked in 122 locations by June 30th. 466,088 lbs in 113 locations thus far. Target: 6 habitat projects or phases ongoing. 8 habitat projects in process and 1 complete. 13 of 25 major surveys completed. Spring is our major survey season.



18 topics selected for evaluation by employees at the 2017 Employee Engagement Conference. All A3 projects from the EIL are performing standard work and reporting monthly. Implementation of Category 1 and Category 2 ideas from the EIL; 12 are complete, 9 are green, 17 are yellow, 1 red. Staff has started AMS training.



FAIR CHASE: Messaging incorporated into wildlife assets tent at Expo. Rep. Cobb from Kingman present and made positive comments related to the display. MOFT: Officer attending FAA UAS school. This training and new tool will enhance our investigations and reduce time spent on investigations.



Successful license upsell promo targeted hunters with expiring licenses, resulting in \$150,000 YOY combo license sales increase; Media relations work helped build record Expo crowd; Social Media rollout webcast completed 3/31/17; work begun on department "branding book."



Weekend customer attendance at Outdoor EXPO up 12% over last year. New three day record of 48,400. As of Feb. license sales are at 126,512, close to flat to last year. YTD revenue at BASF up \$109,269.86 or 6.7%. YTD shooter days up 38,949 or 17.5%.



TARGET: 500,000 acres restored- 574,189 completed; TARGET: \$1 million in funding secured- met with new RCPP-getting \$2 million from partners; Target: 6 aquatic restoration projects- on track. TARGET: Engage in 2 federal planning activities per quarter: on track; TARGET: 20 catchments- 16 complete.



BURROS: Data gathering. DE FACTO WILDERNESS: Doc. review. LTMEP: Document review. TRAVEL MANAGEMENT: FS plans under review. CHERRY CR. RD: Admin. fix investigation ongoing.



A2.39 License Classifications; Fees

Effective: ##/##/2017

Policy Process Owner: Deputy Director DOHQ

- A.** In accordance with A.R.S. §§ 5-321, 5-322, 5-327, 17-333, and 17-345, the Commission may establish license classifications and application, license, permit, tag, stamp, and watercraft fees. The provisions of this policy do not apply to retail sales authorized under A.R.S. §§ 17-231(B)(9) and (B)(13).
- B.** The Commission may establish a new product and its associated fee or increase a fee in response to anticipated social or economic indicators, such as but not limited to:
 - 1. Decrease in Department revenue.
 - 2. Increase in Department operating costs.
 - 3. Decline in hunting or angling participation.
 - 4. Increase in revenue or participation.
- C.** In addition, upon recommendation by the Director, the Commission may temporarily reduce or waive a fee as necessary to encourage increased:
 - 1. Sales,
 - 2. Revenue,
 - 3. Participation, or
 - 4. Management of the resource.
- D.** Any temporary fee reduction or waived fee shall be offered for a specific period of time. However, when the Commission determines a fee should be permanently reduced or waived, the Department shall follow the procedures established below under subsection (B).
- E.** The Department shall provide compliance oversight by ensuring that the changes are completed in accordance with all legal, funding, and any other applicable criteria.

Definition:

“Temporary fee reduction” means reducing an application, license, permit, tag, or stamp fee by any amount established by the Commission for a specific period of time.

Procedures:

A. Temporary Fee Reduction; Enhanced Value:

- 1. The Commission may temporarily reduce a fee or enhance the value of a license, provided sufficient time exists to properly implement the fee reduction or enhancement.
- 2. Prior to the meeting where the Commission shall consider a temporary fee reduction or enhanced value for a product or service, the Department shall ensure a public meeting notice and agenda is posted in accordance with A.R.S. § 38-431.02.
- 3. The Commission may make changes to the fee schedule and establish an effective date for these changes at the Commission meeting. Temporary changes to reduce fees may become effective either immediately or at a later date, as specified by the Commission. The Department shall notify the public of the reduced fee.

B. New Product; New Fee; Fee Increase:

- 1. The Commission may direct the Department to prepare a draft rulemaking for a new product and its associated fee or a fee increase.



2. Prior to the initial meeting where the Commission shall consider establishing a new product and fee or increasing a fee, the Department shall ensure a public meeting notice and agenda is posted in accordance with A.R.S. § 38-431.02.
3. The Commission may make changes to the draft rulemaking at the Commission meeting.
4. The Department shall make the draft rulemaking available to the public and notify the public of any opportunities to participate in the process.
5. The Department shall provide the public with a minimum 30-day comment period.
 - a. The comment period shall begin immediately after the draft rulemaking is published to the Department's Portal.
 - b. After the 30-day comment period has ended, the Department shall consider, but need not accept, all comments submitted in response to the rulemaking and revise the draft rulemaking accordingly.
6. Prior to the meeting, where the Commission shall consider the final draft rulemaking, the Department shall ensure a public meeting notice and agenda is posted in accordance with A.R.S. § 38-431.02.
7. The Commission may make changes to the final rulemaking at the Commission meeting and establish an effective date for the rulemaking. The effective date shall be 60 days after the date of filing the notice of rulemaking with the Secretary of State's office. However, the Commission may specify:
 - a. An effective date of more than 60 days after the filing of the rulemaking upon determining good cause exists for the later date and the public interest will not be harmed; or
 - b. An immediate effective date when authorized under A.R.S. § 41-1032(A).
8. The Department shall file the final rulemaking with the Secretary of State's office for publication in the Arizona Administrative Register.

Hunt Permit-tag Application Schedule – Fall 2017

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

Drawing

	ACCEPTANCE DATES ¹	DEADLINE DATES ²		
HUNT	Applications accepted on or after:	Deadline 11:59 p.m. (Arizona time) in Department offices on:	Hunt permit-tags mailed out by	Refund warrants mailed out by:
Deer	(See notes 1, 2, 3)	June 13, 2017	Aug. 4, 2017	Aug. 11, 2017
Turkey	(See notes 1, 2, 3)	June 13, 2017	Aug. 4, 2017	Aug. 11, 2017
Javelina	(See notes 1, 2, 3)	June 13, 2017	Aug. 4, 2017	Aug. 11, 2017
Bighorn Sheep	(See notes 1, 2, 3)	June 13, 2017	Aug. 4, 2017	Aug. 11, 2017
Bison	(See notes 1, 2, 3)	June 13, 2017	Aug. 4, 2017	Aug. 11, 2017
Pheasant	(See notes 1, 2, 3)	June 13, 2017	Aug. 4, 2017	Aug. 11, 2017
Sandhill Crane	July 31, 2017 ³	Aug. 25, 2017 ³	Sept. 11, 2017	N/A
Raptor	Feb. 20, 2018 ³	March 13, 2018 ³	March 19, 2018	N/A

First Come⁴

	Applications accepted by mail on or after 8:00 a.m. (Arizona time):	Permits available for purchase with a completed application at all Department offices after 8:00 a.m. (Arizona time):
HUNT	ACCEPTANCE DATES	ACCEPTANCE DATES
Deer	July 31, 2017	Aug. 7, 2017
Turkey	July 31, 2017	Aug. 7, 2017
Javelina	July 31, 2017	Aug. 7, 2017
Bighorn Sheep	July 31, 2017	Aug. 7, 2017
Bison	July 31, 2017	Aug. 7, 2017
Pheasant	July 31, 2017	Aug. 7, 2017
Sandhill Crane	Sept. 11, 2017	N/A
Raptor	March 27, 2018	N/A

Online Applicants⁵

Deadline for updating your credit or debit card information online by 11:59 p.m. (Arizona time)

Thursday July 6, 2017

Notes:

- The Department will accept Hunt Permit-tag Applications for big game and Pheasant listed above as soon as the applicable year's hunt information is available on the Department's website (www.azgfd.gov), or from any Game and Fish Department office or license dealer, unless otherwise noted in the Hunt Permit-tag Application schedule.
- Department offices at Flagstaff, Kingman, Mesa, Phoenix, Pinetop, Tucson and Yuma will close for business at 5 p.m. (Arizona time); completed applications will be accepted at these locations until 11:59 p.m. (Arizona time) on deadline days. No applications will be accepted after this time regardless of the postmark. Deadline dates and times will apply to online as well as paper applications. Deadline dates may be extended in the event of a Department-related system failure that prevents the public from submitting an application within the deadlines listed above. The online system slow down due to heavy traffic is not considered a Department-related system failure and may not result in a deadline extension. Applicants are encouraged to apply early to avoid the last minute rush. Application assistance can be obtained Monday through Friday (8 a.m.–5 p.m. Arizona time) by contacting the Department. Only on deadline day, from 5 p.m. to 11:59 p.m., after the close of normal business, the Department can be reached at 623-236-7424 for online application assistance.
- Sandhill Crane and Raptor applications are accepted by mail only at the following addresses: P.O. Box 74020, Phoenix, AZ 85087-1052; or at 5000 W. Carefree Highway, Phoenix, AZ 85086-5000. These applications may not be hand delivered to any Department office.
- First come permits are issued if available and will sell very quickly. Applicants are advised to check with the Department before submitting an application for leftover permits. No person, including Youth, may submit more than one valid application per genus for the First Come process, with the exception of javelina (see the javelina bag limit description). A listing of leftover permits is available online at www.azgfd.gov under "Big Game Draw" or at any Department office. To submit first come applications by U.S. mail only, please send to: 5000 W. Carefree Highway, Phoenix, AZ 85086, ATTN: DRAW/FIRST COME.
- Online applicants are encouraged to keep their credit card payment information current. If your payment is declined at the time of the draw, your application will not be drawn. The Arizona Game and Fish Department will no longer call customers to obtain payment on drawn applications where credit cards have failed.