

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, March 3, 2017
International Wildlife Museum
4800 W. Gates Pass Blvd.
Tucson, Arizona 85745

PRESENT: (Commission)

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

(Director and Staff)

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

Awards and Recognition

Tucson Regional Supervisor Raul Vega presented a Commission Commendation of Achievement to the Catalina Bighorn Sheep Volunteer VHF Monitoring Group in recognition of their contributions to the Catalina Bighorn Sheep Project. The following group members were recognized: Danielle Parrish, Doug Dalby, Joe Sheehey, Lindy Sheehey, Karen Yee, Ron Yee, and Sydney Henderson.

Chairman Madden presented a Commission Certificate of Appreciation to Wildlife Manager Supervisor Jimmy Simmons in recognition of his contributions to the success of restoring Desert Bighorn sheep in the Santa Catalina Mountains.

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1. Call to the Public

Bill McClain, Southern Arizona Wildlife Callers, addressed the Commission regarding state trust lands and hunting. Some is open to archery only and some is closed. He would like to see the state land near the Picture Rocks area opened up to shotgun shooting only, so they can varmint call in there and reduce the coyote populations. Also, he would like to see it defined better which areas are open or closed to hunting on state trust lands.

Chairman Madden referred Mr. McClain to Department staff to discuss further.

Dan Brooks, SCI representative, addressed the Commission in regards to recruitment of youth into hunting and understanding conservation education. The SCI has an HLF grant and is currently focused on reaching out to the Boys and Girls Club in Tucson who might not otherwise have the opportunity to learn about wildlife conservation and education.

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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. Memorandum of Understanding with Arizona Antelope Foundation

Presenter: Josh Avey, Chief, Terrestrial Wildlife Branch

The Department and the Arizona Antelope Foundation propose to work cooperatively for the common purpose of improving the status of Pronghorn Antelope and other wildlife and the habitat upon which these species depend. This Memorandum of Understanding (MOU) provides a relationship and framework for conservation actions that benefit populations of these species and associated opportunities to inform and educate the public.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE ENTERING INTO THIS MOU WITH ARIZONA ANTELOPE FOUNDATION.

b. Approve Renewal of a Cooperative Agreement Partnering with BLM and Bullhead City in Management of the Colorado River Nature Center Wildlife Area.

Presenter: Joyce Francis, Habitat Evaluation and Lands Branch Chief

The Commission first entered into a Cooperative Agreement with the BLM and Bullhead City to partner in the management of the Colorado River Nature Center W.A. (including Section 10) in 1987 for the maintenance and improvement of wildlife habitat. It was amended in 1993 to focus on creating a backwater and obtaining water rights. It was amended again in 2009 to further define the roles of the participants. Now in 2017, the signatories wish to amend the agreement again to extend the expiration date for an additional 10 years. The Department’s Region III in Kingman is supportive of this action.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE RENEWAL OF A COOPERATIVE AGREEMENT PARTNERING WITH BLM AND BULLHEAD CITY IN MANAGEMENT OF THE COLORADO RIVER NATURE CENTER 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. Right of Way Agreement Renewal with the US Bureau of Land Management

Presenter: Joyce Francis, Habitat Evaluation and Lands Branch Chief

The Commission currently has an agreement with the Bureau of Land Management for legal access across federal land to provide access to the Powers Butte Wildlife Area from the highway at Gillespie Dam. Formal rights-of-way are necessary for legal access through federal lands on

existing roads. The original right-of-way began in 1991 with the construction of the road by the Department for this purpose. The current agreement expired at the end of December 2016. Therefore, the Department is requesting authorization to renew the agreement. The terms and conditions remain the same.

The Department recommends THAT THE COMMISSION APPROVE THE RENEWAL OF A RIGHT OF WAY AGREEMENT WITH THE US BUREAU OF LAND MANAGEMENT AND AUTHORIZE THE DEPARTMENT TO ENTER INTO ALL RELATED DOCUMENTS NECESSARY TO COMPLETE THE RENWAL.

d. Approve License Agreement with Triskee Farms LLC at Quigley-Achee Wildlife Area

Presenter: Pat Barber, Yuma Regional Supervisor

The Department requests Commission approval of a License Agreement with Triskee Farms LLC for the purpose of planting and harvesting crops on the Quigley-Achee Wildlife Area. The Quigley-Achee Wildlife Area burned in June of 2016. The burn cleared tamarisk out of the Wildlife Area and presented an opportunity to improve the soil conditions by utilizing common agricultural practices for future wildlife habitat restoration. Triskee Farms LLC would grow and harvest 130 acres of commercial crops such as Bermuda grass and alfalfa, would level the fields, install ditches to provide water to more portions of the property, and condition the salty soils so the fields would be ready for a switch to more wildlife friendly vegetation at the end of the agreement. Additionally, trees would be planted along the farm fields during farming operations for the benefit of wildlife.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE THE LICENSE AGREEMENT WITH TRISKEE FARMS LLC FOR THE PURPOSE OF PLANTING AND HARVESTING CROPS ON THE QUIGLEY-ACHEE WILDLIFE AREA.

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

- No action yet on the state budget

- The Appropriations Subcommittee Hearing on February 16 included:
 - JLBC baseline presentation
 - Department budget presentation
- Subcommittee action: No Recommended changes to JLBC baseline from Department/Executive budget

Department Legislative Outreach Events

- Game and Fish Legislative Day held on February 14 and was a very successful and well received event again this year; This is a great opportunity to showcase the Department.
- The Clay Target Blast Event, a streamlining and focusing of last year's Cast and Blast, is tentatively scheduled for March 22; Both old and new Sportsman Caucus members will be invited.

Commissioner Davis suggested that the Cast and Blast event be held in the fall, since it's hard to plan an event for Legislators when they might be doing the budget at that time or maybe holding a special session. Commissioner Davis discussed holding a small event in March, maybe down at the Legislature, and then a bigger event like the Cast and Blast in the fall.

Director Voyles agreed and stated that the Department will look into some alternatives and opportunities, and report back to the Commission at the April meeting.

Commission Legislative Agenda

- SB1154: 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 Senate Natural Resources & Energy Committee and moving forward

Other Bills of Interest:

- SB 1285: Technical Correction; Game; Fish; Facilities (G&F; 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 Senate, ready for House
- 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 House; Referred to Senate Commerce & Public Safety Committee
- SB 1182: G&F; Protected Species; Taking Prohibition; Provisions: Bill would make unlawful for a person to knowingly take a protected felid (mountain lion, bobcat, jaguar, ocelot or Canada lynx).

- Support withdrawn by sponsor, bill not heard in committee, dead

Congressional Update

Ryan Zinke was confirmed on March 1 to serve as Secretary of Interior. Secretary Zinke issued two secretarial orders which expand access to public lands and increase hunting, fishing, and recreation opportunities nationwide. These orders deliver on promises made by both President Donald J. Trump and Secretary Zinke to expand access to America's public lands. The orders are as follows:

- Secretarial Order 3346 overturns the recent ban on lead ammunition and fish tackle used on Fish and Wildlife Service lands, waters, and facilities. The order highlights the need for additional review and consultation with local stakeholders.
- Secretarial Order 3347 advances conservation stewardship, improves game and habitat management, and increases outdoor recreation opportunities by directing bureaus and agencies to immediately identify areas where recreation and fishing can be expanded.

Director Voyles suggested that the Commission may want to consider taking a formal position in support of Secretary Zinke's the two Secretarial Orders as was done by the Association of Fish and Wildlife Agencies, the Safari Club International, and several other organizations.

Motion: Davis moved and Zieler seconded THAT THE COMMISSION VOTE TO SUPPORT SECRETARY ZINKE'S SECRETARIAL ORDER 3346 AND SECRETARIAL ORDER 3347.

Vote: Unanimous

Director Voyles stated that the he will send a letter to Secretary Zinke regarding the Commission's support of the two Secretarial Orders.

Waters of the US Rule

President Trump signed an Executive Order (EO) to rollback Obama's Waters of the US Rule (WOTUS). The current rule designates what smaller bodies of water and tributaries are under the control of the EPA and Army Corps and defines what bodies of water would be protected. The EO instructs these two agencies to formally reconsider WOTUS rule and freezes implementation of WOTUS until more review occurs. The Rule is still on the books and legislative action will be needed in future.

Congressional Review Act

All rules submitted after June 13, 2016 are eligible for review by the New 115th Congress and requires only a simple majority in both chambers along with the President's signature. Congress has until the 60th legislative day to review (CRA process) to rollback the rule. Affected rules include:

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

- HJ Res 44: Halts BLM Planning Rule 2.0; Disapproving 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
- HJ Res 38: Halts Stream Protection Rule. This resolution nullifies the Stream Protection Rule finalized by the Office of Surface Mining Reclamation and Enforcement on December 20, 2016. The rule addresses the impacts of surface coal mining operations on surface water, groundwater, and the productivity of mining operation sites.

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4. Commission Priorities Update

Presenter: Kent Komadina, Special Assistant to the Director

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

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

Information Systems Branch Chief Doug Cummings provided a PowerPoint presentation and briefing on the Commission Priority for Business Enterprise Development. The presentation highlighted several technological achievements completed by the Department that have put the Department in a position to move forward with a five-year plan for advancing its technological capabilities. Included in the presentation was an overview of the Department's online draw operations and an outline/timeline of the Department's five-year technology roadmap, which includes customer facing systems, wildlife management systems, and general systems.

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Meeting recessed for a break at 9:45 a.m.

Meeting reconvened at 10:00 a.m.

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9. 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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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 Doug Ducey. Governor Ducey's vision is for Arizona to be the number one state to live, play, recreate, retire, visit, do business, and get an education. To achieve this vision, Arizona is deploying a professional, results-driven management system to transform the way Arizona state government thinks and does business as one enterprise. State agencies are doing more good for Arizona by tracking and improving their performance each and every day.

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

Successful Department Projects

- Days to issue disabled veterans sustaining at 1.25 days
- Email notification of proposed rule changes
- Lake Havasu watercraft registration
- OHV email notification reminders
- Region I nuisance bear call-out list

Several Department staff are attending AMS training through the Governor's Office. This team will be able to coach, facilitate, and help implement additional agency identified projects. The Department will be providing monthly reports to the Commission and stakeholders regarding implementation of AMS projects.

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6. Request to approve the Article 3 Taking and Handling of Wildlife Five-year Rule Review Report, for Submission to the Governor's Regulatory Review Council (GRRC).

Presenter: Jay Cook, Mesa Regional Supervisor

Mr. Cook provided a PowerPoint presentation and briefing on the Five-year Rule Review Report for Article 3, addressing the taking and handling of wildlife, for submission to GRRC. ARS § 41-1056 requires each state agency to review all of its rules at least once every five years. The Article 3 Five-year Rule Review Report is due to GRRC by March 31, 2017. If approved by the Commission, the Department will submit the report to GRRC for their review. Submission of

this report will not change any of the Article 3 rules; however, if the Department fails to submit the report by the established due date, the Commission's Article 3 rules will expire and no longer be in effect or enforceable.

In addition to the review criteria prescribed under ARS § 41-1056, the Article 3 rule review team considered internal and external comments received during the previous five years, and processes that have changed since the last rulemaking. For all rules, the team recommends amendments designed to protect fair chase hunting principles, ensure consistency between Commission rules, Department processes, rule language/formatting, and to reduce the regulatory burden where possible. In addition, the team proposes the following substantive amendments:

R12-4-301. Definitions

- Definitions were added or revised to facilitate consistent interpretation of Article 3 rules and Commission Orders.

R12-4-302. Use of Tags

- Establish clarifying language for the use of tags.

R12-4-303. Unlawful Devices and Ammunition

- Establish that any bullet that is not designed to expand on impact shall not be used for the take of wildlife. This change is in response to customer comments received by the Department
- Prohibit the use of any smart device or live-action trail camera/device equipped to transmit images in real-time, which compromise the spirit of fair chase. This change is in response to customer comments received by the Department
- Prohibit the use of a passive trail camera within 1/4 mile (440 yards) of the outer perimeter of a developed water or point source water. This change is in response to customer comments received by the Department
- Prohibit the discharge of an arrow or bolt or hybrid device within 1/4 mile (440 yards) of an occupied structure without permission of the owner or resident. This change is in response to customer comments received by the Department
- Prohibit a person who is a "prohibited possessor" from using a deadly or prohibited weapon for the take of wildlife to increase consistency between rule and statute.

R12-4-304. Lawful Methods for Taking Wild Mammals, Birds, and Reptiles

- Establish when a hybrid device may be lawful for the take of wildlife
- Allow the use of pre-charged pneumatic weapons using arrows or bolts for the take of wildlife, except bison and elk. This change is in response to customer comments received by the Department
- Allow the use of ceramic and ceramic-coated metal broadheads wherever a bow or crossbow is authorized for that species.

R12-4-305. Possessing, Transporting, Importing, Exporting, and Selling Carcasses or Parts of Wildlife

- Remove the phrase "during a closed season" to allow a person who possesses any bear/mountain lion tag to harvest and tag it to prevent the waste of game meat

- Establish requirements allowing a person to gift wildlife lawfully taken and enable the person receiving it to legally transport the wildlife to its final destination.

R12-4-306. Buffalo Hunt Requirements

- Allow a hunter who lawfully takes a bison in Units 5A and 5B to check out by telephone, unless otherwise required by the Department at the time of the hunt. This change is in response to customer comments received by the Department.

R12-4-307. Trapping Regulations: Licensing; Methods; Tagging of Bobcat Pelts

- Require a person age ten or older to obtain a trapping license and a person under age ten to obtain a trapping registration number to increase consistency between Commission rules
- Require a trapper to ensure a bobcat seal is attached to a bobcat by April 1 of each year to reduce the burden and costs on persons regulated by the rule.

R12-4-309. Authorization for Use of Drugs on Wildlife

- Establish the authorization does not exempt the person from any applicable code, ordinance, statute, regulation, or rule or authorize the license holder to engage in any activity using wildlife that is protected by federal regulation and remove the requirement that the applicant include information regarding federal approvals/permits. Having this language in rule implies the Department verifies/tracks those approvals/permits. The Department believes it is the applicant's responsibility to ensure compliance with federal permitting regulations
- Require the applicant to indemnify the Department against any injury or damage resulting from the use of animal drugs.

R12-4-313. Lawful Methods of Taking Aquatic Wildlife

- Establish when a hybrid device may be lawful for the take of aquatic wildlife
- Prohibit snagging aquatic wildlife or use of a bow and arrow, crossbow, snare, gig, spear or spear gun within 200 yards of a designated swimming area and the use of a bow and arrow, crossbow, snare, gig, spear, or spear gun within 200 yards of a fishing pier to protect public health/safety
- State aquatic wildlife taken in violation of Title 17 and this rule is unlawfully taken
- Prohibit a person from knowingly disturbing the crayfish net/minnow trap of another unless authorized to do so by the owner to increase consistency between Commission rules.

R12-4-315. Possession of Live Fish; Unattended Live Boxes and Stringers

- Prohibit a person from knowingly disturbing the live box/stringer of another unless authorized to do so by the owner to increase consistency between Commission rules.

R12-4-317. Seasons for Lawfully Taking Fish, Mollusks, Crustaceans, Amphibians, and Aquatic Reptiles

- Establish Commission's authority to limit a "catch and immediate release" season to the use of a single-point barbless hook

R12-4-318. Seasons for Lawfully Taking Mammals, Birds, and Reptiles

- Allow the use of a single shot, pre-charged pneumatic weapon during a "HAM."

R12-4-318. Seasons for Lawfully Taking Wild Mammals, Birds, and Reptiles

- Allow the use of a single shot, pre-charged pneumatic weapon during a "HAM."

R12-4-319. Use of Aircraft to Take Wildlife and R12-4-320. Harassment of Wildlife

- Clarify drones are considered to be aircraft.

R12-4-321. Restrictions for Taking Wildlife in City, County, or Town Parks and Preserves

- Exempt a person participating in a reptile/amphibian limited weapon hand/hand-held implement season established by Commission Order from the 1/4 and 1/2 mile (440 and 880 yards) restrictions.

R12-4-322. Pickup and Possession of Wildlife Carcasses or Parts

- Allow Department employees/agents to assist in determining when an inspection by a LE officer is required to reduce burden on persons regulated by the rule and Department.

Commissioner Davis requested clarification that no live action or trail cameras are allowed within ¼ mile from waters for the purpose of taking wildlife. Regarding the buffalo hunt reporting, the Department may want to look at other opportunities to allow telephone or electronic reporting of take.

Commissioner Davis asked about the definition of swimming areas related to R12-4-313, snagging/bow/spearfishing, within 200 yards of designated swimming area, and suggested the rule specifically state "signed swimming areas."

Motion: Zieler moved and Sparks seconded THAT THE COMMISSION VOTE TO APPROVE THE ARTICLE 3 FIVE-YEAR REVIEW REPORT, WITH THE AMENDMENTS AS DISCUSSED, FOR SUBMISSION TO THE GOVERNOR'S REGULATORY REVIEW COUNCIL.

Vote: Unanimous

Mr. Cook stated that upon approval by GRRC, the Department will request to move forward with the rulemaking process and begin public outreach. The final rulemaking packet will be presented to the Commission next year for approval.

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7. Cooperative Agreement with the Yavapai Prescott Indian Tribe

Presenter: Scott Poppenberger, Kingman Regional Supervisor

Mr. Poppenberger provided a PowerPoint presentation and briefing on a proposed Cooperative Agreement with the Yavapai Prescott Indian Tribe (YPIT) to provide support in the form of Conservation Law Enforcement training for the YPIT Police Department's Conservation Officer position. 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.

Department personnel in the Prescott area of Region III are always looking for ways to build or strengthen relationships within the community. During coordination with the YPIT PD, the need for training specific to Conservation Law Enforcement was identified. 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 YPIT is a very small tribe and they do not have the resources to effectively train on their own in the field of Conservation Law Enforcement. This agreement would be for a period of ten years.

The Department recommends THAT THE COMMISSION CONSIDER THIS FIRST READ ITEM REGARDING A COOPERATIVE AGREEMENT WITH THE YAVAPAI PRESCOTT INDIAN TRIBE AND THAT IT BE PLACED ON THE CONSENT AGENDA FOR THE NEXT REGULAR COMMISSION MEETING.

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

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8. Establishment of a Special Use Permit with the Tonto National Forest for Installation of Reservoir Fish Habitat

Presenter: Chris Cantrell, Aquatic Wildlife Branch Chief

Mr. Cantrell briefed the Commission on a proposed Special Use Permit with the Tonto National Forest allowing the Department to install artificial fish habitat in five reservoirs on the Tonto National Forest. The Department is seeking to install artificial fish habitat structures in five reservoirs located on the Tonto National Forest; Roosevelt Lake, Apache Lake, Canyon Lake, Saguaro Lake and Bartlett Lake. The Special Use Permit authorizes the Department to place these habitat structures through terms and conditions and outlines criteria for installation at locations to be determined over the course of the next 20 years.

Commissioner Davis requested that the Commission move ahead with a vote on this item rather than place on the consent agenda for the next meeting. This is very important to the state and it has taken a long time and a lot of work to get to this point.

Motion: Davis moved and Zieler seconded THAT THE COMMISSION APPROVE A SPECIAL USE PERMIT WITH THE TONTO NATIONAL FOREST FOR THE PLACEMENT OF RESERVOIR FISH HABITAT AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT AS PRESENTED OR AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

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10. Threatened and Endangered Wildlife Briefing

Presenter: Jim deVos, Assistant Director, Wildlife Management Division

Mr. deVos provided a PowerPoint presentation and briefing on the role of private and public partnerships in reintroduction of threatened and endangered native wildlife. The presentation included an overview of the Department's projects and partnerships as follows:

- Safe Harbors for Chiricahua Leopard Frog
 - Private landowners
- Chiricahua Leopard Frog Captive Breeding
 - The Phoenix Zoo
- Tarahumara Frog Captive Breeding
 - Arizona-Sonora Desert Museum
- Sonoyta Mud Turtle Assurance Population
 - Arizona-Sonora Desert Museum, National Park Service, U.S. Fish and Wildlife Service (USFWS)
- Mohave County General Conservation Plan (protection of Mohave desert tortoise)
 - Mohave County, QuadState Local Governments Authority, USFWS
- New Mexico Meadow Jumping Mouse
 - Northern Arizona University, Apache-Sitgreaves National Forest, National Resource Conservation Service, USFWS
- Black-footed Ferret
 - Kaibab National Forest, USFWS, USDA-Wildlife Services Phoenix Zoo, Babbitt Ranches, NRCS, USGS, Hualapai Tribe, Hopi Tribe, Navajo Nation, Boquillas Ranch, Petrified Forest National Park, Seibert Cattle Co.
- Mount Graham Red Squirrel
 - USFWS, U.S. Forest Service (USFS), University of Arizona, The Phoenix Zoo
- Native Fish Research Ponds Valle Vista Golf Club (bony-tailed chub and razorback sucker)
 - Aquatic Research and Conservation Center
- Sonoran Pronghorn Habitat Use & Movements
 - Yuma Proving Grounds, Kofa National Wildlife Refuge, Logan Simpson Consulting
- Native Aquatic Species Conservation (Desert pupfish, Gila topminnow, Gila chub, Chiricahua leopard frog, Narrow-headed gartersnake, California floater),
 - The Phoenix Zoo
- Narrow-headed Gartersnake research & recovery
 - The Phoenix Zoo, Private landowners
- Native Aquatic Species Conservation (Gila chub, Gila topminnow, Northern Mexican gartersnake)
 - San Rafael Cattle Company

- Muleshoe Ranch Aquatic Species Conservation (Gila chub, Gila topminnow, spikedace, loach minnow, desert pupfish)
 - Private landowner, The Nature Conservancy
- Kei Sundt's Pond (aquatic species conservation for desert pupfish, Gila topminnow and Chiricahua leopard frogs)
 - Private landowner
- Roundtail Chub Refuge Ponds
 - Multiple private landowners
- Lookout Wash Project for Longfin and Speckled Dace
 - Private landowner
- Desert Pupfish
 - International Wildlife Museum
- Gila Topminnow and Desert Pupfish
 - Private landowners (Safe Harbor Agreements)
- Export of Captive Bred Masked Bobwhite Quail
 - Buenos Aires National Wildlife Refuge, Africam Safari
- Sonoran Pronghorn Recovery and Captive Breeding
 - Cabeza Prieta National Wildlife Refuge, Kofa National Wildlife Refuge, Barry M. Goldwater Air Force Range, Yuma Proving Grounds, Tohono O'odham Nation, Comisión Nacional de Áreas Naturales Protegidas (Pinacate), University of Arizona, Arizona State University
- Production & Stocking of Native Fish Salt River Project (SRP) Partnership
 - SRP
- Bureau of Reclamation & Razorback Sucker Production at Bubbling Ponds Hatchery
 - BOR
- Three Forks Springsnail Habitat Improvements & Protections
 - National Wild Turkey Federation, The Phoenix Zoo, The Nature Conservancy, USFS, USFWS
- Page Springsnail Propagation Research & Captive Refuge Population
 - The Phoenix Zoo, ASU School of Life Sciences, USFWS

The Commission expressed their appreciation of the Department's efforts to conserve and protect these species. The number of species and partnership projects are tremendous accomplishments.

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13. 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

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. Announcement of the 2017 Heritage Grant Award Recipients

Presenter: Marty Herrera, Heritage Fund Administrator

Mr. Herrera briefed the Commission, via video teleconference from the Department's Headquarters, on the Heritage Grant sub-category award recipients for the 2017 Heritage Fund grant cycle. Pursuant to R12-4-702.I, the Department announces to the Commission and to the Public the Heritage Grant award recipients.

In October, 2016 the Department received a total of ninety-four grant applications from applicants competing for a 2017 Heritage Grant award, with a total of \$412,000 available. Grant applications were considered in all six of the Department's designated fund sub-categories for a Heritage Grant award. Each of the 2017 Heritage Grant award recipients is listed below depicting the applicant, the project title and the Heritage Grant amount each recipient is being awarded.

Environmental Education (EE) received a total of twenty-three applications and the amount available is \$16,000. The following five Arizona Schools or organizations are awarded a 2017 EE Heritage Grant:

1. The Flagstaff Unified School District, Flagstaff High School for the project titled "*Life Zone and Pronghorn Management Case Studies.*" The award amount is \$ 2,420.
2. Keepers of the Wild, a non-profit organization for the project titled "*Informal Environmental Education Experience.*" The award amount is \$3,730.
3. Tohono Chul, a non-profit organization for the project titled "*Bio-Field Science Program.*" The award amount is \$2,500.
4. Arizona State University, Tempe and Polytechnic Campus for the project titled "*Sonoran Desert Citizen Science: Building Nature Stewards.*" The award amount is \$ 4,850.
5. Four Corners School of Outdoor Education, a non-profit organization for the project titled "*Place-Based Education for K.I.D.S.*" The award amount is \$2,500.

Schoolyard Habitat (SCHOOLYARD) received a total of thirteen applications and the amount available is \$30,000. The following three Arizona Schools are awarded a 2017 SCHOOLYARD Heritage Grant:

1. Paradise Valley School District, Sonoran Sky Elementary School for the project titled "*Sonoran Sky's Wonderland Outdoor Classroom, Pond & Habitat.*" The award amount is \$10,000.
2. Tucson Unified School District, Rincon University High School for the project titled "*Rincon University High School Schoolyard Wildlife Habitat.*" The award amount is \$9,800.
3. Creighton School District, William Machan School for the project titled "*Machan Urban Wildlife Oasis.*" The award amount is \$10,000.

Urban Wildlife (URBAN) received a total of twenty-six applications and the amount available is \$100,000. The following seven organizations are awarded a 2017 URBAN Heritage Grant:

1. The City of Saint Johns for the project titled "*Patterson Ponds Recreation Area Revitalization.*" The award amount is \$ 46,965.
2. Kachina Village Improvement District for the project titled "*Kachina Wetlands: Providing viewing opportunities of watchable wildlife.*" The award amount is \$16,350.
3. Highlands Center for Natural History, a non-profit organization for the project titled "*Interpretive Signage for James Family Discovery Gardens.*" The award amount is \$10,000.
4. Catalina Foothills School District, Manzanita Elementary for the project titled "*Critter Cams for Kids.*" The award amount is \$ 2,250.
5. The City of Tucson, Parks and Recreation Department for the project titled "*Tucson Birding Trail Map – Update and Reprint Project.*" The award amount is \$ 3,772.
6. The Arboretum at Flagstaff, a non-profit organization for the project titled "*Meadow and Wetlands Discovery Trail.*" The award amount is \$15,145.
7. Little Colorado River RC&D a non-profit organization for the project titled "*Rainbow Lake Weed Control.*" The award amount is \$5,518.

Public Access (ACCESS) received a total of six applications and the amount available is \$50,000. The following two organizations are awarded a 2017 ACCESS Heritage Grant:

1. Town of Camp Verde for the project titled "*Homestead Park Access Road Phase-I.*" The award amount is \$ 24,500.
2. Graham County for the project titled "*Lebanon Reservoir Access.*" The award amount is \$25,500.

Identification, Inventory, Acquisition, Protection and Management (IIAPM) received a total of eight applications and the amount available is \$200,000. The following four organizations are awarded a 2017 IIAPM Heritage Grant:

1. New Mexico State University for the project titled *“Assessment of Burrowing Owl Translocation Efforts in Southern Arizona.”* The award amount is \$39,269.
2. Arizona Center for Nature Conservation dba The Phoenix Zoo, a non-profit organization for the project titled *“Narrow-headed gartersnake outdoor propagation and soft-release research enclosures.”* The award amount is \$37,100.
3. Arizona Board of Regents on behalf of Arizona State University for the project titled *“Characterizing the Sonoran Desert tortoise through genomic analyses of hybrids and speciation.”* The award amount is \$33,776.
4. Arizona State University Office of Research and Sponsored Projects for the project titled *“The History of a Lethal Pathogen in Arizona Ranid Frogs.”* The award amount is \$14,014.

* * * * *

14. Litigation Report

There were no comments or questions regarding the Litigation Report.

* * * * *

15. Approval of Minutes and Signing of Minutes

Motion: Davis moved and Zieler seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM FEBRUARY 3-4, 2017.

Vote: Unanimous

The Commission signed the minutes following approval.

* * * * *

16. Commissioner Committee Reports

Chairman Madden stated that the Fair Chase Committee will be meeting Monday. The Committee is excited about getting Article 3 through the rulemaking process.

Commissioner Davis stated that the Legislative Committee will be having some follow up meetings with Legislators on the Department’s Omnibus bill as it approaches the House floor.

* * * * *

17. Director and Commissioner Comments

Commissioner Zieler commented on attending an HPC meeting in Region I. It went really well and there was a lot of local participation from partners and the community.

Commissioner Davis thanked Raul Vega and Region V staff for their efforts and for coordinating this great location for the Commission meeting.

* * * * *

18. Future Agenda Items and Action Items

Mr. Gray captured the following action and future agenda items from this meeting:

- The Department will consider moving the Cast and Blast event to the fall and report back to the Commission in April
- The Department will send a letter to the Secretary of Interior expressing the Commission's support of his recent Secretarial Orders.

* * * * *

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

Vote: Unanimous

* * * * *

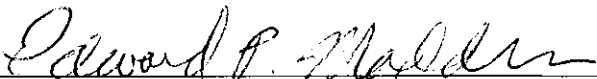
Motion: Ammons moved and Zieler seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

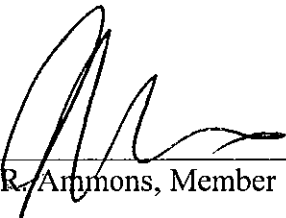
Vote: Unanimous

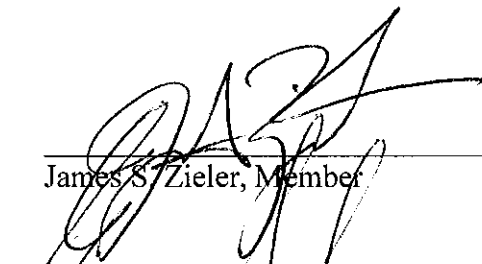
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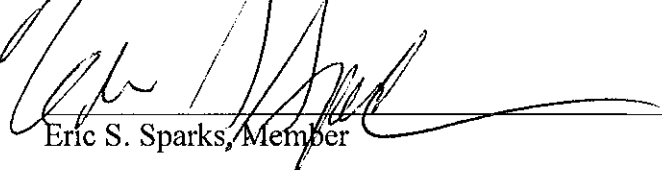
Meeting adjourned at 3:00 p.m.

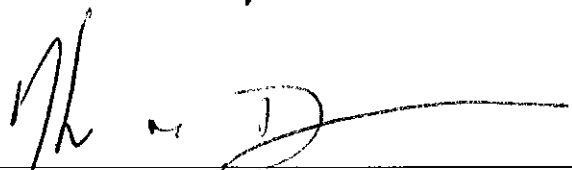
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Edward "Pat" Madden, Chairman

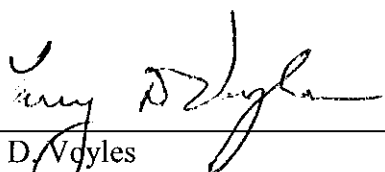

James R. Ammons, Member


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
March 3, 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.

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.

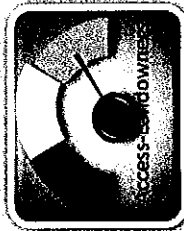
The superior court denied the State's Motion to Dismiss, stating that the language and legislative history of A.R.S. §17-314 only authorizes the courts of this state to assess civil damages for the loss of wildlife to the state. The Commission has directed the AGO to file suit in the superior court to 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.**

Commission Priorities Report

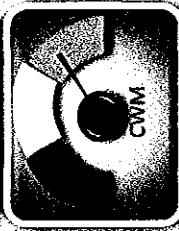
March 3, 2017



FY17 Target of 200,000 acres secured for access: 3 new agreements; Target of 5,000 Volunteer hours: ~3,000 hours coordinated; Target 3 outreach efforts on Access Program targeting sportsmen: 5 for year- 2 this quarter.



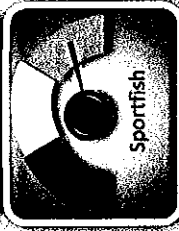
Since the ISW Launch, more than 2,200 accounts have been purchased. More than 89,500 (over 7,500 new accounts during Elk/Ant Draw application process) Portal accounts have been established.
Developed Five Year Technology Roadmap.



Online Hunter Questionnaire fully deployed and results being gathered. 3rd milestone completed in strategy to consolidate all wildlife data into a useable, sustainable, and standardized data platform. Automation of the Hunt Recommendations in develop.



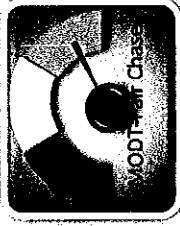
On track with Develop./Facil. key measure to achieve "Active Status" on 90% of eligible projects submitted through the "project proposal process"; Engineering has initiated inspections at AGFD wildlife area properties with assessment information being entered into the FIAT database.



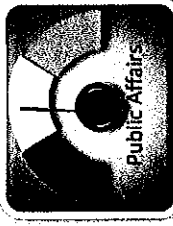
TARGET: 610K lbs. of sport fish in a minimum of 122 locations. To date = 394,707 lbs in 104 locations.
TARGET: Implement six aquatic habitat improvement projects. Special Use Permit to place habitat for five reservoirs requested for March commission approval.



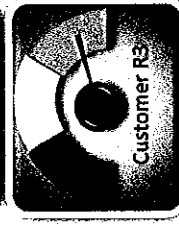
Topics submitted by Department employees for EEC 2017 reviewed by leadership and pending review by Director Voyles. A3 projects from EIL are all meeting standard work expectations and reporting. From the EIL, 9 ideas are complete, 10 exhibit significant progress, 19 exhibit slow progress but expect to be accomplished and 2 have shown no progress.



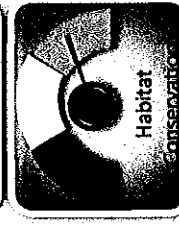
MOFT: Grant funding/other programmatic budgeted dollars used for overtime to increase field time: department increasing officer field presence at boating and OHV checkpoints and CFP patrols.
FAIR CHASE: Staff attended the Shot Show to evaluate new and evolving hunting technologies.



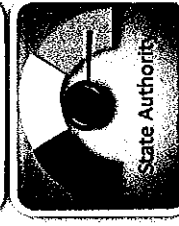
Working with OMA outlining 10-year marketing/awareness campaign: Resuming "Conserve and Protect" ad campaign in Phoenix metro area; Rolling out changes to social media policy; Prepping for Expo media relations and staffing.



For fiscal 17, License Sales are trending up 10% YTD.
February NASP fun shoot set new record for attendance at 416 archers. YTD revenue at BASF up \$109,269.86 or 6.7%. YTD shooter days up 38,949 or 17.5%. Traffic to sandhill crane cam is up 35% YTD.



TARGET: 500,000 acres restored- 488,444 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- 14 complete.



BURROS: Data gathering. DE FACTO WILDERNESS: Doc. review. LTMEP: Document review. TRAVEL MANAGEMENT: FS plans under review, meeting with Sheriff's Assn. CHERRY CR. RD: Admin. fix investigation ongoing.