

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, August 3, 2018
Little America Hotel
2515 E. Butler Avenue
Flagstaff, AZ 86004

PRESENT: (Commission)

(Director and Staff)

Chairman James S. Zieler
Commission James R. Ammons
Commissioner Kurt R. Davis
Commissioner Leland S. "Bill" Brake

Director Ty Gray
Deputy Director Tom Finley
General Attorney Jim Odenkirk

ABSENTIA: (Commission)
Commissioner Eric S. Sparks

Chairman Ammons called the meeting to order at 8:00 a.m. and led those present through the Pledge of Allegiance followed by a moment of silence in honor and remembrance of Staff Sergeant Alexander W. Conrad from Arizona who died on June 9, 2018 in support of Operation Octave Shield in Somalia; 19 Granite Mountain Hotshots who lost their lives at Yarnell Hill five years ago; the life of Captain Juston Doherty, who passed away Saturday, July 7 while on weekend drills with the Arizona National Guard; the victims of the Capital Gazette shooting; and Arizona State Trooper Tyler Edenhofer who was recently killed in the line of duty.

The Commission introduced themselves followed by introductions of the Director and the Director's staff. Commissioner Spark was not present. This meeting followed an agenda revision #1 dated August 1, 2018.

Awards and Recognition

Chairman Zieler presented a Commission Commendation of Achievement to Mike Anderson, Roger Hailey, Tim Comstock, Jeff Whitacre, Bob Dyer, Tom Mackin, Rob Mackin and Dan Bradford for their exceptionally dedicated service and endurance in providing water for wildlife in Region 2 during one of the driest periods on record.

Chairman Zieler presented a Commission Commendation of Achievement to Kaibab National Forest for their continued partnership, stewardship, and unwavering commitment to wildlife conservation.

Chairman Zieler presented a Commission Certificate of Appreciation to Nathan Ragan, Wildlife Manager for his exceptional service and dedication in ensuring there was adequate water for wildlife in GMU 9 during one of the driest periods on record.

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1. Call to the Public

Pat Madden, former Commissioner, expressed his appreciation for his award at WAFWA last month. He mentioned that he broke the Commission curse and received a hunting tag this year.

Bill McLean, former Commissioner, stated that he is wearing a new hat as the Arizona Heritage Alliance liaison to the Commission since the passing of Beth Woodin. He also received a white tail tag that he is looking forward to. He mentioned some future project that he will be working with the Department regarding the Verde Valley and conservation easements. He looks forward to working the Commission.

Steve La Falce, President of the Northern Arizona Trout Unlimited and Council Chairman for Arizona State Council of Trout Unlimited, welcomed the Commission and suggested that Arizona establish a low cost Senior Fishing License. He believes the low cost would increase the fishing within the senior community.

John Spears stated that he spent his life hunting and fishing which he is not against and would like to suggest that the Commission revisit the trail camera issue on water holes.

Tina Merdith is a volunteer with the Humane Society of United States and she is aware that the coyote contest is coming up in November, which the Department's position is neutral. She commented that the coyote killing contests are ineffective and they do not reduce the coyote population and suggest that the Department reconsider their position.

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2. Consent Agenda

The following items were grouped together and noticed as consent agenda items to expedite action on routine matters, and/or were previously presented to the Commission as a "first read" item. These items were presented to the Commission and none were removed for discussion.

a. Renewal of Utility Permit Agreement with Citizens Telecommunications Company.

Presenter: Clay Crowder, Branch Chief Habitat, Evaluation and Lands Branch

The Department requested Commission approval to renew a Utility Permit Agreement with the Citizens Telecommunications Company of the White Mountains, Inc. The agreement is to use a portion of the Commission's land at the Pinetop regional office property for a right-of-way to construct, operate and maintain underground telephone lines and services.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE RENEWAL OF A UTILITY PERMIT AGREEMENT WITH CITIZENS TELECOMMUNICATIONS COMPANY OF THE WHITE MOUNTAINS, INC. TO USE A PORTION OF COMMISSION-OWNED LAND AT THE PINETOP REGIONAL OFFICE TO CONSTRUCT, OPERATE AND MAINTAIN UNDERGROUND TELEPHONE LINES AND SERVICES.

b. Memorandum of Understanding with Amigos del Centro Ecologico A.C.

Presenter: Jim deVos, Assistant Director, Wildlife Management Division

The Department requested Commission approval of a Memorandum of Understanding with Amigos del Centro Ecologico A.C. for the purpose of conservation and management of wildlife relevant to Arizona and related educational programs, primarily to benefit Game Management Species and Wetlands in Mexico.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH AMIGOS DEL CENTRO ECOLOGICO (ACE) AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT.

c. Memorandum of Understanding with Soluciones Ambientales Itzeni A.C.

Presenter: Jim deVos, Assistant Director, Wildlife Management Division

The Department requested Commission approval of a Memorandum of Understanding with the Soluciones Ambientales Itzeni A.C. for the purpose of conservation and management of wildlife and related educational programs, primarily to benefit Mexican Wolf conservation in Mexico.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH SOLUCIONES AMBIENTALES ITZENI AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE AGREEMENT.

d. Renewal of Utility Permit Agreement with UNS Gas, Inc.

Presenter: Clay Crowder, Habitat, Evaluation and Lands Branch Chief

The Department recommended Commission approval to renew a Utility Permit Agreement with UNS Gas, Inc. to use a portion of the Commission's land at the Pinetop regional office property for a right-of-way to construct, operate and maintain underground gas lines and services.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE RENEWAL OF A UTILITY PERMIT AGREEMENT WITH UNS GAS, INC. TO USE A PORTION OF COMMISSION-OWNED PROPERTY AT THE PINETOP REGIONAL OFFICE FOR A RIGHT-OF-WAY TO CONSTRUCT, OPERATE AND MAINTAIN UNDERGROUND GAS LINES AND SERVICES.

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

Vote: Unanimous

4 to 0

Sparks not present

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3. State and Federal Legislation

Presenter: Ed Sanchez, Legislative Liaison.

Mr. Sanchez provided a slide presentation and briefed the Commission on the following items:

- Legislative Proposals 2019
- 2019 Legislative Proposals Under Review
- State Election 2018
- Federal Election Highlights
- Visit to Ben Avery
- Congressional Update
- FY 2019 Interior Environment Appropriations
- Recovering America's Wildlife Act
- National Park & Agency Maintenance Backlog Fix
- Grand Canyon Bison Act HR3005
- PR Modernization Act HR2591
- Migratory Bird Framework and Hunting Opportunities for Veterans Act – S2942/HR6013
- Endangered Species Act Legislation – Aims to give states a more prominent role in species recovery
- Endangered Species Act Legislation – House
- Endangered Species Act – Senate
- Endangered Species Act: Administration Decisions – ESA Regulatory reforms proposed by Interior/FWS
- Endangered Species Act: Administration Decisions – Withdrawal of the compensatory mitigation policy for ESA which directs FWS to set a net-benefit goal for natural resource extractions on public land.

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4. Commission Priorities Update

Presenter: Ty Gray, Director

Mr. Gray provided an update on the Commission Priorities and highlighted several activities since the last Commission meeting. The Department regularly reports to the Commission on its progress for each priority. The current 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

Aquatics Branch Chief Chris Cantrell provided an expanded presentation on sportfish opportunities titled “We Provide Better Fishing” that highlighted the following FY18 areas:

- 750,000 lbs of sportfish stocked
- 122 waters stocked
- 6 aquatic habitat improvement projects implemented
- Drought and fire closures
- Community fishing program expansion
- Focus area for FY19

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

Presenter: Ryan Babel, Natural Resources Planner

Mr. Babel provided a slide presentation and update on the Department’s deployment of AMS methods and tools to reduce waste and build sustainable efficiency in Department systems and processes. The briefing included an update on scorecard metrics and the 2019 fiscal year Strategic Plan.

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6. Federal Lands Planning Update

Presenter: Clayton Crowder, Habitat, Evaluation, and Lands Branch Chief

Mr. Crowder provided a slide presentation on the status of Department activities and involvement with resource management planning and other major actions on federal lands in Arizona. The presentation included highlights from the Federal Lands Update (attached), which provides a summary of activities that occurred since the last Commission meeting. Highlights covered in the presentation included: the following:

- Forest Planning – Land Resource Management Plans
- Forest Planning – Travel Management
- BLM Travel Management Planning – Havasu Field Office
- Other Key Points in Planning Process
- Coconino National Forest - Land, Resources, Management Plan
- Record of Decision has been signed on LRMP
- Wild and Scenic River Designation & Recommended Wilderness Areas Concerns
- Recreation Opportunity Spectrum – Semi-Primitive, Non-Motorized Designation
- Department Efforts to Resolve Concerns

- Coronado National Forest – Land, Resources, Management Plan
- Record of Decision has been signed on LRMP
- Recommended Wilderness Area Concerns
- Wildlife in Wilderness Concerns
- Guideline on Roads Open/Closed
- Department Efforts to Resolve Concerns
- Summary – Coconino and Coronado Appeals Period

Commissioner Davis stated there are some issues related to the Wilderness Act that Commissioner Brake will need to be updated on by general counsel in executive session. Commissioner Davis stated that a discussion is needed with the administration, members of the Arizona Delegation, AFWA and WAFWA to amend the practice of recommended wilderness being managed as wilderness. All activities other than commercial should continue on the lands until congress designates the land as wilderness. Until then, the ability to recreate, hunt, and fish should not be impeded.

Mr. Odenkirk stated this is an action item that will come back for final action. The Commissioners were in agreement to draft an amendment.

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9. Hearings on License Revocations for Violations 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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7. Threatened and Endangered Wildlife Briefing

Presenter: Ashley Grimsley, Wildlife Specialist II, Wildlife Contracts

Ms. Grimsley provided a slide presentation on Department involvement in the conservation and management of Flat-tailed Horned Lizards for over a decade. The Department works closely with other state and federal agencies in Arizona and California to monitor the species' status.

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8. Briefing on the Department's Integration of New Technologies into Wildlife Surveys

Presenter: Dustin Darveau, Region VI Terrestrial Wildlife Specialist

Mr. Darveau provided a slide presentation on aerial wildlife surveys and how the Department collects survey data using electronic devices, primarily iPads and smart phones, for game and

non-game wildlife surveys. The update also included the progress of developing a more efficient method of summarizing the electronically collected data which is available to Wildlife Managers and biologist for developing hunt management summaries, completing hunt recommendations, and achieving wildlife management goals and objectives.

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10. Volunteering for Wildlife

Presenter: Jamie Lyons, Volunteer Coordinator

Ms. Lyons provided a slide presentation on wildlife volunteer program achievements. The presentation included a summary of volunteer efforts highlighting the AZ Antelope Foundation, AZ Mule Deer Organization, Mule Deer Foundation, National Wildlife Turkey Federation, Rocky Mountain Elk Foundation, AZ Elk Society, Arizona Desert Bighorn Sheep Society, AZ Deer Association, Trout Unlimited and the Yuma Valley Rod and Gun Club.

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11. Memorandum of Understanding with Arizona Deer Association and the Mule Deer Foundation

Presenter: Jim deVos, Assistant Director, Wildlife Management Division

Mr. deVos briefed the Commission. The Arizona Deer Association and the Mule Deer Foundation propose to work cooperatively for the common purpose of improving the status of Arizona deer populations and improving habitat for these and other wildlife species. This Memorandum of Understanding (MOU) provides a collaborative relationship and framework for conservation actions and associated opportunities to inform and educate the public.

The Department recommends THAT THE COMMISSION DIRECT THE DEPARTMENT TO PLACE THIS ITEM ON THE CONSENT AGENDA FOR THE NEXT REGULAR COMMISSION MEETING.

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

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12. Commission Policy on Customer Removal for Statewide Commission-Owned Ranges

Presenter: Christopher Dean, Range Manager, BASF

Mr. Dean briefed the Commission using a slide on a proposed Commission policy for customer removal on statewide Commission-owned ranges. The policy would prevent habitual rule violators from returning to Commission-owned shooting ranges in the absence of issuance of an Injunction Against Workplace Harassment by the courts. These injunctions are only valid for a

one year period of time. This policy would authorize the Department to notify habitual rule breakers that their shooting privileges at Commission-owned shooting ranges may be revoked and they have the right to speak before the Commission in defense of their privilege to shoot.

The Department recommends THAT THE COMMISSION DIRECT THE DEPARTMENT TO PLACE THIS ITEM ON THE CONSENT AGENDA FOR THE NEXT REGULAR COMMISSION MEETING.

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

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13. Memorandum of Understanding with Arizona Mule Deer. Org.

Presenter: Josh Avey, Terrestrial Wildlife Branch Chief

Mr. Avey briefed the Commission using a slide presentation. The Department and Arizona Mule Deer Org propose to work cooperatively for the common purpose of improving the status of mule deer 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.

Public Comment

Terry Herndon, Arizona Mule Deer Association, addressed the Commission in support of the (MOU) and looks forward to building a partnership with the Department.

The Department recommends THAT THE COMMISSION DIRECT THE DEPARTMENT TO PLACE THIS ITEM ON THE CONSENT AGENDA FOR THE NEXT REGULAR COMMISSION MEETING.

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

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14. Intergovernmental Agreement (IGA) with Gila River Indian Community

Presenter: Kelly Wolf, Region VI Habitat, Evaluation and Lands Program Manager

Ms. Wolf briefed the Commission on the Gila River Indian Community (GRIC) land that is located immediately to the south of the Commission's Base and Meridian Wildlife Area. The Department is working closely with the GRIC biologist on efforts along the lower Gila River for removal of tamarisk and revegetation of native species for habitat restoration and enhancement. Recently, the GRIC received support from the Department in obtaining a grant through the Bureau of Indian Affairs for this type of habitat work. The GRIC was able to secure a crew of 10

wildland firefighters for the off season, providing jobs to workers who may otherwise be unemployed, to implement this work. In accordance with this grant, all work has to be done on state or federal lands adjacent to the GRIC. There is an opportunity for the Department to have GRIC enter the Base and Meridian Wildlife Area, remove tamarisk, and plant native vegetation along the river through a coordinated effort with the Department. In exchange, the Commission will offer a portion of the Robbins Butte and/or Powers Butte Wildlife Area(s) for planting native vegetation as a seed source for GRIC's restoration projects along the Gila River and other areas throughout the State. The Robbins Butte and Powers Butte Wildlife Areas currently has land available for native seed planting and Type II groundwater rights that are exempt from forfeiture and commercial irrigation. The GRIC would provide the labor required at the Robbins Butte and/or Powers Butte Wildlife Area(s) for prepping, planting, irrigation and seed source extraction.

The Department recommends THAT THE COMMISSION DIRECT THE DEPARTMENT TO PLACE THIS ITEM ON THE CONSENT AGENDA FOR THE NEXT REGULAR COMMISSION MEETING.

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

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14A. Lease Agreement with DS Services of America, Inc.

Presenter: Clay Crowder, Branch Chief Habitat, Evaluation and Lands Branch

Mr. Crowder briefed the Commission using a slide presentation on a 5 year lease agreement with DS Services of America to lease 200 acres-feet of the Arizona Game and Fish Commission's (AGFC) excess Type II Groundwater Rights. The water rights are associated with the Robbins Butte, Powers Butte, and Arlington Wildlife Areas. When the Groundwater Code was formed in 1980, the water rights appurtenant to the irrigated lands on the wildlife areas were grandfathered into the Phoenix Active Management Area. AGFC is currently using 50 percent of its 5,500 acre-feet allotment. The proposed lease price is \$135/AF, which would generate \$27,000 of additional revenue for the Department without impacting current operations and future Department objectives.

The Department recommends THAT THE COMMISSION DIRECT THE DEPARTMENT TO PLACE THIS ITEM ON THE CONSENT AGENDA FOR THE NEXT REGULAR COMMISSION MEETING.

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

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15. Cooperative Agreement with Washington State University

Presenter: Julie Carter, Statewide Native Aquatics Program Manager

Ms. Carter briefed the Commission using a slide presentation on one of the conservation measures in the Department's Conservation and Mitigation Program (CAMP) is to implement projects that reduce the risk of hybridization between Sonoran Tiger Salamanders and nonnative salamanders. The Department will enter into this Cooperative Agreement with Washington State University to complete the following objectives: 1) determine the spatial distribution of genetic introgression in the Sonoran Tiger Salamander through genomic analysis of known populations; and 2) develop a sequence capture method for tiger salamander genomic samples that can potentially be applied for eDNA monitoring of species invasions. Through these analyses, the distribution of the hybridization zone between Sonoran Tiger Salamanders and nonnative salamanders will be identified, and the groundwork for eDNA analysis technology to distinguish between the two taxa will be developed. The Department will provide WSU \$30,000 to complete remaining work by end of 2019.

Commissioner Brake suggested that the Department use local State schools in the future. Ms. Carter stated this project was placed on a bid and Dr. Karen Goldberg is the salamander expert who is with WSU. Otherwise, the Department would have selected U of A.

The Department recommends THAT THE COMMISSION DIRECT THE DEPARTMENT TO PLACE THIS ITEM ON THE CONSENT AGENDA FOR THE NEXT REGULAR COMMISSION MEETING.

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

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16. Extension of Memorandum of Understanding on Virgin Spinedace Conservation Agreement and Strategy

Presenter: Julie Carter, Statewide Native Aquatics Program Manager

Ms. Carter briefed the Commission using a slide presentation. The Department is a signatory to the Virgin Spinedace Conservation Agreement and Strategy that had an initial 10-year term, expiring in February 2019. The signatories propose to extend the agreement for another 10-year term, expiring in 2029. The current signatories include the Department, Utah Department of Natural Resources, Nevada Department of Wildlife, Washington County Water Conservancy District, the USFWS, USFS, NPS, and BLM. The objectives of the agreement include implementing conservation measures needed for the continued existence and recovery of the species, which will ultimately reduce threats to Virgin Spinedace that warrant its listing as a sensitive species by state and federal agencies, and as threatened or endangered under the Endangered Species Act of 1973.

Commissioner Davis seeks confirmation that the Department's standard MOU language (State Authority on Wildlife) will be included. Mr. deVos confirmed that the language will be included in the final MOU.

The Department recommends THAT THE COMMISSION DIRECT THE DEPARTMENT TO PLACE THIS ITEM ON THE CONSENT AGENDA FOR THE NEXT REGULAR COMMISSION MEETING.

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

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17. Consideration of Proposed Commission Orders 5, 6, 8, and 9 for Spring 2019 Hunting Seasons and Commission Order 5 for Spring 2020 Hunting Seasons

Presenter: Amber A. Munig, Big Game Management Supervisor

Ms. Munig briefed the Commission using a slide presentation on the Department recommendations for Commission Orders 5, 6, 8, and 9 for spring turkey, javelina, bison, and bear. The recommendations will be posted on the Department web site and press releases will be provided to let the public know of their availability. No public meetings were held for this hunt recommendation cycle. Per hunt guidelines, a single outreach effort, to include a webinar and opportunities for in person discussions simultaneous to the webinar, will be conducted annually; the webinar is planned for late August.

The Commission provided the Department with direction through the hunt guidelines approved in September 2017. The proposed Commission Orders were formulated in accordance with that guidance and any deviation is noted in the species-specific summaries below.

Commission Order 5 – Spring Turkey

For 2019, spring limited-weapon-shotgun-shooting-shot seasons are recommended to increase by 159 permits statewide for a total of 5,335. For Merriam's turkey, trend or average hunt success in Units 1, 5A, 5B, 19A, 24A, and 27 was above objectives therefore the recommendation is for permit increases in these; permit decreases are recommended in Units 3C and 23. Most spring seasons permits are recommended during stratified seasons occurring April 26–May 2 and May 10–23 or May 3–23, 2019. For Gould's turkeys, permit numbers increases are recommended in Unit 29/30A and Fort Huachuca in Unit 35A.

Gould's turkey nesting research has shown that Gould's turkeys typically initiate nesting about a week later than Merriam's turkeys. Per hunt guidelines, the season dates for Gould's hunts will shift to start one week later; Gould's turkey season dates are recommend for May 3–May 9 and May 17–30 or May 10–30, 2019. Hunt guidelines also allows for a third Gould's turkey hunt in units with limited access but ample turkey populations; a third hunt is recommended in Units 33 North and 33 South, with season dates of April 26–May 2 and May 17–30.

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

Nonpermit limited-weapon-shotgun-shooting-shot-seasons for youth-only are recommended in Units 1, 4A, 4B, 5A, 5B, 7, 8, 10, 12A, and 27. These permits would be unlimited in number and could be purchased over-the-counter. For permitted spring youth-only seasons, the Department recommends 340 permits in Units 3C, 6A, 6B, and 23; this is no change from last year. Season dates for the juniors-only season are recommended to be April 19–25 and May 10–23, 2019.

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

For the 2020 spring turkey hunts, permits are recommended as no change from 2019. Season dates are recommended based on the normal calendar shift.

Commission Order 6 – Spring Javelina

The Department recommends continuing the annual bag limit of 2 for javelina in 2019. The recommended bag limit would allow for only 1 javelina to be taken with a permit for a given hunt number; subsequent permits would only be issued for a separate hunt number.

Permits (percentages) recommended for spring 2019 include 11,841 (42.4%) general, 5,950 (21.3%) HAM, 8,811 (31.5%) archery, and 1,330 (4.8%) youth-only. In units that regularly have leftover or unsold permits, the Department continues to look for opportunities to re-allocate those permits to general, HAM, or youth hunts where demand is higher. General permits are recommended to increase by 20 permits, HAM by 100 permits, youth-only by 50 permits, and archery by 50. When considering the 820 fall youth-only permits plus the 855 javelina companion tags to deer hunts authorized by the Commission for fall 2018, this brings the total allocation of youth permits to 10.0% of the total permits recommended.

Archery seasons are recommended to occur during January 1–24, 2019, youth-only seasons during January 25–February 3, 2019, HAM seasons during February 8–18, 2019, and general seasons during February 22–28, 2019. Over-the-counter permits are recommended for archery hunts in Units 1–5, 7, 9, 11M, 25M, 26M, and 38M. Season dates for Units 1–5, 7, 9, and 11M correspond with other archery javelina season dates of January 1–31, 2019. For Units 25M, 26M, and 38M, the season is recommended to overlap the January and December archery deer over-the-counter seasons and run from January 1-31, 2019 and December 13-31, 2019. A yearlong general season with over-the-counter permits is also recommended for January 1–December 31, 2019 in the Lower Gila River Hunt Area in Unit 41 to help address javelina in agricultural fields; this hunt expands and replaces the Mohawk Valley Hunt Area.

Chairman Zieler suggested the Hunter Pool Application form, which is the application for population management hunts, be available on the Department website.

Commissioner Davis stated that he agrees with Chairman Zieler and would like to also suggest that the process includes the review from the hunt recommendation committee.

Commission Order 8 – Spring Bison

The Department is using adaptive management to continually adjust bison tag levels and season dates in an attempt to maximize bison harvest. The Department's recommendation for the 2019 spring bison hunt is as follows: one 59-day general hunt with 25 bull bison only permits, two 12-day general hunts with 12 bull bison only permits in each, one 12-day general hunt with 10 bull bison only permits, and two 12-day general hunts with 10 cow bison only permits for a total of 59 bull bison only permits and 20 cow bison only permits. This recommendation for permit numbers is no change from 2018, but does include changes to season timing and length.

Three noted changes are as follows: 1) open the first spring bull hunt on the first Friday in April, instead of the second Friday of April; 2) add 2 days to each of the summer monsoon hunts in July and August (from 10 to 12 days in length), hopefully increasing hunt success as the bison tend to stay longer on the Park and not venture onto KNF land as often once the monsoons start; and 3) shift the last bull hunt to early July instead of mid-July, again to increase hunt success. This would shift the summer hunt break back from early July to mid-July and would separate the bull and the cow hunts.

Two designated yearling hunts with 3 permits each are recommended for the Raymond herd in Units 5A and 5B.

Commission Order 9 - Spring Bear

Spring bear harvest, over the past 5 years, has averaged 21 bears harvested annually. The Department recommends no changes to most seasons, season structures, female harvest limits, and permits for spring 2019. General bear hunts (Units 10, 18A and 19B; 22; 23N; 24A; 29 and 30A; 31; 32; 34A; and 35A and 35B [except Fort Huachuca]) and archery (Units 3B and 3C and 33) are recommended as over-the-counter permits for the March 22–May 2 season. General bear hunts (Units 1, 2A, 2B, and 2C; 17A, 17B, 18B, 20A and 20B; 19A; and 27) are recommended as over-the-counter permits for the March 22–July 31.

Permitted general bear hunts are recommended in Units 6B (except Camp Navajo) and 33 with 5 permits and a female harvest limit of 1 in each unit. Permitted archery-only bear hunts are recommended in Units 3B and 3C, 4B, 22, 23N, 33, 34A, 35A, and 35B (except Fort Huachuca), and Fort Huachuca; total permits are recommended at 280. The Department recommends individual hunt female harvest limits increase in Units 22 and 23N archery hunts. No changes are recommended to the annual female harvest limits.

Over the last 5 years, about one third of the bears harvested during the spring are females. Each hunt will have a female harvest limit, and any female bears taken during this time will apply to the annual female harvest limit that if met would close subsequent hunts. Female harvest limits total 23 for general hunts and 16 for archery hunts (Fort Huachuca harvest limits are a subset of Unit 35A).

The legal bear description is recommended as “any bear except sows with cubs and cubs with sows.”

Motion: Davis moved and Ammons seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 5 – SPRING TURKEY FOR 2019 AND 2020, COMMISSION

ORDER 6 – SPRING JAVELINA 2019, COMMISSION ORDER 8 – SPRING BISON 2019, COMMISSION ORDER 9 – SPRING BEAR 2019, AS PRESENTED.

Vote: Unanimous
4 to 0
Sparks not present

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18. Hunt Permit-Tag Application Schedule for Spring 2019 Hunts

Presenter: Jennifer Stewart, Customer Support and Sales Branch Chief

Ms. Stewart briefed the Commission on the hunt permit-tag application schedule for the spring 2019 hunting seasons. The application schedule identifies proposed acceptance dates and deadline dates for all hunts associated with the draw process. In addition, the proposed dates for when hunt permit-tags and refund warrants will be mailed are also identified, along with information relating to the first-come/first-serve process for any permits that may still be available.

Motion: Ammons moved, Davis second THAT THE COMMISSION VOTE TO APPROVE THE APPLICATION SCHEDULE FOR THE SPRING 2019 HUNTS.

Vote: Unanimous
4 to 0
Sparks not present

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19. Proposed Dates for the January 2020 Commission meeting and Awards Banquet

This item was tabled for a future Commission meeting.

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22. Approval of Minutes

Motion: Ammons moved, Brake seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM MAY 5, 2018, JUNE 8, 2018, AND JUNE 21, 2018.

Vote: Unanimous
4 to 0
Sparks not present

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23. Commissioner Committee Reports

Commissioner Ammons shared with the Commission that he attended the HPC 2nd annual meeting with the landowner group and cattlemen's in Prescott, AZ on July 25th. The meeting was a success and received great reviews.

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24. Director and Commissioner Comments

Director Gray shared with the Commission that he has attended the following meetings this month: HPC, Hunting & Angling Heritage Working Group, AES, WAFWA, and the Grand Canyon.

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25. Future Agenda Items and Action Items

Deputy Director Finley reviewed the agenda and items captured in this meeting as follows:

- Steve La Falce will submit a comment of license for seniors.
- Legislative staff will meet with the Commissioners to discuss commission submission letter related to ESA changes.
- The Department will craft legislation and an amendment to current legislation related to wilderness areas.
- The Department staff will coordinate the population management hunt through the commissioners committee on hunt recommendations.

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20. 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, Davis seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous
4 to 0
Sparks not present

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21. Litigation Report

There were no questions or comments on the Litigation Report.

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Motion: Brake moved and Davis seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

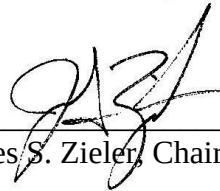
Vote: Unanimous
4 to 0
Sparks not present

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Meeting adjourned at 4:58 p.m.

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These minutes were approved by the Commission at the September 21, 2018 Commission meeting.

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

James S. Zieler, Chairman

Federal Lands Update
For the Arizona Game and Fish Commission
July 2018

U.S. FOREST SERVICE

Four Forest Restoration Initiative (Apache-Sitgreaves, Coconino, Kaibab, and Tonto National Forests)

- The Department continues to participate as a Cooperating Agency and has provided requested wildlife/habitat data for the 2nd EIS analysis (“Rim Country”). The Department is also active in the stakeholder component of 4FRI.
- The Forest Service, Salt River Project, Arizona Commerce Authority, and Arizona Department of Forestry and Fire Management are working on a Memorandum of Understanding intended to develop industry capacity and address ongoing shortfalls implementing mechanical thinning on the 1st EIS area.

Apache-Sitgreaves National Forest (A-S)

Travel Management Planning (TMP)

- The Department continues to participate as a Cooperating Agency. The Department has requested the A-S provide an opportunity for the public to comment on significant changes incorporated within the revised EIS. The EIS is expected late 2019.

Black River Landscape Restoration Project (EA)

- The Alpine and Springerville Ranger Districts initiated a round of comments in March 2018 on the scoping document for the Black River Landscape Restoration Project. The project proposed to conduct forest ecosystem, fuels, watershed, and aquatic habitat restoration treatments to restore forest resiliency and ecosystem function in the project planning area. The Department provided scoping comments April 2018. The Rattlesnake Fire burned 25,966 acres of the project area in April 2018. Burned Area Emergency Response (BAER) teams have been completing suppression rehabilitation in the higher intensity burn areas. A draft EA and ROD are expected by end of summer 2018.

East Eagle/Mud Springs Fuels Project (EA)

- The Clifton Ranger District initiated a round of comments in May 2018 on the scoping document for the East Eagle/Mud Springs Fuels Project. The project proposed to use prescribed fire, mechanical and/or hand thinning in order to maintain and restore fire-adapted ecosystems to their natural fire regimes by reducing hazardous fuel accumulations and maintaining vegetation communities similar to their historic ecological conditions. The Department provided scoping comments in June 2018. The record of decision is expected late this summer with implementation expected to begin in the fall.

Coconino National Forest

Land and Resource Management Planning (LRMP)

- The revised Final LRMP was released May 25, 2018, and is open for a 90 day appeal process. The Department is currently reviewing the Final LRMP with particular attention given to the outstanding issues presented by the Department in formal comments/recommendations. The 90 appeal period concludes on August 22, 2018.

Travel Management Planning (TMP)

- The Forest is continuing to review public comments on TMP at the District level. The Department continues to assist in the review of campsite data collected.

Coronado National Forest

Land and Resource Management Planning (LRMP)

- The Coronado National Forest released the LRMP June 22, 2018. The plan went into effect July 21. Appeals must be filed with the Chief of the Forest Service by September 20, 2018. The revised plan recommends three wilderness areas - Ku Chish, Mt Graham, and Whetstone - as well as one addition to the designated wilderness area -the Chiricahua Addition North. The Department is analyzing the LRMP.

Travel Management Planning (TMP)

- The Santa Catalina Ranger District released the final draft of Changes to the Motorized Travel System on June 8. The 45 day objection period ended July 23, 2018. The Department submitted an objection letter on the EA.
- The Sierra Vista Ranger District released the final draft of Changes to the Motorized Travel System on June 15. The 45 day objection period ends July 30. The Department submitted an objection letter on the EA.

Kaibab National Forest

Travel Management Planning (TMP)

- The Kaibab National Forest (KNF) is continuing to review public comments on Travel Management at the District level. The Department continues to work with the KNF to update Motor Vehicle Use Maps.

Prescott National Forest

Chino Landscape Restoration Project (EA)

- The Chino Valley Ranger District has initiated a second round of scoping, seeking comments on the Environmental Assessment for the Chino Landscape Restoration Project. The project proposes a series of actions to restore and maintain soil and watershed function, vegetation conditions, riparian and groundwater dependent systems, and natural fire regime. The Department provided scoping comments back in September 2017, and again in March 2018. A record of decision is expected in the summer of 2018, with project implementation beginning October 2018.

Tonto National Forest

Land and Resource Management Planning (LRMP)

- The Department is a Cooperating Agency on the plan revision and continues to meet with the Tonto National Forest (TNF) Planning and ID Team. The Department participated in an ID Team meeting in July for modifications to the various components in the preliminary draft plan, specialist reports and preliminary alternatives. The LRMP/DEIS is anticipated summer of 2018.

Travel Management Planning (TMP)

- The Supplemental EIS (SEIS) and draft record of decision for travel management on the TNF should be out by fall 2018. Until the SEIS and a Final Record of Decision is made, the existing system of roads and travel areas on the Payson and Pleasant Valley Ranger Districts will remain in effect.

Resolution Copper Project and Land Exchange EIS

- The Department continues to participate as a Cooperating Agency for the Resolution Copper Project and Land Exchange EIS. The Department continues to work to prepare mitigation recommendations for the EIS.

BUREAU OF LAND MANAGEMENT

Arizona Strip Field Office

Resource Management Plan

- On June 22nd, BLM sent a Notice of Intent to amend a portion of the RMP related to the 900 acre Kanab Creek Area of Critical Environmental Concern related to the Lake Powell water pipeline delivery project. The Department has accepted Cooperating agency status for this RMP revision. The Department attended public scoping meetings on this topic throughout July 2018.

Hassayampa Field Office

Travel Management Planning

- The Department is a Cooperating Agency on the Black Canyon Corridor Travel Management Plan. The Department submitted comments on the 30-day Review of the Black Canyon Corridor Draft TMP EA and Draft Travel Management Implementation Plan on May 22, 2018. The Field Office plans to complete all Travel Management Plans by the end of federal FY 19.

Skull Valley Pozzolan Mine, Kirkland Mining

- The BLM Hassayampa Field Office has released a series of baseline studies as part of the development of the EA for the proposed pozzolan mine in Skull Valley. The Kirkland Mining Company, Skull Valley operation is a proposal to mine approximately 76 acres in Yavapai County for pozzolan. The Department submitted comments on the

Draft Mining and Reclamation Plan of Operations during public scoping in July 2017. The BLM began a 60-day public comment period from July 7, 2018 to September 4, 2018 for the updated Draft Mining and Reclamation Plan of Operations and Draft Environmental Assessment (EA).

Havasu Field Office

Travel Management Planning (TMP)

- Bouse and Cactus Plain TMP and EA released May 31, 2018. The original 30-day comment period was extended to August 13, 2018. The TMP designated all routes in Lands with Wilderness Characteristics as closed or limited to non-motorized/mechanized. The Department will be sending a comment letter strongly objecting to these designations.

Kingman Field Office

Travel Management Planning (TMP)

- The Department continues to provide input on routes and the development of draft alternatives. The Draft TMP and EA is planned for release in Summer 2018.

Lower Sonoran Field Office

Travel Management Planning (TMP)

- The Department continues to participate as a Cooperating Agency on the Buckeye Hills TMP and Environmental Assessment (EA). The Department submitted comments on the 30-day Review of the Buckeye Hills Draft TMP EA and Draft Travel Management Implementation Plan on May 8, 2018. The Field Office plans to complete all Travel Management Plans by the end of federal FY 19, and the target date for a decision is September 2018.

Sonoran Desert National Monument Recreational Shooting

- BLM's Washington office is completing the protest resolution. The final step will be signing the ROD and submitting the documents to the court. The Department has been actively engaged on this issue for over a decade and anticipates a Record of Decision in the near future.

Safford Field Office

Gila-San Simon Travel Management

- The Draft Gila Travel Management Plan (TMP) was completed about 10 years ago but never finalized. BLM decided to combine the Gila with the San Simon planning area. The Department participated in a series of week-long route-by-route analyses in December 2017, and February and March 2018 conducted by BLM. The Draft EA is in progress awaiting finalization of the preferred alternative. The Draft EA/TMP is expected to be available for public comment early summer 2018, with a target date of March 2019 for the completed TMP.

Tucson Field Office

San Pedro Riparian National Conservation Area

- The Department is a Cooperating Agency on the San Pedro Riparian National Conservation Area (SPRNCA) RMP/EIS process. The Department provided comments on the Administrative Draft, which the BLM will address prior to publication of the public Draft document. The Draft RMP/EIS is expected to be available for public review in summer 2018.

Yuma Field Office

Travel Management Planning

- Notice of Intent was issued in February 2018 for development of TMP and EA for the Lower Colorado River Travel Management Area. The public comment period for the scoping phase began on February 12. The comment period was extended to March 30 due a delay in the release of the interactive map on their Eplanning site. The Department provided comments on March 23, 2018 and will continue to be involved throughout the TMP process.

North Gila - Imperial Valley #2 500 kv Transmission Line

- The North Gila – Imperial Valley 500 kv Transmission Line (NG-IV#2) project has been resubmitted to BLM. One alternative crosses the Mittry Lake Wildlife Area. The Department has requested cooperating agency status.

Ten West Transmission Line

- Administrative draft reviewed by cooperating agencies and the Department provided comments. Timeline is uncertain for release of the public draft.

DEPARTMENT OF TRANSPORTATION

Interstate 11 Tier 1 Environmental Impact Statement (EIS)

- ADOT preparing Tier I DEIS for I-11 (Wickenburg to Nogales). The Department is currently reviewing the Administrative Draft EIS, which was submitted to Cooperating Agencies for review on July 3, 2018. Draft Tier 1 EIS for public review expected early January 2019. Final Tier 1 EIS expected late 2019. FHWA will be choosing a single 2000-ft corridor from Wickenburg to Nogales. As funding becomes available, individual municipalities will evaluate sections under Tier 2 NEPA analyses to identify the final 400-foot wide corridor to be constructed.

Sonoran Corridor Tier 1 Environmental Impact Statement (EIS)

- ADOT/FHWA preparing Tier I DEIS for the Sonoran Corridor, a proposed 4-lane interstate freeway south of the Tucson International Airport, linking I-19 and I-10. The study area is bounded on the north by I-10, on the west by I-19, the east by SR 83, and the south by a line running due east from I-19/Duval Mine Road to SR 83. The Department is a Cooperating Agency and provides feedback on alternatives, and in

depth analyses of resource concerns and mitigation opportunities as the Tier I DEIS process progresses. The Department is currently reviewing the Draft Corridor Evaluation Methodology Report. FHWA will be choosing a single 2000-ft corridor between I-10 and I-19. As with other transportation Tier 1 EISs, as funding becomes available, individual municipalities will evaluate sections under Tier 2 NEPA analyses to identify the final 400-foot wide corridor to be constructed.

ARMY CORPS OF ENGINEERS

Proposed Alamo Dam Water Control Plan Update

- The Army Corps of Engineers has published a Notice of Intent to prepare of Draft Environmental Impact Statement for the proposed Alamo Dam Water Control Plan Update, Alamo Lake. The Department and the Corps are developing a cooperating agency status MOU. The Department provided scoping comments to the Corps identifying issues and concerns with the proposed Update. The Department provided the Corps with a list of SGCN species to be evaluated for impacts. The Department participated in a scoping meeting for agencies on the Bill Williams River Steering Committee and in two public scoping meetings.

NATIONAL PARK SERVICE

Grand Canyon National Park Initial Bison Herd Reduction EA

- Grand Canyon National Park Initial Bison Herd Reduction EA was completed in September 2017 and the Department was a cooperating agency during that time. In January 2018, the Department formally withdrew as a cooperator in this effort due to fundamental conflicts between NPS and AZGFD on how herd reduction activities will occur. The Park is planning on beginning implementation of reduction activities in fall 2018.

Wupatki National Monument

- In April 2018, Wupatki National Monument informed key stakeholders of their intent to complete a Wilderness Study and General Management Plan Amendment which will set the stage for designating 97% (34,194 acres) of their lands as wilderness within the existing Monument boundaries. The Department has submitted comments and will stay engaged with the Monument as this study progresses.

Federal Land Management Planning Status

US Forest Service (USFS)

Status of USFS Land and Resource Management Plans (LRMP) and Travel Management Planning (TMP) in Arizona – July 2018

USFS				
Forest	Plan	Status	Issues and Next Steps	Projected Completion and Implementation
<u>Apache-Sitgreaves</u>	LRMP	June 30, 2016: Department sends decline to withdraw appeal letter to Appeal Reviewing Officer.	Majority of appeal points resolved. Recommended Wilderness unresolved.	LRMP completed.
<u>Apache-Sitgreaves</u>	TMP	Oct. 2, 2017: NOI published for preparation of revised draft EIS. Nov. 29, 2017: Department commented and requested an opportunity for public/partners to comment on updated information/draft (last opportunity was 2010).	Department waiting for response to request for public comment opportunity. FS is preparing revised draft EIS.	Revised draft EIS expected summer 2018. Final EIS expected winter 2019.
<u>Coconino</u>	LRMP	Final Draft released May 2016. Nov. 6, 2017: Dept. met with Forest Service leadership Feb. 7, 2018: Forest responded to the Department's February 2017 formal comment letter. May 25, 2018: CNF publicly released Final LRMP/EIS	Department is analyzing elements associated with the release of the Final LRMP/EIS. Majority of issues/concerns expected to be resolved in final draft. Exceptions may include: Recommended Wilderness and/or wild and scenic river areas, and semi-primitive, non-motorized area designations. Potential for long term impacts to wildlife management and public recreation/access.	Final LRMP was released May 25 2018 and is in a 90 day appeal process. The 90 day appeal period ends on August 22, 2018.
<u>Coconino</u>	TMP	Final 2011 (forest wide), MVUMs available; Department	Dispersed camping 300ft from specifically identified roads only, 30ft	TMP revision process ongoing.

Federal Land Management Planning Status

		appealed plan on MBGR and dispersed camping decisions; appeal denied.	from all other roads. MBGR for elk only, 1 mile from roads except GMUs 5A & 5B. Department continues to work with the forest to identify and recommend needed changes. Ex. Region collected ~95% of CNF dispersed camping locations. This data was instrumental in latest TMP revisions.	
<u>Coronado</u>	LRMP	Draft released in 2013, Department submitted comments; Plan submitted to Washington, DC office. Feb. 2018: Meeting with FS to discuss Dept. comments June 22, 2018: FEIS NOA published in Fed Register.	Outstanding issues include state vs. federal authority over wildlife issues and Recommended Wilderness; 90 day appeal deadline is September 20, 2018.	Plan goes into effect July 21, 2018
<u>Coronado</u>	TMP	Changes to Motorized Travel System EA's are progressing district by district. Sierra Vista: Final draft released 6/15; Objection period ends 7/23. Santa Catalina: Final draft released 6/8; objection filed 6/23.	Region addressing district-specific road closures and access issues; 300' corridor closure in some areas. 45- day objection period on Santa Catalina EA. 45- day objection period on Sierra Vista EA	Nogales: Completed, 3/17 Safford: Completed, 11/17 Douglas: Completed, 12/17 Sierra Vista: Final draft EA released 6/15. Catalina: Final Draft EA released 6/8.
<u>Kaibab</u>	LRMP	Finalized 2014		
<u>Kaibab</u>	TMP S. Zone	Department accepted final revision. The Department completed dispersed camping inventory to inform future revisions.	Department engagement resulted in: motorized dispersed camping along 276 miles of roads (currently 100 ft. from roads, with Forest looking to expand to 300 ft); 14 camping spur	Revision released Jan 2016

Federal Land Management Planning Status

		Feb. 2017: KNF released new MVUM's for the Williams, Tusayan, and North Kaibab ranger districts MVUMs anticipated to be updated annually. Department continues to work with KNF on adaptive management for MVUM's and TMP revisions.	roads added; and 24 miles of roads re-opened. MBGR limited to elk/bison 1 mile from open roads. Department looking to remedy insufficient designated dispersed camping opportunities in lower elevations.	
<u>Kaibab</u>	TMP N. Zone	See above	See above	See above
<u>Prescott</u>	LRMP	Final signed 2015; Department Appeal declined.	Recommended wilderness areas. Potential for long term impacts to wildlife management and public recreation/access based on land use/management changes.	Plan approved 2016.
<u>Prescott</u>	TMP	No new TMP, amending 2005 plan for travel management.		
<u>Tonto</u>	LRMP	The Department participates as a Cooperating Agency in plan and EIS process.	Wilderness areas, wild and scenic river additions, special management areas, lakes and streams management areas all have be identified and are on the record as having the potential for long term impacts to wildlife management and public recreation/access.	The draft plan/EIS anticipated late summer 2018.
<u>Tonto</u>	TMP	A supplemental to the EIS is being developed and is anticipated in fall.	Currently undergoing development of a supplement to the EIS, due to the need for further analysis.	Fall 2018

Federal Land Management Planning Status

Bureau of Land Management (BLM)

Status of BLM Resource Management Plans (RMP) and Travel Management Plans (TMP) in Arizona – July 2018

BLM				
Field Office/District	Plan	Status	Issues and Next Steps	Projected Completion and Implementation
<u>AZ Strip</u>	RMP	June 22, 2018: NOI to amend portion of the RMP related to the Kanab Creek Area of Critical Environmental Concern. The Department is a cooperating agency for this revision.	Comments due by July 23, 2018. The Department will be attending public scoping meeting on this topic throughout July 2018.	
<u>AZ Strip</u>	TMP	February 15, 2018: FONSI/ROD signed for transportation network for St. George Basin, Colorado City and Littlefield.	We have faced very few issues with respect to maintaining appropriate motorized access. Where they have occurred, BLM has afforded opportunities to negotiate and successfully resolve.	February 2018: FONSI/ROD for St. George Basin, Colorado City and Littlefield.
<u>Hassayampa</u>	RMP	ROD for Bradshaw-Harquahala RMP and Agua Fria National Monument signed February 2009.		
Black Canyon Corridor	TMP	May 2017: EA Planning reinitiated and Department engaged as Cooperating Agency. September 2017: Route evaluations for ~524 miles of existing routes completed. March 7, 2018: The Department submitted comments on the	There are 4 alternatives to the No Action; a range of scenarios from maximum conservation to maximum access; a hybrid of access for motorized and non-motorized with designations that separate users; unique to this TMP are technical vehicle sites (TVSs)	The Target date for a decision is September 2018. Field Office plans to complete all TMP's by the end of federal FY19

Federal Land Management Planning Status

		Administrative Draft TMP/EA and Alternatives maps May 22, 2018: Department submitted comments on Draft EA and Implementation Plan.	which are existing user created routes.	
Box Canyon	TMP	Decision on Wickenburg Travel Management Plan issued. Town of Wickenburg appealed decision Box Canyon area. BLM agreed to re-evaluate the Box Canyon area (judge remanded only that portion of the decision) and is working with Wickenburg to re-evaluate with a more focused approach.	Looking to develop an MOU with Wickenburg to formalize partnership, and give Wickenburg status for future planning.	Unknown
<u>Havas</u>	RMP	ROD signed July 2007.		
<u>Havas</u>	TMP	March 2009: FONSI signed for Bullhead Unit September 2013: Havasu Unit Route Evaluations begun for Bouse Unit. May 31, 2018: Bouse and Cactus Plain TMP and EA released. Comment deadline extended to August 13, 2018	The TMP designated all routes in Lands with Wilderness Characteristics as closed or limited to non-motorized/mechanized.	All Plans to be completed by end of FY19
<u>Kingman</u>	RMP	ROD Signed 1993; plan life 20 years, with amendments as needed. Dec. 2016: Department reviewed and provided comment for new plan.		

Federal Land Management Planning Status

<u>Kingman</u>	TMP	Route Evaluation completed in 2014/2015/2016. August 2017: BLM initiated planning efforts for TMP for the entirety of the Kingman Field Office; Department accepted Cooperating Agency Status. March 2018: the Department began review of alternatives.	Draft TMP EA is planned for release to the public in Summer 2018.	
<u>Lower Sonoran</u>	RMP	September 2012: ROD signed for Lower Sonoran Field Office and Sonoran Desert National Monument		
Buckeye Hills	TMP	May 2017: Scoping for the TMP and associated EA; The Department accepted Cooperating Agency Status. June 22, 2017: Department submitted scoping comments. Oct 2017: Route evaluations for ~524 miles of existing routes completed. March 1, 2018: Department submitted comments on administrative Draft TMP and EA and Alternatives maps. April 2018: Public release of draft EA. May 8, 2018: Department submitted comment on TMP EA and Implementation Plan.	There are 4 alternatives to the No Action; a range of scenarios from maximum conservation to maximum access; a hybrid of access for motorized and non-motorized with designations that separate users; The biggest issue with this includes the PLO1015 lands and the management authorities associated with those lands.	The Target date for a decision is September 2018.
<u>SDNM</u>	Recreational Shooting	Final EIS and Proposed Amendment October 20, 2017	Washington DC Review and Governor's Consistency Review	Record of Decision expected in the near future.

Federal Land Management Planning Status

SDNM Juan Bautista De Anza Area	Recreation Plan	Reviewing Draft Plan. Provided Comments	Plan Implemented.	FONSI signed, implementation not begun awaiting funding
<u>Safford/ Gila-San Simon</u>	TMP	Nov 3, 2017: Department provided scoping comments Dec 2017, Feb and March 2018: Routh-by-route analysis.	Draft EA/TMP out for public comment early summer 2018.	March 2019 target for completed TMP
<u>Tucson/ Ironwood Forest NM</u>	RMP	Ironwood Forest NM RMP completed		
<u>Tucson / Ironwood Forest NM</u>	TMP	Ironwood Forest NM TMP finalized 7/2014		
<u>Tucson/ San Pedro Riparian NCA</u>	RMP	February 7, 2018: Department submitted comments on Administrative Draft RMP/EIS.	Draft RMP/EIS available to public late summer/early fall 2018	Approved RMP and ROD predicted for public release June 2020.
<u>Tucson/San Pedro Riparian NCA</u>	TMP	scoping comments sent for SPRNCA 9/2013	TMP on hold until RMP completed and ROD issued	SPRNCA Draft TMP/unknown
<u>Tucson/ Las Cienegas NCA</u>	RMP	Las Cienegas TMP/RMP completed		
<u>Yuma</u>	RMP	RMP ROD signed January 2010.		
<u>Lower Colorado River</u>	TMP	NOI issued February 2018 March 23, 2018: Dept Commented		
<u>La Posa</u>	TMP	La Posa Plan Final EA and FONSI signed.	Begin implementation	
<u>Imperial Hills</u>	TMP	Reviewed public comments on route evaluation alternatives for Imperial Hills. Began route evaluation for Laguna Mountains. Held public scoping meetings.	Public Draft EA	

Federal Land Management Planning Status

US Fish and Wildlife Service (USFWS)

Status of USFWS planning in Arizona – July 2018

USFWS				
Office/Refuge	Plan	Status	Issues and Next Steps	Projected Completion and Implementation
<u>Havasu National Wildlife Refuge</u>	Compatibility determination for Recreational Boating	USFWS announced on April 12, 2016 that a draft recreational boating Compatibility Determination was available for public review and comment. May 2016: AZGFD commented on Draft Compatibility Determination for Havasu National Wildlife Refuge. June 2016: USFWS determines additional deliberation is required.		New CD released July 2017, Department supported new CD. Process completed.
<u>Lower Colorado River Refuge Complex</u>	Renewal of Compatibility Determinations for current recreational activities	Compatibility Determinations (CD) must be reviewed and renewed every ten years. Refuge complex released proposed actions	Proposal is to renew existing recreational activities. Proposing to discuss any additional activities in the near future.	Uncertain
<u>Cabeza Prieta NWR</u>	Renewal of CDs for current recreational activities	Compatibility Determinations must be reviewed/renewed every ten years. Refuge complex released proposed actions	Proposal is to renew existing recreational activities. Proposing to discuss any additional activities in the near future.	Uncertain

**ARIZONA GAME & FISH DEPARTMENT
INTER-OFFICE MEMO**

TO: Clay Crowder, Habitat Branch Chief

FROM: John Windes, RV HELP Program Manager

SUBJECT: Commission Briefing related to the Record of Decision, Final Environmental Impact Statement, and the Final Coronado Land, Resource Management Plan (LRMP)

DATE: July 13, 2018

The Forest issued the Final LRMP June 22nd. This memo is prepared for you to brief the Commission on potential appeal points. The appeal must be complete by September 22, 2018.

Per Commission Policy A2.21, the following are provided:

1. A description of the proposed Federal Land and Resource Management or Resource Management Plan action or decision recommended for appeal, protest, or objection:

This LRMP or “Forest Plan” is a guide for management of the Coronado National Forest for approximately the next 15 years. It replaces the 1986 Forest Plan. The revision was conducted under the legal framework of the National Forest Management Act, and the provisions of the 1982 Planning Rule, as allowed by the 2012 Planning Rule language.

The Plan is strategic in nature. It does not include project and activity decisions, and it is adaptive in that it can be amended at any time if necessary.

The revised plan recommends three wilderness areas - Ku Chish, Mount Graham, and Whetstone - as well as one addition to a designated wilderness area - the Chiricahua Addition North as an expansion to Chiricahua Wilderness. Recommended wilderness areas will total 108,889 acres.

2. The Department's Points of appeal, protest, or objection, and relief requested for resolution of the issues:

- Elimination of mineral withdrawal as a tool for habitat protection.
 - The Forest has eliminated mineral withdrawal from the Forest plan. The reasoning used is that “We have found that applications for mineral withdrawals are more successful when it can be demonstrated that *all other means* of protection have first been investigated.”
 - The Department is concerned that “all other means” will encourage land use

designations which not only prohibit mineral withdrawal but, such as in the case of Wilderness, motorized recreation, and management activities when mineral withdrawal would only restrict that activity.

- No guideline that all roads open to the public be numbered and signed and that all closed roads be physically closed.
 - It is the Department's experience that requiring the public to rely on Motor Vehicle Use Maps compared to signage on the ground is unrealistic and an undue burden on the recreating public.
- Wildlife in Wilderness -The Forest included the following standards: "1. Non-indigenous species shall not be introduced into any wilderness area"; and "2. Reintroductions shall only occur when a species is determined to be indigenous to the area."
 - It is the Department's position that this is a wildlife management decision that such decisions are solely under State authority.
- Recommended Wilderness and Wilderness Study Areas
 - The Department prefers a level of protection for sensitive areas that maintains flexibility for active management.

3. A review of the Department's efforts to resolve its concerns with the federal agency:

The Department has been involved with the forest plan for the past decade that it has been in revision. The Department provided formal comments starting with the public release of the "Working Draft" in 2010 and on the Draft LRMP and EIS in 2014. Changes in the Forest Planning Rule caused delays and changes during the revision process.

The Department requested participation on the Interdisciplinary Team (IDT) or as a cooperating agency early in the process but was never offered cooperating agency status or IDT participation. The Department has not been given copies of the plan except through the public process.

The Department has reviewed portions of the plan at the Forest offices and in meetings with the Forest over the years and has had good coordination with the forest in the last several years. The Forest "lost" the Department's 2014 comments prior to revising the plan but reexamined and responded to those comments in 2016, amending the plan as needed.

4. An economic and environmental review of the proposed action or decision:

The Department is currently reviewing changes in the final draft.

5. The date by which an appeal, protest, or objection must be filed:

Appeals must be filed with the Chief of the Forest Service by September 20, 2018.

Federal Land Management Planning Status

National Park Service (NPS)

Status of NPS planning in Arizona – July 2018

NPS				
Office/Park	Plan	Status	Issues and Next Steps	Projected Completion and Implementation
<u>Grand Canyon-Parashant National Park</u>	Initial Bison Herd Reduction EA	2013: The Department became a Cooperating agency March 2017: Department submitted comments Draft EA. May 2017: Department participated in public workshops. June 2017: Department commented	In January 2018, the Dept. formally withdrew as a cooperator in this effort due to fundamental conflicts between AZGFD and NPS on how herd reduction activities will occur.	FONSI was finalized and signed in September. Current schedule has a bulk of the implementation activities starting in fall 2018.
<u>Wupatki National Monument</u>	Completing Wilderness Study and General Management Plan Amendment	Initiating a wilderness study that can set the stage for designating 34,194 acres (97%) of their existing lands as wilderness.	In May 2018 the Department issued a comment letter to the Monument highlighting concerns with the proposal. The Department will stay engaged with the Monument as the study progresses.	On-going

Federal Land Management Planning Status

Federal Highway Administration (FHWA) and Arizona Department of Transportation (ADOT)

Status of major transportation planning in Arizona – July 2018

FHWA-ADOT				
Project	Plan	Status	Issues and Next Steps	Projected Completion and Implementation
<u>I-11</u>	Tier 1 Draft EIS- Wickenburg to Nogales	FHWA will be choosing a single 2000-ft corridor from Wickenburg to Nogales. As funding becomes available, individual municipalities will evaluate sections under Tier 2 NEPA analyses to identify the final 400-foot wide corridor to be constructed. AGFD is currently reviewing and commenting on the Administrative Draft EIS that was submitted to Cooperating Agencies on July 3, 2018.	The Draft EIS is expected to be available for public review in early January 2019.	Draft Tier 1 EIS expected January 2019. Final Tier 1 EIS expected late 2019.

**ARIZONA GAME AND FISH DEPARTMENT
INTER-OFFICE MEMO**

TO: Clay Crowder, Habitat Program Branch Chief
Scott Poppenberger, Flagstaff Regional Supervisor

FROM: Rob Nelson, Region 2 Habitat, Evaluation, and Lands Program Manager

SUBJECT: Commission Briefing related to the Record of Decision, Final Environmental Impact Statement, and the Final Coconino Land, Resource Management Plan

DATE: July 17, 2018

The Forest issued the Final LRMP May 25. This memo is prepared for you to brief the Commission on potential appeal points. The appeal must be complete by August 22, 2018.

Per Commission Policy A2.21, the following are provided:

1. Description of the proposed Federal Land and Resource Management or Resource Management Plan action or decision recommended for appeal, protest, or objection.

This LRMP or “Forest Plan” is a guide for management of the Coconino National Forest for approximately the next 15 years. It replaces the 1987 Forest Plan. The revision was conducted under the legal framework of the National Forest Management Act, and the provisions of the 1982 Planning Rule, as allowed by the 2012 Planning Rule language.

The Plan is strategic in nature. It does not include project and activity decisions, and it is adaptive in that it can be amended at any time if necessary.

The revised plan recommends three new wilderness areas:

- Abineau Wilderness area- adding 415 acres to the Kachina Peaks Wilderness area
- Strawberry Crater wilderness area- adding 6,579 acres to the Strawberry Crater Wilderness area
- Davey's wilderness area- adding 1,739 acres to the Fossil Spring Wilderness area

Total recommended wilderness areas additional acreage = 8,733 acres

The revised plan also adds 97,000 more acres of land for the Semi-Primitive, Non-motorized (SPNM) designation that reflect new designations/boundaries associated with the Recreation Opportunity Spectrum (ROS).

2. The Department's Points of appeal, protest, or objection, and relief requested for resolution of the issues.

Recreation Opportunity Spectrum (ROS) designations, specifically the Semi-Primitive, Non-motorized (SPNM) designation.

A SPNM designation will not allow motorized dispersed camping by recreationists within the boundaries. The Department has ascertained current usage patterns by engaging in an on-the-ground campsite inventory within the Forest. Using this data, there are some high use dispersed camping locations identified that will create user conflicts with the new SPNM designation.

Lastly, the Forest is adding 97,000 more acres of land for the SPNM designation. This designation codifies the loss of motorized access that occurred between the 1987 plan and the 2006 Travel Management Rule (TMR). The current plan memorializes the loss of motorized access that occurred during this 19 year period prior to TMR.

- Through our internal analysis, the number of acres under the Semi-primitive Non-motorized (SPNM) category has doubled between the 1987 and 2018 Plans (from 117,000 to 214,000 acres). Many of these “closed” roads are not signed, and AGFD campsite data indicates they are still used heavily by the public.
 - Roads that were closed after the 1987 LRMP Forest Plan, but before the Travel Management Rule (TMR) was passed in 2006.
 - The closed roads were not in areas identified as SPNM under the 1987 Plan.
- There appears to be no consideration of the relative importance of certain areas (such as Knoll Lake) to particular user groups (such as anglers, hunters, or wildlife watchers) or whether the current and future availability of these kinds of recreation is sufficient to meet current and projected demands.
- A review of AGFD campsite inventory data and the ROS designations, certain high-use areas are not compatible with the SPNM designation.
 - The area near Knoll Lake where officially closed roads are used heavily by dispersed campers. SPNM designation of this area is not compatible with current or future recreation uses.

3. A review of the Department's efforts to resolve its concerns with the federal agency:

The Department has been engaged on this topic since the early scoping periods dating back to May of 2006. From 2006-2016, the Department met with Coconino National Forest 20 times to incorporating Department authorities/elements within the plan. Department

engagement on this plan resulted in the reduction of the number of recommended wilderness areas from 14 to 3.

The Department initiated meetings with the Forest on November 10, 2016 and December 9, 2016 to discuss lingering concerns within the draft plan at the time. Those meetings addressed on-the-ground elements associated with the three remaining recommended wilderness areas (wildlife water access, making RWA's definable to the average user), management tools associated with fish management related to wild and scenic river designations, and clarification of the ROS in regards to the SPNM category.

Upon review of the final plan, there are still concerns with some of the elements discussed at these meetings in late 2016, especially in regards to the ROS/SPNM designations.

4. An economic and environmental review of the proposed action or decision:

The Department is currently reviewing changes in the final draft.

5. The date by which an appeal, protest, or objection must be filed:

The 90 day appeal period begins after publication in the newspapers of record for the Coconino National Forest (AZ Daily Sun). This occurred on May 25, 2018, which would mean the date an appeal must be filed is August 22, 2018.

CC:SP

**Game and Fish Litigation Report
Presented at the Commission Meeting
August 3, 2018**

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 the Interior and the U.S. Fish and Wildlife Service ("FWS") for violations of the Endangered Species Act ("ESA"). Arizona alleged in the lawsuit that the FWS 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 sought 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. The parties reached a tentative settlement that the Commission approved on February 5, 2016.

On October 18, 2016, the court issued an order approving the settlement agreement and ordering the parties to comply with the settlement. The settlement required the FWS to complete a revised Mexican wolf recovery plan no later than November 30, 2017. In approving the settlement, the court also ordered the dismissal of the complaint.

On November 29, 2017, the FWS completed the final recovery plan. On the same date the recovery plan was released, a number of environmental organizations submitted a 60-day notice of intent to sue, alleging the recovery plan violates the ESA. On January 30, 2018, the same environmental groups filed suit against the FWS. On March 9, 2018, the Commission voted to pursue intervention on behalf of the FWS. The plaintiffs have filed motions to consolidate these cases with the cases challenging the revised Mexican wolf experimental population rule.

On May 16, 2018, the federal defendants filed a motion to dismiss on the basis the lawsuit is not authorized under the citizen suit provision in ESA and is unreviewable under the APA.

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 (WEG) and others filed its lawsuit on July 2, 2015, alleging violations of ESA and NEPA. WEG contends 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 December 2, 2015, the court granted Arizona's motion to intervene and ordered the filing of Arizona's motion to dismiss.

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 court heard oral argument on April 26, 2017.

On March 30, 2018, the Court entered an order remanding the 2015 10(j) rule to the FWS to address deficiencies identified in the order. The Court required the parties to propose a deadline by April 30, 2018, for publication of a revised 10(j) rule. The Court extended this until May 14, 2018, a date on which the parties filed separate responses on a proposed schedule for issuing a revised rule.

Based on the responses, the Court held a telephonic hearing on May 24, 2018. After considering the parties' positions at the hearing, the Court directed WEG to file a proposed order. On May 30, 2018, WEG submitted a proposed order for the Court's consideration. The proposed order authorizes the plaintiffs to file motions for injunctive relief by June 22, 2018, and that the FWS will have 25 months to issue a final revised rule from the final order on the motions for injunctive relief and entry of final judgment in the three consolidated cases.

The Court extended the time to file motions for injunctive relief to July 20, 2018. On that day, both CBD and WEG filed motions for interim injunctive relief. The motions are seeking a court order requiring the FWS to cross-foster at least 12 pups per year. If the FWS does not meet that requirement, it would need to make up the difference with the

release of adult pairs from the captive population. The motions also seek a court order prohibiting the lethal or permanent removal of wolves if the wild population does not increase ten percent a year or the mortality rate exceeds 24.9 percent.

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. .

The National Rifle Association (NRA) and Safari Club International (SCI) filed motions to intervene on November 21, 2012. 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 appealed. 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 June 10, 2016, the court granted NSSF’s, NRA’s and SCI’s motions to intervene.

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

CBD filed a notice of appeal on April 20 2017. As of November 30, 2017, all briefing in

the case was complete.

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.

After the superior court ruled that only a court can assess civil damages for the loss of wildlife to the state, the Department successfully sponsored legislation to amend A.R.S. 17-314, and the Commission directed the AGO to file suit in the superior court to collect civil damages from Holden and Guynn. The suit was filed in September 2016. **The Guynn case was set for hearing on July 9, 2018, but Guynn's attorney requested to postpone the hearing to recommend that his client agree to payment of the Commission-assessed civil penalty of \$3,500. The arbitration hearing is on hold while we await confirmation whether Guynn still wishes to contest the civil penalty. The Holden case was presented to a superior court-appointed arbitrator on June 26, 2018 and has been taken under advisement.**

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, intervened as co-defendants. The parties each filed separate motions for summary judgment. On September 26, 2017, Judge McNamee issued an order denying the Plaintiffs motion for summary judgment and granting the Forest Service's motion for summary judgment. Because we sought the same relief as the Forest Service, Judge McNamee dismissed as moot the Department's and SCI's motions for summary judgment. On November 22, 2017, the Plaintiffs filed a notice of appeal. **The Plaintiffs filed their opening brief on March 19, 2018.** Our answering brief is due by **August 17, 2018**. The Appellants reply brief is due on **September 7, 2018**. We do not know yet when or if the Ninth Circuit will set our case for oral argument, but we don't expect it to be this year. The Court will contact the parties approximately 14 weeks before our case is set for oral argument.

6. ***State of Arizona v. United States Army Corps of Engineers*, CV 18-00696 GJH**. The Army Corps of Engineers' (Corps) proposed a project to inspect the upper outlet facilities at Alamo Dam starting on March 12, 2018, with water releases out of the dam reaching as high as 5,000 cubic feet per second. The Corps claims the high rate of release is necessary to scour the sediment in the outlet tunnel, and lowering the lake level is necessary to allow the Corps to safely access the outlet facility.

Arizona Game and Fish and State Parks & Trails claim they will suffer harm from the Corps' action due to the timing of the project in March. The rapid drawdown will impact the spawning season in the lake, and could cause the loss of the annual fish recruitment. Word of the project has deterred anglers and boaters from visiting the Alamo Lake State Park, and with March being the highest visitation month at the park, a loss of revenue will occur.

The State filed a complaint and motion for TRO/preliminary injunction on March 2, 2018. The complaint alleges the Corps' project violates the Administrative Procedures Act because it is not authorized under the water control manual for the dam, and violates the National Environmental Policy Act because the Corps failed to evaluate the harm the project would cause to aquatic resources and recreational use of Alamo Lake.

The court held a hearing on the motion for TRO on March 9, 2018. After the hearing, the court denied the motion. Based on the parties' stipulation, the Court granted the Corps an additional 30 days until June 1, 2018, to file an answer to the complaint.

On July 17, 2018, the Court issued a revised scheduling order. The order permits 120 days for limited jurisdictional discovery. Upon completion of the discovery period, the Corps must notify the Court of its intention to file motion to dismiss. The Corps will then have 30 days to file a motion to dismiss.