

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, May 4, 2018
Mohave County Board of Supervisors
Auditorium
700 W. Beale Street
Kingman, Arizona 86401

PRESENT: (Commission)

(Director and Staff)

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

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

Chairman Ammons called the meeting to order at 8:00 a.m. and led those present through the Pledge of Allegiance followed by a moment of silence in honor of former First Lady Barbara Bush who passed away on April 17 and Fallen Nogales Police Officer Jesus Cordova who was killed in the line of duty on April 27.

The Commission introduced themselves followed by introductions of the Director and the Director's staff. This meeting followed an agenda revision #1 dated May 2, 2018.

Commissioner Eric S. Sparks was not present.

Awards and Recognition

Chairman Ammons presented a Commission Certificate of Appreciation to Terrestrial Program Manager Jeff Pebworth for his many years of dedication and outstanding work for the wildlife in Arizona and the Arizona Game and Fish Department.

Chairman Ammons presented a Commission Commendation of Achievement to Sergeant Brandon Lawrence for his efforts in maintaining and growing an outstanding partnership between the Mohave County Sheriff's Office and the Arizona Game and Fish Department.

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1. Call to the Public

There were no requests to speak at this time.

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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. Approve Recreational Access Easement into the Northern Whetstone Mountains

Presenter: Josh T. Avey, Terrestrial Wildlife Branch Chief

Cochise County proposes donating a perpetual public access easement it currently holds to the Department. This easement will eventually provide vehicular access into the northern Whetstone Mountains but until the Coronado National Forest (CNF) can complete the NEPA process necessary to make the roadway connection, a temporary dirt road and parking lot will be built on the forest boundary to provide for walk in access into this highly desirable area of the CNF. The Department has been trying to secure an access point in this area for many years so when an opportunity was presented for Cochise County to secure the easement from a developer in the area, they did so with the intent of transferring it to the Department. Cochise County cannot justify building the road as it actually lies within the City of Benson. As the surrounding development is built out, the easement will be replaced with paved, City of Benson roadway that may be in a slightly different location but will provide access into the CNF. This will alleviate the Department's long term maintenance responsibility.

With the uncertainty of the timing of the NEPA process and the pace at which the area will be developed, the construction of this temporary access point will be critical to provide access to an estimated 900+ Department customers. Since the easement can be obtained with no cost, the cost of building the road itself is negligible when compared to the benefits it will provide for public access in the area.

The Department recommends THAT THE COMMISSION DIRECT THE DEPARTMENT TO ACCEPT A RECREATIONAL ACCESS EASEMENT FROM COCHISE COUNTY ALLOWING PUBLIC VEHICULAR, EQUESTRIAN AND PEDESTRIAN ACCESS IN PERPETUITY ACROSS LANDS OWNED BY EL DORADO BENSON LLC TO THE NORTHERN WHETSTONE MOUNTAIN RANGE.

b. Approve Gable Parcel Lease Agreement with Flower Pot Cattle Company

Presenter: Kelly Wolff-Krauter, Region VI Habitat Program Manager

In June 2009, the Commission acquired approximately 171 acres of land from the Gable Family Trust to protect two federally listed threatened and endangered species, the Yuma Ridgeway's Rail and Southwestern Willow Flycatcher. The property is adjacent to and managed as part of the Arlington Wildlife Area. The Department has been working with Flower Pot Cattle Company, an adjacent landowner, to develop a mutually beneficial Lease Agreement to allow farming on 11 acres, and cattle grazing on 34 acres of the Gable parcel, while benefiting wildlife. Planted crops will be approved by the Department, and there must be at least one-acre of grain crop for every 10 acres of lands in production. Lessee will also be required to leave such grain crop unharvested at the end of each growing season to provide food and cover for wildlife. Department water rights are not being used to irrigate crops. The agreement would expire on November 30, 2022.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE A LEASE AGREEMENT WITH FLOWER POT CATTLE COMPANY AT THE ARLINGTON WILDLIFE AREA, AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE

COMMISSION, TO EXECUTE THE LEASE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

c. Implement Intergovernmental Agreements for the Community Fishing Program

Presenter: Chris Cantrell, Aquatic Wildlife Branch Chief

In 2013, the Community Fishing Program began expanding into new communities including Yuma and Somerton. New waters were added to the program in Region IV but were never formalized via an Intergovernmental Agreement (IGA). The Department is beginning the process of renewing IGAs and has requested to formalize the partnerships with Somerton and Yuma. The respective Parks and Recreation Programs are supportive of formalizing the partnerships. Likewise, the Town of Prescott Valley desires to partner with the Department to implement the Community Fishing Program in two locations: Fain Lake and Yavapai Lakes (Urban Forest Park). The Town of Queen Creek desires to partner with the Department to implement the Community Fishing Program at a brand new location called Mansel Carter Oasis Park. Twelve current Intergovernmental Agreements to implement Community Fishing are due to expire June 30, 2018 and include waters in Avondale, Chandler, Gilbert, Mesa, Payson, Peoria, Phoenix, Sahuarita, Scottsdale, Surprise, Tempe, and Tucson. All new and renewed IGAs would target an expiration date of June 30, 2023 to coincide with typical 5-year duration cycles.

The Department recommends THAT THE COMMISSION VOTE TO AUTHORIZE THE DEPARTMENT TO FINALIZE NEGOTIATIONS, EXECUTE, AND AMEND AS NECESSARY INTERGOVERNMENTAL AGREEMENTS AND ANY FUTURE SUB-AGREEMENTS BETWEEN THE DEPARTMENT AND THE COMMUNITIES OF AVONDALE, CHANDLER, GILBERT, MESA, PAYSON, PEORIA, PHOENIX, PRESCOTT VALLEY, QUEEN CREEK, SAHUARITA, SCOTTSDALE, SOMERTON, SURPRISE, TEMPE, TUCSON, AND YUMA TO CONDUCT THE COMMUNITY FISHING PROGRAM FOR A PERIOD OF NOT MORE THAN FIVE YEARS, COMMENCING APPROXIMATELY JULY 1, 2018 THROUGH JUNE 30, 2023, AND TO AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO APPROVE THE AGREEMENTS AS RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

d. Approval of New Commission Policy A2.15 Commission Compensation and Expense Reimbursement

Presenter: Kent Komadina, Special Assistant to the Director

The Department presented a new Commission policy, A2.15 Commission Compensation and Expense Reimbursement (attached) for approval.

The Department recommends THAT THE COMMISSION VOTE TO APPROVE COMMISSION POLICY A2.15 COMMISSION COMPENSATION AND EXPENSE REIMBURSEMENT AS PRESENTED.

Motion: Zieler moved and Sparks 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. Approve Salt River Project License Agreement for Mitigation Ponds

Presenter: Keith Knutson, Wildlife Contracts Branch Chief

Mr. Knutson presented this item to the Commission as a second read. The first read was presented at the April 6-7, 2018 Commission meeting. In June 2009, the Commission acquired approximately 160 acres of land known as the Jagow parcel to protect the Yuma Ridgway's rail, formally Yuma clapper rail. The property is adjacent to and managed as part of the Arlington Wildlife Area. The Department has been working with Salt River Project (SRP) to develop a License Agreement to meet the requirements of their Section 10(a)(1)(B) permit of the Endangered Species Act for the incidental take of four avian species including the Yuma Ridgway's rail, SRP has mitigation requirements and funding pursuant to the Roosevelt Habitat Conservation Plan (RHCP) for the creation, operation, maintenance, management and monitoring of at least five acres of habitat of the Yuma Ridgway's rail.

SRP has constructed a 5-acre wetland basin on Cell 4 on the Arlington Wildlife Area (AWA) pursuant to the Cooperative Agreement/License (HAB-05-0606EPS/AML (10/12/05)) and entered into a 2006 Collection Agreement with the Department to fund the Department's operation and management of Cell 4. In 2017, the Department relocated Cell 4 to a new wetland basin on Cell 2 on the Wildlife Area in order to restore flows in Centennial Wash. This agreement provides SRP access to the property for managing the existing wetland habitat at Cell 2 on the Arlington Wildlife Area.

Motion: Davis moved and Brake seconded THAT THE COMMISSION VOTE TO APPROVE A LEASE AGREEMENT WITH SALT RIVER PROJECT AT THE ARLINGTON WILDLIFE AREA, AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE LEASE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Commissioner Zieler recused himself due to potential conflict of interest.

Vote: Unanimous
4 to 0
Zieler recused

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4. Legislative Engagement and State and Federal Legislation

Presenter: David Fernandez, Assistant Legislative Liaison

The Commission was provided a slide presentation and briefing on the current status of selected state and federal legislative matters. The presentation included the following information and Commission actions:

Budget

The state budget was passed and signed by the Governor on May 3rd. The budget consisted of a total appropriation of \$42,488,300 with a single line item of \$3,058,000 for Pittman-Robertson and Dingell-Johnson match and a single line item of \$1,000,000 for watercraft grants with an additional option to absorb the watercraft line item into the operating budget upon submission of a spending plan to the Joint legislative Budget Committee. Building renewal, dam maintenance and property maintenance items were all authorized at 100% of requested amounts with a requirement to submit spending plans to the Joint Committee on Capital Review. FY2017 monies authorized for Sterling Springs Hatchery were made non-lapsing through FY2019. An annual requirement for reporting the status of all capital improvement projects to the Joint Committee on Capital Review was added as a footnote.

Grand Canyon Bison Management Act

Mr. Fernandez briefed the Commission on Department activities since October 2017 related to Grand Canyon bison management issues and concerns. Activities included Commission letters, calls and meetings with Senators McCain and Flake, the National Park Service, and the Department of Interior. Issues and concerns include that all edible meat must be salvaged for human consumption, that each individual be limited to killing no more than one bison, and that all volunteers participating in lethal removal be selected by an impartial process (state licensed hunters).

Commissioner Davis suggested that the Chairman send one last letter to the Department of Interior and to the Deputy Under-Secretary for Wildlife and invite them to the June Commission meeting to discuss how we move forward on this issue or how we may not be moving forward.

Motion: Davis moved and Sparks seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO DRAFT A LETTER FROM THE CHAIRMAN INVITING THE DEPUTY UNDER-SECRETARY FOR WILDLIFE, AND ANY OTHER APPROPRIATE INDIVIDUALS RECOMMENDED BY THE DIRECTOR AND DEPARTMENT, TO THE JUNE MEETING SO THAT WE CAN HAVE A DIRECT CONVERSATION TO SEE IF THERE IS ANY KIND OF PATH FORWARD ON THIS ISSUE.

Vote: Unanimous

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5. Commission Priorities Update

Presenter: Kent Komadina, Special Assistant to the Director

Mr. Komadina provided an update on the Commission Priorities Report (attached) and highlighted several activities since the last Commission meeting. 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

Wildlife Recreation Branch Chief Scott Lavin provided a PowerPoint presentation and briefing on Customer Recruitment, Retention & Reactivation (R3). The update included an overview of the Department's R3 efforts, including programs, events, partners, outreach and coordination with other organizations within Arizona and nationally.

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

Presenter: Tara Duncan, Manager of Professional and Organizational Development

Ms. Duncan provided a slide presentation and update on the Department's progress in deploying AMS methods and tools to reduce waste and build sustainable efficiency in the Department's systems and processes. The presentation included an overview of AMS implementation strategies, next steps, and pilot project successes.

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7. Threatened and Endangered Wildlife Briefing

Presenter: Tony Robinson, Gila River Basin Native Fish Supervisor, Aquatic Wildlife Branch

Mr. Robinson provided a slide presentation and briefing on Gila Topminnow recovery efforts by the Department and in coordination with New Mexico and the USFWS. The presentation included a brief history, threats at the time of listing, changing recovery criteria for down-listing and de-listing, and the status of current populations. The down-listing criteria specified in the 1984 recovery plan has been met and a petition to down-list has been submitted to the USFWS.

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8. Federal Lands Planning Update

Presenter: Clay Crowder, Lands and Habitat Evaluation Branch Chief

Mr. Crowder provided a slide presentation on 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.

Commissioner Davis suggested that a letter from the Chair on behalf of the Commission be submitted as part of the routine when submitting comments on resource management plans.

Director Gray agreed with the idea and stated that the Department will bring that back for discussion on the next lands update.

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12. Shooting Range Development Grant Requests for FY 2019

Presenter: Matthew Schwartzkopf, Statewide Shooting Range Administrator

Mr. Schwartzkopf provided a slide presentation on the Department's Shooting Range Development Grant Program and grant applications for fiscal year 2019. The Program has \$100,000 available for safety, improvement and development projects. The Department received four grant applications and recommended funding as follows:

Pima County SE Regional Archery Range (Tucson): The Pima County – Natural Resources, Parks & Recreation Department requested \$27,000 for the construction of a shade canopy to cover about two-thirds of the shooting line at the archery range. The Department recommends funding the total amount requested.

Pima Pistol Club (Tucson): The Pima Pistol Club requested \$20,787.45 to chip seal the parking lot and entrance to improve access to the range. The Department recommends funding the total amount requested.

Tri-State Shooting Park (Bullhead City): The Tri-State Shooting Park requested \$17,700.00 to complete the archery range and caretaker RV site. The Department recommends funding the total amount requested.

Tri-State Shooting Park (Bullhead City): The Tri-State Shooting Park requested \$16,400.00 to install power to the rifle and pistol ranges RO Office and to the Caretaker/Range Host Site. The Department recommends funding the total amount requested.

Mr. Schwartzkopf requested that the remaining funds, approximately \$18,000, be used for projects at the Northern Arizona Shooting Range and the Tri-State Shooting Park.

The Commission discussed the 50% match criteria and whether it has deterred some shooting ranges from applying for the grants. Mr. Schwartzkopf is planning to review the whole grant process. He is planning to make some changes to the criteria and how they are graded.

Director Gray recommended bringing the grant process and criteria back to the Commission for review prior to the next grant cycle.

Motion: Zieler moved and Brake seconded THAT THE COMMISSION VOTE TO APPROVE THE SHOOTING RANGE GRANT APPLICATIONS AS PRESENTED FOR THE FY19 GRANT CYCLE FOR A TOTAL OF \$81,887.45; AND THAT THE REMAINING FUNDS BE USED FOR PROJECTS AT THE NORTHERN ARIZONA SHOOTING RANGE AND TRI-STATE SHOOTING PARK.

Vote: Unanimous
4 to 0
Sparks not present

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13. Briefing on Research Branch Activities and Projects

Presenter: Esther Rubin, Research Branch Chief

Ms. Rubin provided an informational update using a slide presentation on the Research Branch's projects and activities. The presentation included an overview of new research projects and activities conducted by the Research Branch its continued support of programmatic needs.

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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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10. Petition by Mr. Harvey Ankley for a 2019 elk tag

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

Ms. Gottlieb briefed the Commission on a petition by Mr. Harvey Ankley for a 2019 elk tag. Mr. Ankley submitted a paper application for elk. The application was drawn for hunt 3012, general bull elk, Unit 4A valid November 30, 2018 – December 6, 2018. Mr. Ankley found out on March 31, 2018 that he was going to need knee surgery which was scheduled for November. He was unable to purchase PointGuard because he submits paper applications. Mr. Ankley is requesting a tag for the same hunt in 2019 so that he will have time to recover from surgery.

Motion: Zieler moved and Davis seconded THAT THE COMMISSION VOTE TO DENY MR. HARVEY ANKLEY'S PETITION.

Vote: Unanimous
Sparks not present

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11. Petition by Mr. and Mrs. Kent Edwards for approval to purchase PointGuard after the fact.

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

Ms. Gottlieb briefed the Commission on a petition by Mr. and Mrs. Kent Edwards for approval to purchase PointGuard after the fact to correct an application error. Mr. Edwards submitted an online application for elk for his wife Wendy Edwards. The application was drawn for hunt 3059, general antlerless elk, Unit 22 North valid October 19, 2018 – October 25, 2018. Mr. Edwards states in his petition that he mistakenly selected the antelerless hunt. PointGuard was available for purchase until Thursday, March 1, 2018. Mr. Edward is requesting approval to purchase PointGuard after the fact so he can then surrender the tag.

Motion: Zieler moved and Davis seconded THAT THE COMMISSION VOTE TO DENY MR. AND MRS. KENT EDWARDS' PETITION.

Vote: Unanimous
Sparks not present

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14 Virgin River Rotenone Treatment Update

Presenter: Julie Carter, Statewide Native Aquatics Program Supervisor

Ms. Carter provided a slide presentation and briefing on a potential rotenone treatment opportunity in the Virgin River Gorge in 2018, if drought conditions persist. The Gorge is a 17-mile section of the Virgin River in Arizona and is essentially between two fish barriers, the Stateline Barrier and the Gorge Barrier downstream. The Stateline Barrier is not consistently effective at high flows and the Gorge Barrier failed after the 2014 rotenone treatment, allowing nonnative red shiners to pass upstream of the barrier. The removal of red shiners in the Gorge reach will allow several native fish species to reestablish and persist. Red shiners have been removed from above the Stateline Barrier in Utah and there has been a strong positive response in the native fish populations. In early June, the modification of the Gorge Barrier was completed, and drought conditions are similar to 2014 when water was not consistently flowing between barriers. This provides an opportunity for a smaller treatment, and if the drought conditions persist, a treatment is planned for June or July of 2018.

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16. Information, Education and Recreation (IERD) Volunteer Program

Presenter: Mike Raum, Shooting Sports Branch Chief

Mr. Raum provided a slide presentation and briefing on the Department's Volunteer Program. The presentation covered volunteer programs and accomplishments through March of this fiscal year and included Boating Education, Hunter Education, OHV Education, Sportfish Education, Wildlife Education, Scholastic Clay Target and Shooting Sports Volunteer Programs. An overview of volunteer hours, match and FTE values was also presented.

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17. Intergovernmental Agreement with Maricopa County Parks and Recreation Department

Presenter: Pat Barber, Community Engagement Administrator

Mr. Barber presented an Intergovernmental Agreement (IGA) with Maricopa County Parks and Recreation Department to facilitate collaborative management of wildlife, habitat, and outdoor recreation within the Maricopa County Parks system. The agreement is intended to be an overarching agreement between the two agencies that will facilitate cooperative management of wildlife, habitat, and outdoor recreation within the County park system consistent with the mission of both agencies. Any future project that requires a transfer of funding between the two agencies would require a separate project specific agreement. The IGA is valid for five years with an option to renew the agreement for two additional five year periods if both agencies agree in writing. It also includes a clause that allows either agency to terminate the agreement after a 30 day written notice.

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

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18. Amendment to Externship Agreement with Midwestern University

Presenter: Josh Avey, Terrestrial Wildlife Branch Chief

Mr. Avey provided a slide presentation and briefing on an Amendment to the Externship Agreement with Midwestern University, extending the term of the Agreement for five years for the period of September 1, 2018 through August 31, 2023. Midwestern University College of Veterinary Medicine (MUCVM) provides academic and clinical training to students wishing to obtain a degree of Doctor of Veterinary Medicine. As part of their education, MUCVM requires students to participate in clinical rotations in clinics located at the MUCVM and at other locations around Arizona and outside the state. Students may elect to spend time in specialty clinics or institutions in order to broaden their education or provide experience in an area of special interest. In 2017, the Department entered into a one year trial agreement to provide two-week educational opportunities for five students to intern as volunteers with the Department's Wildlife Health Program in the Terrestrial Wildlife Branch. The trial program was considered successful by the Department and MUCVM and both parties are seeking to amend the agreement

and extend the term for an additional five years. While the Department does not pay these volunteer interns, Department resources such as personnel time for training and education and equipment are utilized. In return, the Department receives enthusiastic support from individuals trained in necropsy, disease investigation, and animal care. The Wildlife Health Program and interns provide documentation of their voluntary contribution to the volunteer program coordinator.

Commissioner Brake recommended the Department make this same program available to the University of Arizona.

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

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18A. License Agreement with Arizona State Parks and the City of Safford

Presenter: Clay Crowder, Habitat Evaluation and Lands Branch Chief

Mr. Crowder briefed the Commission using a slide presentation on a License Agreement with Arizona State Parks and the City of Safford. Arizona State Parks has requested that the Commission authorize a right-of-way along the Roper Lake roadway alignment that traverses the northern boundary of the Commission-owned Roper Lake and Land property to install a sewer main from the City of Safford to Roper Lake State Park. The sewer main would connect to the City of Safford's existing sewer system and will provide sewer service at Roper Lake State Park. Arizona State Parks and the City of Safford will be cost-sharing the installation of this sewer main. Maintenance of the sewer main will be the responsibility of the City of Safford. This use should not adversely affect the purposes for which the Roper Lake and Land property was established.

Director Gray recommended the Commission take action on this item today.

Motion: Zieler moved and Davis seconded THAT THE COMMISSION VOTE TO APPROVE THE LICENSE AGREEMENT WITH ARIZONA STATE PARKS AND THE CITY OF SAFFORD FOR A RIGHT-OF-WAY ALONG THE ROPER LAKE ROADWAY TO INSTALL A SEWER MAIN FROM THE CITY OF SAFFORD TO ROPER LAKE STATE PARK AS PRESENTED.

Vote: Unanimous

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19. FY 20 Proposed Budget & FY 19 Modification

Presenter: Tom Finley, Deputy Director

Mr. Finley provided a slide presentation and 1st read briefing on the Department's FY 20 proposed draft budget and proposed modifications to the FY 19 budget. The presentation

provided a review of the budget cycle and timeline, a review of Commission priorities for budget preparation, and allowed for discussion of Department fund sources and flexibility as well as opportunities and challenges within the funding sources. The presentation included an overview of proposed budgets and amendments for the following funding sources:

- Game and Fish Fund
- Watercraft Licensing Fund
- Watercraft Licensing Fund
- Coast Guard Grant
- Game, Non-Game, Fish & Endangered Species (Tax Return Check Off)
- Capital Improvement
- Wildlife Endowment
- Off Highway Vehicle
- Heritage Fund
- Wildlife Conservation Fund
- Indirect Cost Recovery Fund
- State Wildlife Grants
- Endangered Species Act Section 6
- Sport Fish (DJ) includes Boating Access
- Wildlife Restoration Grant (PR)
- Wildlife Restoration Grant (PR) FY 2019 Hunter Education Section 4 & Section 10 (Enhanced)

The Commission will be provided with a final budget presentation for approval at the June Commission meeting.

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

Vote: Unanimous

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Sparks not present

The Commission had a working lunch during Executive Session.

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22. Approval of Minutes

Motion: Davis moved and Zieler seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FROM MARCH 9-10, 2018.

Vote: Unanimous

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23. Commissioner Committee Reports

Commissioner Zieler commented on a wolf briefing meeting he attended in Springerville and complimented staff on how well they handled it.

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24. Director and Commissioner Comments

Commissioner Brake expressed concern about the lack of rain and that some Forests are shutting down and having cattle taken off from grazing. The concern is that when the reductions take place, not everyone keeps the waters going and wildlife needs those waters. He encouraged the Department to reach out to ranchers and remind them of how important that water is to wildlife with the hope that they will continue to furnish that water.

Director Gray reported on the success of the recent Employee Engagement Conference.

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21. Litigation Report

There was nothing further to add to the Litigation Report.

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15. Approve Final Rulemaking Amending Article 3 Rules Addressing Taking and Handling of Wildlife.

Presenter: Jay Cook, FOR6 Regional Supervisor

Mr. Cook presented a slide presentation and request for approval for a Notice of Final Rulemaking, and Economic Impact Statement amending rules within 3 Rules addressing taking and handling of wildlife. The Department proposes to amend rules within Article 3 to enact recommendations developed during the preceding Five-year Rule Review Report approved by the Commission at the March 3, 2017 Commission meeting and by G.R.R.C. at the June 6, 2017 Council meeting. In addition to nonsubstantive changes designed to remove regulatory uncertainty and increase consistency between Commission rules, the Department proposes the following substantive amendments:

R12-4-101. Definitions

- Define "bow," "crossbow," "export," "handgun," "import," "muzzleloading shotgun," "pneumatic weapon," "rifle," and "shotgun" to aid in consistent interpretation of Commission Orders and rules. This change is proposed as a result of customer comments received by the Department.

R12-4-216. Crossbow Permit

- Allow a Crossbow Permit holder to use a pre-charged pneumatic weapon using bolts or arrows during an archery-only season. This change is proposed as a result of customer comments received by the Department.

R12-4-301. Definitions

- Amend the definition of "aircraft" to include drones.
- Clarify "artificial flies and lures" do not include lures using chemical/organic attractants to minimize the mortality of fish.
- Define "deadly weapon," "device," "edible portions of game meat," "hybrid device," "muzzleloading shotgun," "pneumatic weapon," "prohibited possessor," "prohibited weapon" "rifle," "shotgun," and "smart device" to increase consistency between statute, Commission Orders, and rules. This change is in response to customer comments received by the Department.
- Define "developed water source" and "live-action trail camera" as a result of amendments made to R12-4-303.

R12-4-302. Use of Tags

- Prohibit a person from allowing another person's tag to be attached to wildlife that person harvested.

R12-4-303. Unlawful Devices and Ammunition

- Prohibit the use of ammunition that does not expand on impact. This change is in response to customer comments received by the Department.
- Prohibit the use of projectiles that contain a secondary propellant.
- Prohibit the use of a smart device for the take of wildlife. This change is in response to customer comments received by the Department.
- Clarify federally prohibited activities to ensure consistent interpretation of A.R.S. § 17-301.
- Prohibit the discharge of a hybrid device, arrow, or bolt while taking wildlife within one-fourth mile of occupied structure to increase consistency between statute, Commission Orders, and rules. This change is in response to customer comments received by the Department.
- Reference distance in yards to reduce regulatory uncertainty.
- Prohibit the use of live-action trail camera (includes images) for the taking/aiding in taking of wildlife. This change is in response to customer comments received by the Department.
- Prohibit the use of any trail camera (includes images) for the taking/aiding in taking of wildlife within one-fourth mile of the outer perimeter of any developed water source. This change is in response to customer comments received by the Department.
- Prohibit the use of images of wildlife produced or transmitted from a satellite or other device for the purpose of taking/aiding in taking of wildlife; this does not include images from mapping systems or programs. This change is in response to customer comments received by the Department.
- Prohibit a prohibited possessor from using a deadly/prohibited weapon to take wildlife.

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

- Allow the use of a hybrid device for the taking of aquatic wildlife provided all components are lawful for the take of that species. This change is in response to customer comments received by the Department.
- Allow the use of a pre-charged pneumatic weapon for the take of bison and elk. This change is in response to customer comments received by the Department.
- Allow the use of ceramic or ceramic coated broadheads for the take of wildlife. This change is in response to customer comments received by the Department.
- Allow the use of pre-charged pneumatic weapons using arrows or bolts for the take of wildlife for all species where a bow/crossbow is also a lawful method of take. This change is in response to customer comments received by the Department.

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

- Require a person to attach a tag in the manner indicated on the tag to increase consistency between Commission rules.
- Specify the manner in which a person may provide evidence of legality for Eurasian collared-doves to reduce regulatory ambiguity.
- Allow a person who takes a depredating bear or mountain lion to retain the carcass (unless the person has already taken the applicable bag limit for that big game animal) to prevent the animal from going to waste.

R12-4-306. Buffalo Hunt Requirements

- Combine bison hunt requirements into one subsection to reflect current bison management strategies.
- Allow a person to check out either in person, by telephone, or electronically (when made available by the Department) to reduce the costs and burdens to persons regulated by the rule. This change is in response to customer comments received by the Department.

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

- Reduce the trapping license age requirement from 14 years of age to 10 years of age to increase consistency between Commission rules and enable the Department to gather additional valuable harvest data.
- Clarify the daily trap inspection is a physical inspection.
- Incorporate other areas developed for public use to increase consistency between rules within Article 3.
- Extend the time in which a trapper must have a bobcat seal attached to a bobcat from ten days from the close of season to April 1 of each year to reduce costs and burdens to persons regulated by the rule.
- Allow a trapper to monitor their traps using a trail camera; the use of a camera will not take the place of the daily inspection requirement.

R12-4-308. Wildlife Inspections, Check Stations, and Roadblocks

- Allow a person to check-in and check-out electronically, when made available by the Department, to reduce the costs and burdens to persons regulated by the rule. This change is in response to customer comments received by the Department.

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

- Specify the authorization for use of drugs on wildlife does not exempt a person from any municipal, county, state or federal code, ordinance, statute, regulation, or rule or authorize a person to engage in any activity using wildlife that is protected by federal regulation to increase consistency between Commission rules.

- Remove the requirement that the applicant include federal approvals and/or permits as having this language in rule implies the Department verifies and monitors them to ensure they are valid. The Commission believes it is the applicant's responsibility to ensure they apply for and obtain all required federal approvals and/or permits.
- Require the written endorsement to be signed by a person who has the authority to sign documents on behalf of a government agency, university, or institution to ensure the applicant has sufficient permission to conduct the proposed activities.
- Establish due dates for the annual and final report to make the rule more concise.
- Require a person applying for authorization to use drugs on wildlife to indemnify the Department against any injury or damage resulting from the use of animal drugs in light of recent law suits taking place at the federal level.

R12-4-310. Fishing Permits

- Remove the requirement that a nonprofit be licensed or contracted with DES/DHS to expand unlicensed fishing opportunities to additional agencies, departments, and nonprofits.
- Replace the terms "rehabilitation or training" with "treatment and care" to provide unlicensed fishing opportunities to a segment of the public that has difficulty engaging in this recreational activity.
- Specify the permit is valid for any two days within a 30 day period to ensure an agency, department, or nonprofit submits the required report before submitting a subsequent application.
- Remove the 20 person limit to reduce the burdens and costs to persons regulated by the rule.
- Require a nonprofit to provide a copy of its Articles of Incorporation and a document identifying its mission at the time of application to ensure the applicant is eligible for the fishing permit.

R12-4-311. Exemptions from Requirement to Possess an AZ Fishing License While Taking Wildlife

- Reference "trapping license" as one of the licenses that may be revoked by the Commission to make the rule more concise.
- Allow a person to provide documentation of the person's application for a fingerprint clearance card as prescribed under A.R.S. § 17-215 to reflect statutory requirements.

R12-4-313. Lawful Methods and Seasons for Aquatic Wildlife

- Combine R12-4-313 and R12-4-317 to increase consistency between Commission Orders, rules, and Department publications.
- Authorize the Commission to establish a special season allowing fish to be taken by additional methods on waters where a fish die-off is imminent to increase consistency between Commission rules.
- State a person may not use more than two lines at any one time while fishing to facilitate a consistent interpretation of simultaneous fishing.
- Allow the use of a hybrid device for the taking of aquatic wildlife provided all components of the device are authorized for the take of that species. This change is in response to customer comments received by the Department.
- Prohibit a person from snagging aquatic wildlife or using a bow and arrow, crossbow, snare, gig, spear or spear gun within 200 yards of a designated swimming area, as indicated by way of posted signs or notices, and fishing pier to protect public health and safety.

R12-4-314. Possession, Transportation, or Importation of Aquatic Wildlife

- Combine R12-4-315 and R12-4-316 to increase consistency between Commission Orders, rules, and Department publications.
- Prohibit a person from knowingly disturbing the crayfish net, live box, minnow trap, or stringer of another unless authorized to do so by the owner to increase consistency between statute and Commission rules.

R12-4-315. Possession of Live Fish; Unattended Live Boxes and Stringers and R12-4-317. Seasons for Lawfully Taking Fish, Mollusks, Crustaceans, Amphibians, and Aquatic Reptiles

- Repeal both rules.

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

- Allow the use of a hybrid device for the taking of wildlife provided all components of the device are authorized for the take of that species. This change is in response to customer comments received by the Department.
- Allow a person to use a single shot pre-charged pneumatic weapon discharging a single projectile .35 caliber or larger during a "handgun, archery, and muzzleloader (HAM)" season to provide persons regulated by the rule additional hunting opportunities.
- Allow a person to use a muzzleloading shotgun during a "limited weapon-shotgun" season to provide persons regulated by the rule additional hunting opportunities.
- Allow a person to use a muzzleloading shotgun shooting shot as a lawful method of take during a "limited weapon-shotgun shooting shot" season to provide persons regulated by the rule additional hunter opportunity.

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

- Clarify drones are considered to be aircraft to reduce regulatory ambiguity.

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

- Incorporate trapping restrictions to increase consistency between Commission rules.
- Clarify a hunter shall declare their intent to hunt when the park or preserve has established a check-in process to reduce regulatory ambiguity.
- Exempt persons participating in a reptile and amphibian limited weapon hand or hand-held implement season from the 1/4 and 1/2 mile prohibition when hunting in a city, county, or town park or preserve.

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

- Allow a Department employee or agent who has experience in determining whether an animal died from natural causes to conduct the inspection of the carcass or parts when a law enforcement officer is not available to reduce the burden on the Department and persons regulated by the rule.

The Commission approved the Notice of Proposed Rulemaking and Economic Impact Statement at the February 2018 Commission Meeting. The rulemaking record was open for public comment from March 16 to April 16, 2018; public comments received and the Department's responses are included in the Notice of Final Rulemaking, which was provided to the Commission prior to this meeting for review and consideration. If approved by the Commission and in accordance with the exemption authorized by the Governor's Office, the Department will submit the final rulemaking package to the Governor's Regulatory Review Council (G.R.R.C.) for review and placement on a future agenda.

Public Comment

The following were present and addressed the Commission in opposition to proposed rule changes regarding trail cameras:

- Russ Jacoby, Mossback Arizona
- Don Martin
- Jacob Jacoby
- Brian Dolan (teleconferenced from Region 5).

Jim Cave addressed the Commission in support of the Department's recommendations, particularly the proposed changes regarding trail cameras.

Howard Mattox, Benjamin Pioneer Airbows (teleconferenced from Department HQ), suggested adding a Pioneer airbow as an option for those with disabilities or those who have difficulty drawing a bow.

Will Randolph spoke about the proposed quarter mile archery rule. He believes it is restrictive and goes against hunter opportunity in some areas. The Department should not take a blanket approach.

Chairman Ammons expressed his appreciation to Mr. Cook and the rule review team. He has sat on the Fair Chase Committee the past few months and he knows all the work that has gone into the Article 3 rule review. He received a great deal of comments from the public on this item in the past week and that is what he is here for, to listen to the people, so there are a couple of items in this rule package that he is having a difficult time with.

Commissioner Zieler also thanked Mr. Cook and expressed that he is struggling with a blanket approach to the proposed trail camera restrictions. He has received many comments where people are overwhelmingly opposed to any kind of restrictions on the cameras. Commissioner Zieler questioned whether this could be implemented on a case by case or unit basis and then allow the Fair Chase Committee to evaluate it maybe on a year to year basis.

Mr. Cook stated that the Department could pull a portion out of the rulemaking and suspend it, and then potentially bring back some alternatives in June based on the Commission's direction.

Mr. Odenkirk advised the Commission that they are not bound to making a decision today, but if the Commission decides on a different proposal, it may trigger another public comment period which could push the final effective date out further.

Commissioner Davis thanked Department staff for their work on this and stated that he has also taken a lot of public comments on this. It's been a two year process of working on this rulemaking and he is comfortable moving forward on it.

Commissioner Brake stated that he has had conversations with constituents as well. This is about moving the cameras off the waters by a quarter mile and not about giving up cameras.

Motion: Davis moved and Brake seconded THAT THE COMMISSION VOTE TO APPROVE THE NOTICE OF FINAL RULEMAKING AND ECONOMIC IMPACT STATEMENT

AMENDING RULES WITHIN ARTICLE 3, ADDRESSING TAKING AND HANDLING OF WILDLIFE, AS PRESENTED.

Vote: Aye – Davis, Brake
Nay - Ammons, Zieler
Failed 2 to 2
Sparks not present

The Commission discussed with Department staff that they could have another motion or table this item, or they could approve the rulemaking package except for the one item. However, any substantive change will have to go back out for a public comment period and will delay the process.

Motion: Zieler moved and Brake seconded THAT THE COMMISSION VOTE TO APPROVE THE NOTICE OF FINAL RULEMAKING AND ECONOMIC IMPACT STATEMENT AMENDING RULES WITHIN ARTICLE 3, ADDRESSING TAKING AND HANDLING OF WILDLIFE, WITH THE EXCEPTION OF THE PASSIVE TRAIL CAMERA COMPONENT, THE QUARTER MILE RESTRICTION FROM MAN-MADE WATERS, AND DIRECT THE DEPARTMENT TO BRING BACK OPTIONS FOR EVALUATION AT THE NEXT COMMISSION MEETING.

Mr. Odenkirk explained how the process would work. The rule will go back out for public review and comment for the new proposal. If, in the interim, the Commission comes up with acceptable options and want to reinsert those back into the rule, that will trigger an additional public review process. Mr. Odenkirk recommended tabling the entire rule package.

Motion withdrawn by Commissioner Zieler.
Second withdrawn by Commissioner Brake.

Motion: Zieler moved and Brake seconded THAT THE COMMISSION VOTE TO TABLE THE ARTICLE 3 RULEMAKING PACKAGE UNTIL THE JUNE COMMISSION MEETING.

Mr. Cook clarified with Mr. Odenkirk that the Department will only be presenting the trail camera portion at the June meeting.

Vote: Aye - Ammons, Zieler, Brake
Nay - Davis
Passed 3 to 1
Sparks not present

* * * * *

25. Future Agenda Items and Action Items

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

- Regarding bison management on the Grand Canyon National Park, the Department will prepare a letter from the Chair to the Department of Interior Under-Secretary of Wildlife and any other appropriate parties inviting them to the June Commission meeting to have a direct conversation to see if there is any path forward in bison management
- The Department's legislative staff will follow up with Congressman Gosar and Representative Sinema related to co-sponsoring RAWA
- The Department will work on the option of preparing Commission comment letters on federal actions
- The Department will evaluate potential changes to shooting range grant criteria and bring those before the Commission before October
- The Department will see if the UOA vet school can be utilized by the Department to do cooperative work
- The Department will direct regional personnel to make contacts with livestock operators in the regions and stress the importance of livestock waters to wildlife, and to work on cooperative partnerships
- The Department will bring back the Article 3 rulemaking package at the June meeting as discussed in agenda item 15.

* * * * *

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

Vote: Unanimous

* * * * *

Meeting adjourned at 3:15 p.m.

* * * * *

These minutes were approved by the Commission at the August 3, 2018 Commission meeting.

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

James R. Ammons, Chairman

**Game and Fish Litigation Report
Presented at the Commission Meeting
May 4, 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 Interior and the U.S. Fish and Wildlife Service ("FWS") for violations of the Endangered Species Act ("ESA"). Arizona alleges in the lawsuit that the FWS has failed to develop a new recovery plan for the Mexican wolf that complies with the requirements of ESA. The FWS prepared an original recovery plan for the Mexican wolf in 1982, but that plan has since expired, and it does not include the necessary elements ESA requires for a recovery plan. Arizona will seek declaratory and injunctive relief compelling the FWS to develop a new recovery plan within a reasonable period.

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

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

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

On June 28, 2017, the FWS issued a draft recovery plan and opened the public comment period until August 29, 2017. 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. The FWS has sixty days to file an answer or a motion to dismiss. 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 March 30, 2018, Judge Zipps entered an order remanding the 2015 10(j) rule to the Fish and Wildlife Service to address identified in the order. The parties have until April 30th to propose a deadline for the publication of a revised 10(j) rule.

2. *Center for Biological Diversity v. Jewell*, CV-15-00019-JGZ; *WildEarth Guardians v. Ashe*, CV 15-00285. CBD filed its lawsuit on January 15, 2015, alleging

violations of the Endangered Species Act (“ESA”) and the National Environmental Policy Act (“NEPA”). Plaintiffs contend that the U.S. Fish and Wildlife Service’s (“FWS”) final revised rule governing the Mexican wolf experimental population, and a research and recovery permit issued under Section 10(a)(1)(A) of ESA impede Mexican wolf recovery and survival. Plaintiffs also allege the final environmental impact statement (“EIS”) and a biological opinion associated with the final rule are inadequate. Plaintiffs seek a court order to set aside and remand to the FWS portions of the final rule, the permit and final EIS.

On April 15, 2015, the State of Arizona on behalf of Game and Fish filed a motion to intervene in support of the FWS. At the same time, Arizona filed a motion to dismiss the lawsuit on the basis the court lacks subject matter jurisdiction. The federal defendants filed an answer to the complaint on April 22, 2015.

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

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

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

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

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

On June 20, 2016, the plaintiffs filed responses in opposition to the federal defendants’ and Arizona’s cross motions for summary judgment. The federal defendants filed replies on July 20 and July 27, and Arizona filed replies on July 27 and August 3. The briefing is now complete

and the next step will be a hearing on the summary judgment motions. The court heard oral argument on April 26, 2017.

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

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

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

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

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

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

dismiss and now await a hearing or a decision from the court.

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

CBD filed a notice of appeal on April 20 2017. As of November 30, 2017, all briefing in the case is 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 is continued until April 2018, to allow Guynn to return home from serving abroad in the military. The Holden case will be set for hearing in May 2018.**

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 **July 29, 2018**. The Appellants reply brief is due on **September 15, 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. *Dennis G. Scarla v. Arizona Game and Fish Commission*, Maricopa County Superior Court LC2017-000019-001 (filed Jan. 23, 2017). On March 10, 2017, Dennis Scarla

filed a notice of appeal challenging the Commission's order revoking his license to hunt, fish, and trap in the state and denying him the privilege of obtaining a new license for a period of five years. Mr. Scarla asserts that the Commission should not have imposed the statutory-maximum five-year ban on him because this was his first offense. The administrative record has been forwarded to the Superior Court and Mr. Scarla filed his Opening Brief with the Superior Court on January 17, 2018. Our Answering Brief was filed March 9, 2018. **The case is submitted; we await the Superior Court's decision.**

7. ***State of Arizona v. United States Army Corps of Engineers, CV 18-00696 GJH.*** The Army Corps of Engineers' (Corps) project to inspect the upper outlet facilities at Alamo Dam started on March 12, 2018, with water releases out of the dam that will reach 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 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.

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

U.S. FOREST SERVICE

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.

Coconino National Forest

Land and Resource Management Planning (LRMP)

- The Final LRMP is anticipated for release spring 2018, followed by a 90 day appeal process. Based on meetings and the Forests' most recent response (February 7, 2018) to formal comments/recommendations, the Department anticipates outstanding issues will be carried forward in the final plan.

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 LRMP has been signed by the Regional Forester and is awaiting approval by the Washington D.C. Office. The Forest expects the plan to be released in June of 2018.

Travel Management Planning (TMP)

- The Department continues to track, provide input, and coordinate with the Forest on changes to Motorized Travel systems by district.

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 records of decision is expected in June 2018, with project implementation beginning October 2018.

Hassayampa Landscape Restoration Project (EA)

- The Bradshaw Ranger District, Prescott National Forest, is proposing to reduce hazardous and excess fuels and restore fire to its natural role on approximately 246,000 acres of National Forest System Lands. The Bradshaw Ranger District is proposing to reduce fuels, construct firebreaks, improve forest health and functionality, and restore wildlife quality habitat. While the entire acreage would not be treated, specific treatment areas have been identified in multiple vegetation types. Fuels management treatments would be achieved through prescribed burns, mechanical and thinning methods. The Department has worked with the Forest Service in support of these treatments; identifying specific areas of concern and providing information for wildlife and habitat in the designated treatment areas.

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 March to address comments and discuss development of alternatives for the EIS. The LRMP/DEIS is anticipated summer of 2018.

Travel Management Planning (TMP)

- A project team has been assembled to identify a timeline for the Supplemental EIS (SEIS) and draft record of decision for travel management on the TNF. 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 internally to research the mine project; collect wildlife and recreation information on the project area; and prepare mitigation recommendations for the EIS.

BUREAU OF LAND MANAGEMENT

Hassayampa Field Office

Travel Management Planning

- The Department is a Cooperating Agency on the Black Canyon Corridor Travel Management Plan. 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, a replacement for a portion of Portland cement in the process of formulating concrete. The Department submitted comments on the Draft Mining and Reclamation Plan of Operations during public scoping in July 2017. The BLM will hold a 60-day public comment period following the completion and publication of the draft EA anticipated in the summer of 2018.

Havasu Field Office

Travel Management Planning (TMP)

- Havasu Field Office has scheduled route evaluations for the Alamo and Salome Travel Management Areas. The plan is for all route evaluations to be completed this federal fiscal year and the plans to be completed by the end of FY 19.

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 April 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). Public release of the Draft TMP and EA is estimated for April 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 and has been conducting a series of week-long route-by-route analyses in December 2017, and February and March 2018. The Department participated in all of these meetings. 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 will request cooperating agency status.

DEPARTMENT OF TRANSPORTATION

Interstate 11 Tier 1 Environmental Impact Statement (EIS)

- ADOT preparing Tier I DEIS for I-11 (Wickenburg to Nogales). Department is Cooperating Agency and provides feedback on alternatives, and in depth analyses of resource concerns and mitigation opportunities as the Tier I DEIS process progresses. An Administrative Draft EIS is expected to be available for Cooperating Agency review in May 2018. Draft Tier 1 EIS for public review expected fall 2018. 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.

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 will request cooperating agency status for the plan update and EIS.

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 – April 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.	Department preparing for release of Final LRMP. 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 expected Spring 2018, followed by a 90 day appeal process.
<u>Coconino</u>	TMP	Final 2011 (forest wide), MVUMs available; Department appealed plan on MBGR and	Dispersed camping 300ft from specifically identified roads only, 30ft from all other roads. MBGR for elk	TMP revision process ongoing. Department continues to work with the forest to identify and recommend needed changes. Ex.

Federal Land Management Planning Status

USFS				
Forest	Plan	Status	Issues and Next Steps	Projected Completion and Implementation
		dispersed camping decisions; appeal denied.	only, 1 mile from roads except GMUs 5A & 5B.	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	Outstanding issues include state vs. federal authority over wildlife issues and Recommended Wilderness.	FEIS NOA in Fed Register estimated June of 2018.
<u>Coronado</u>	TMP	Changes to Motorized Travel System EA's are progressing district by district. Region addressing district-specific road closures and access issues; 300' corridor closure in some areas.	Review and comment on Sierra Vista EA.	Nogales: Completed, 3/17 Safford: Completed, 11/17 Douglas: Completed, 12/17 Sierra Vista: Final draft EA expected 6/2018 Catalina: Final Draft EA expected 8/2018
<u>Kaibab</u>	LRMP	Finalized 2014		
<u>Kaibab</u>	TMP S. Zone	Revision released Jan 2016, Department accepted final revision. The Department is completing dispersed camping inventory to inform TMP. KNF released new MVUM's for the Williams, Tusayan, and North Kaibab ranger districts 2/17.	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 roads added; and 24 miles of roads re-opened. MBGR limited to elk/bison 1 mile from open roads. 9 miles of open roads closed due to resource degradation.	MVUMs anticipated to be updated annually. Department continues to work with KNF on adaptive management for MVUM's and TMP revisions.
<u>Kaibab</u>	TMP N. Zone	Region has completed data collection of all dispersed camping locations.	No TMP revision process has been initiated (timing uncertain). See above for N. Kaibab. Department	MVUMs anticipated to be updated annually.

Federal Land Management Planning Status

USFS				
Forest	Plan	Status	Issues and Next Steps	Projected Completion and Implementation
			looking to remedy insufficient designated dispersed camping opportunities in lower elevations.	
<u>Prescott</u>	LRMP	Final signed 2015. Department Appeal Declined, Plan approved 2016.	Recommended wilderness areas. Potential for long term impacts to wildlife management and public recreation/access based on land use/management changes.	
<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 revision process. November 2017: The Forest released Preliminary Proposed Draft Plan. Jan 2018: Department submitted formal comments on the Prelim Draft Plan. February 12, 2018: Department commented on draft wilderness evaluation map.	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	Draft Decision and Final EIS was not complete. A supplemental to the EIS is being developed.	Currently undergoing development of a supplement to the EIS, due to the need for further analysis.	Timeline unknown.

Federal Land Management Planning Status

Bureau of Land Management (BLM)

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

BLM				
Field Office/District	Plan	Status	Issues and Next Steps	Projected Completion and Implementation
<u>AZ Strip</u> (including Grand Canyon-Parashant and Vermillion Cliffs NMs)	RMP	Record of Decision Feb 2008		
<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) which are existing user created routes. Public	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

BLM				
Field Office/District	Plan	Status	Issues and Next Steps	Projected Completion and Implementation
		Administrative Draft TMP/EA and Alternatives maps	release of the draft EA is estimated for April 2018.	
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>Havasup</u>	RMP	ROD signed July 2007.		
<u>Havasup</u>	TMP	March 2009: FONSI signed for Bullhead Unit September 2013: Havasu Unit Route Evaluations begun for Bouse Unit.	Completed new route inventories for Bouse and Cactus Plain TMA. Begin route evaluations for Alamo and Salome TMA	All Plans to be completed by end of FY19
<u>Kingman</u>	RMP	ROD Signed 1993; route evaluations currently being conducted. Plan Life: 20 years, with amendments as needed.	BLM KFO looking at updating RMP. Asked the Department for review and update of issues for the new plan. Provided December 2016.	
<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.	Draft TMP EA is planned for release to the public in April 2018.	

Federal Land Management Planning Status

BLM				
Field Office/District	Plan	Status	Issues and Next Steps	Projected Completion and Implementation
		March 2018: the Department began review of alternatives.		
Bullhead	TMP	FONSI/ROD signed March, 2009	In effect until rescinded or amended by management action.	
<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.	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. Public release of the draft EA is estimated for April 2018.	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.
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	Department provided scoping comments November 3, 2017	Department to participate in route-by-route analysis	Draft EA/TMP out for public comment early summer 2018. March 2019 target for completed TMP

Federal Land Management Planning Status

BLM				
Field Office/District	Plan	Status	Issues and Next Steps	Projected Completion and Implementation
			meetings in Dec 2017, and Feb and Mar 2018	
<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 September 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

BLM				
Field Office/District	Plan	Status	Issues and Next Steps	Projected Completion and Implementation
<u>Yuma Ten West Transmission Line</u>		Administrative Draft reviewed by cooperating agencies. Public draft scheduled to be released March 23	Incorporate agency comments, release public draft	Uncertain behind schedule

US Fish and Wildlife Service (USFWS)

Status of USFWS planning in Arizona – April 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.	After receiving and reviewing a substantial number of comments seeking reconsideration of the draft CD, the Service decided more deliberation is required before a final CD is developed.	June 2016: USFWS determines additional deliberation is required. New CD released, 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	Proposal is to renew existing recreational activities. Proposing to discuss any	Uncertain

Federal Land Management Planning Status

USFWS				
Office/Refuge	Plan	Status	Issues and Next Steps	Projected Completion and Implementation
		complex released proposed actions	additional activities in the near future.	

National Park Service (NPS)

Status of NPS planning in Arizona – April 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 began as 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 2017. Current schedule has a bulk of the implementation activities starting in fall 2017/spring 2018.

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

Status of major transportation planning in Arizona – April 2018

Federal Land Management Planning Status

FHWA-ADOT				
Project	Plan	Status	Issues and Next Steps	Projected Completion and Implementation
<u>I-11</u>	Tier 1 Draft EIS	ADOT preparing Tier I DEIS for I-11 (Wickenburg to Nogales). Department is Cooperating Agency and provides feedback on alternatives, and in depth analyses of resource concerns and mitigation opportunities as the Tier I DEIS process progresses.	An Administrative Draft EIS is expected to be available for Cooperating Agency review in May 2018.	Draft Tier 1 EIS expected fall 2018. 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.



A2.15 Commission Compensation and Expense Reimbursements

Effective: ##/##/2018

Policy Process Owner: Deputy Director, DOHQ

This policy is established to ensure Commission member compensation and expense reimbursements are conducted in compliance with A.R.S. § 38-611 and Arizona Department of Administration (ADOA) guidelines.

Compensation includes payment for services that benefit the Arizona Game and Fish Department (Department), including attending meetings and conferences, preparation work, and completing administrative paperwork as reflected in the Commission Time and Travel Report.

The Department is aware Commission members often spend more than eight hours in a day conducting work on behalf of the Department and are only compensated at the statutory rate for that day. However, a Commission member shall receive the compensation established under A.R.S. § 38-611 for each day they spend a minimum of one hour in the performance of their duties.

All compensation paid to Commission members shall be recorded and paid through the State's central payroll system.

Any expense reimbursement shall be claimed using the appropriate form or system entry and in accordance with the State of Arizona Accounting Manual. Any expense reimbursement claimed shall be supported by appropriate documentation.

Appropriate documentation with respect to attendance, services provided, and compensation paid, etc. shall be retained by the Director's Office.

Policy Authority:

A.R.S. §§ 17-211, 17-231, 38-611, R2-5A-401, and ADOA Policies 5060, 5536, 5565, and 5095

Policy Distribution List:

Arizona Game and Fish Commission
All Department Personnel

Commission Priorities Report

May 4, 2018



FY18 Target of 150,000 acres secured for access: On track, 2 new perpetual agreements completed. Target of 5,000 Volunteer hours: ~3,200 hours coordinated. Target 3 outreach efforts on Access Program targeting sportsmen: 3 for year



127,683 Portal Memberships established, 1,142 were established in April. Not on track to achieve the year's target of 159,640 Portal Memberships. Countermeasures have been identified and activated. Sportsman's Re-Write underway, which will result in Customer Database supporting ongoing Marketing efforts.



The Data Warehouse Business Requirements Plan is under review. GDMS - testing of the Survey and Hunter Questionnaire reports is ongoing; development of the Hunt Recommendation module is progressing and initial testing will be completed by June 15.



Land and Water Program staff are assisting regional Program Managers in tracking Commission-owned property O&M expenses.



To date the Department has stocked 364,831 lbs. of sportfish from our 750,000 lbs. target. We are currently tracking at a deficiency of approximately 40,000 lbs. Our counter measure will be to redirect \$75,000 dollars of a survey budget to purchase sportfish to lessen the shortfall.



SEE: AMS Report presented as a separate Agenda item.



The encryption component of Gmail suite will enable officers to submit electronic copies of citations to the Comm Center for data entry and will save the Department money, speed up data entry and save hundreds of hours of officer time each year. The Fair Chase Committee reviewed the proposed Article III changes.



Digital engagement exceeding yearly targets; E-News subscriber database is inflated due to use for watercraft renewal emails, will resolve issue with Customer Service; External concerns push op-ed rollout behind schedule, hope to rectify in Q4; Assisting SSIT with G-Suite rollout; Boating and OHV safety advertising to begin in May.



This will be presented in the In-depth portion of the Report.



FY 18 TARGET of 500,000 acres restored: 676,996 completed. FY 18 TARGET of \$1 million in funding secured: \$2.355 million total. FY 18 TARGET of 6 aquatic restoration projects: on track. FY 18 TARGET of 20 catchments: 9 complete.



WILDERNESS: Managing wildlife on wilderness proving difficult. BURROS: Reducing burro #s proving difficult. COLORADO RIVER: Working with DOI on fish stockings. BISON: Dept withdrawn from EA process, still pursuing fed legislation. Several new issues evolving.