

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, October 21, 2005 – 7:00 a.m.
Embassy Suites
2333 E. Thomas Road
Phoenix, AZ 85016

PRESENT: (Commission)

(Director's Staff)

Chairman W. Hays Gilstrap
Commissioner Melton
Commissioner Michael M. Golightly
Commissioner William H. McLean
Commissioner Robert Hernbrode

Director Duane L. Shroufe
Deputy Director Steve K. Ferrell
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Shelley Cutts

Chairman Gilstrap called the meeting to order at 8:00 a.m. This meeting followed an agenda dated September 30, 2005.

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1. 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 discussing and consulting with legal counsel; and for the purpose of discussing personnel matters, including the Director's Goals and Objectives pursuant to A.R.S. § 38-431.01 (A) (1); and pursuant to A.R.S. Sections 38-431.03(A)(2) and (A)(3) for the purpose of discussing and consulting with legal counsel regarding Arizona's public records law.

Motion: McLean moved and Melton seconded THAT THE COMMISSION GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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Chairman Gilstrap called the Public Session to reconvene at 9:08 a.m. following Executive Session. The Commissioners introduced themselves and Chairman Gilstrap introduced the Director and the Director's staff.

Awards and Commissioning of Officers – None at this time.

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2. Litigation Report

A copy of this report was provided to the Commission prior to today's meeting and is included as part of these minutes. There were no further updates from Mr. Odenkirk and the Commission had no comments or questions.

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3. Update on Current Issues, Planning Efforts, and Proposed Projects on State and Federal Lands in Arizona and Other Matters Related Thereto

Presenter: Bob Broscheid, Habitat Branch Chief

A copy of the Lands Update report was provided to the Commission prior to today's meeting and is included as part of these minutes. The update addresses decisions or activities since the September 2005 Commission meeting. This update is in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding decisions and actions on all state and federal lands in Arizona.

Mr. Broscheid introduced Tim Smith, Bureau of Land Management's (BLM) Lake Havasu Field Office Manager, who briefed the Commission on the recently released draft Lake Havasu Field Office Resource Management Plan (RMP). Informational packets were provided to the Commission. The Department has been working cooperatively with the Field Office as a cooperating agency throughout the development of this RMP, and will continue to work with BLM during the development of the final RMP. The Plan is scheduled to have the public comment period end on December 30, 2005, prepare the final document by June 2006, then another 45 day comment period, and then go into a record of decision by this time next year.

Commissioner Melton commented that this was a good plan, but that there would be some criticism. The wildlife corridors going down from 15 to 6 will need to be re-addressed, and in regards to camping and picking up dead wood within 100 feet of the campsite, the wood is already gone around most campsites. Another issue is road closures.

Mr. Broscheid offered to answer any questions in regards to the Lands Update.

Commissioner McLean commented on access issues in the Coconino National Forest. A road on the lower east side of Mormon Lake, which now has a lot of waterfowl for hunting, was closed in 2000 primarily due to recreational OHV misuse. When approached about opening the road, the District Ranger had a negative anti-hunting attitude. There are also other road closures in area. The Department has been stocking Lower Lake Mary, but you can't get a boat in the water and people are parking illegally, and there is a Forest wide snow closure protocol that will probably interfere with hunting season. Areas are being closed because they are primitive areas, when in fact they are within two miles of summer homes, so they shouldn't be managed to wilderness standards. The District Ranger doesn't want to talk about the issues and there may be other National Forest where public access is needed. The Department needs to be vigilant and watch these issues.

Commissioner Golightly asked if there were any issues in regards to BLM and the Kingman Field Office RMP in making a decision by December for the Big A Ranch allotment and the Black Mountains, and how long will it be in the planning process stage.

Mr. Broscheid stated that BLM committed to start that planning in December 2005. Once the review of that allotment happens, it will be put back on the Lands Update on a regular basis.

One issue is that the data is from 1976 and re-evaluations were going to have to occur. Mr. Broscheid will get a preliminary estimate on a time of completion and report back to the Commission.

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4. Request for Commission Approval of the Exchange of Land at the Page Springs Hatchery in Yavapai County, Arizona.

Presenter: Bob Broscheid, Habitat Branch Chief

The Department was approached by Mr. Glomski, an adjacent landowner, at the Page Springs Hatchery to purchase approximately 1.6 acres at the south end of the hatchery. Mr. Glomski, owner of the Page Springs Vineyards, received a request from Yavapai County to obtain safe access to the Vineyards since current access is located on a sharp curve on Page Springs Road. The Department will acquire 2.49 of Vineyards lands adjacent to Page Springs Hatchery within the riparian area in Oak Creek. The exchange will also eliminate trespass access into the hatchery. Access to the hatchery is provided just north of this point, along with a parking area and trail sponsored by the Audubon Society. As the fish hatchery was included in the Department's Federal Aid Program in 1993, the exchange must also be approved by the U.S. Fish and Wildlife Service. Using maps, Mr. Broscheid pointed out the areas involved in the proposed land exchange.

Commissioner McLean asked if the vineyard lands were developed. Mr. Broscheid stated that it was not developed and that the land was evaluated for its wildlife habitat benefits.

Commissioner Hernbrode asked about the proposed future use of the lands by Mr. Glomski. Mr. Broscheid stated that it is planned for primarily a major entrance/access point and parking lot.

Public Comment

Wendy Rackov, a property owner adjacent to the Page Springs Hatchery, addressed the Commission in opposition of the land exchange. Ms. Rackov stated that she and other land owners adjacent to the hatchery were not notified of this public hearing on the land exchange and therefore were unable to appear before the Commission to present their cases. Ms. Rackov agrees with giving Mr. Glomski just enough land for safe access to his property, but not the whole proposed piece of land.

Commissioner McLean noted that the aerial map showed a building on the Game and Fish property of the proposed exchange. Mr. Broscheid stated that the building was erected by Mr. Glomski.

The Commission further discussed issues including trespass and liability, the sense that this land exchange was rewarding the trespasser, lack of input from adjacent landowners, proposed covenants and restrictions that might be imposed to alleviate neighbor concerns, and monetary values and property damages.

Motion: McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO TABLE THIS MATTER UNTIL THE DECEMBER 2005 COMMISSION MEETING AND THAT DEPARTMENT STAFF BE DIRECTED TO GIVE APPROPRIATE NOTICE TO SURROUNDING LANDOWNERS; AND THAT DEPARTMENT STAFF BE DIRECTED TO EXPLORE THE POSSIBILITY OF RESONABLE COVENANTS OR RESTRICTIONS THAT COULD BE PLACED ON THE CONVEYED PARCEL AND HAVE THOSE DISCUSSIONS WITH THE LANDOWNER; AND FURTHER, THAT THE LANDOWNER BE REQUESTED TO BE PRESENT AT THE DECEMBER 2005 MEETING.

Motion Amended: McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO TABLE THIS MATTER UNTIL THE DECEMBER 2005 COMMISSION MEETING AND THAT DEPARTMENT STAFF BE DIRECTED TO GIVE APPROPRIATE NOTICE TO SURROUNDING LANDOWNERS; AND THAT DEPARTMENT STAFF BE DIRECTED TO EXPLORE THE POSSIBILITY OF RESONABLE COVENANTS OR RESTRICTIONS THAT COULD BE PLACED ON THE CONVEYED PARCEL AND HAVE THOSE DISCUSSIONS WITH THE LANDOWNER; AND THAT THE LANDOWNER BE REQUESTED TO BE PRESENT AT THE DECEMBER 2005 MEETING; AND FURTHER, THAT DEPARTMENT STAFF BE DIRECTED TO WORK WITH THE ATTORNEY GENERAL'S OFFICE TO DEVELOP AN AGREEMENT WITH MR. GLOMSKI THAT WOULD RELIEVE THE DEPARTMENT OF LIABILITY UNTIL THIS MATTER IS SETTLED.

Vote: Unanimous

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5. Consent Agenda

The following items were grouped together and noticed as consent agenda items to expedite action on routine matters. These items were provided to the Commission prior to this meeting and the Department requested that the Commission approve these matters as presented, subject to approval or recommendations of the Office of the Attorney General. All items were presented to the Commission and none were deemed necessary to remove for further public input or discussion.

5.a. Request for the Commission to Approve a Cooperative Agreement with Salt River Project Agriculture Improvement and Power District for the purpose of conducting mitigation activities on the Commission's Arlington Wildlife Area, Maricopa County, Arizona.

Presenter: Bob Broscheid, Habitat Branch Chief

Salt River Project (SRP) is working cooperatively with the Department on expanding and rehabilitating the wetlands at Arlington Wildlife Area to meet mitigation requirements outlined in the approved Roosevelt Lake Habitat Conservation Plan. A Cooperative Agreement between the Commission and SRP has been completed to identify terms, conditions and responsibilities of both the Department and SRP for constructing, operating and maintaining a wildlife habitat feature on the Commission's Arlington Wildlife Area.

The Department recommended that the Commission VOTE TO APPROVE A COOPERATIVE AGREEMENT WITH SALT RIVER PROJECT AGRICULTURE IMPROVEMENT AND POWER DISTRICT FOR THE PURPOSE OF CONDUCTING MITIGATION ACTIVITIES ON THE COMMISSION'S ARLINGTON WILDLIFE AREA, MARICOPA COUNTY, ARIZONA, AND AUTHORIZE THE DIRECTOR TO EXECUTE THE AGREEMENT AS ATTACHED OR AS RECOMMENDED OR APPROVED BY OFFICE OF THE ATTORNEY GENERAL.

5.b. Request for the Commission to Approve an Agreement for a Permit to Sonterra Partners and the City of Goodyear for a 30-foot-wide Construction Road to Install a 36-inch Force Main Wastewater Line Across the Commission Managed U.S. Department of Interior, Public Land Order Number 10-15 (PLO 10-15) Lands, Maricopa County, Arizona.

Presenter: Bob Broscheid, Habitat Branch Chief

Sonterra Partners has requested a 30-foot-wide construction road to install a 36-inch force main wastewater line across 1500 feet of the Commission managed PLO 10-15 lands. The road will become a permanent maintenance road for long-term maintenance of the line by the City of Goodyear. Agreements have been prepared for construction of the road and installation of a 36-inch wastewater line with Sonterra Partners and long-term maintenance of the line with the City of Goodyear.

The Department obtained use and control of the PLO 10-15 lands in a 1954 Cooperative Agreement with the U.S. Fish and Wildlife Service (FWS). The lands include a total of 6896.14 acres and are obligated to be managed for migratory birds and waterfowl. The Department will prepare the Agreement for Permit, which is subject to approval of the FWS.

The agreement is also subject to the findings of an Environmental Assessment (EA) Checklist prepared by Region VI for this project. A Biological Evaluation and Cultural Resource Assessment will be prepared and the findings of those reports will be incorporated into our EA Checklist.

The Department recommended that the Commission VOTE TO APPROVE AN AGREEMENT FOR PERMIT WITH SONTERRA PARTNERS AND THE CITY OF GOODYEAR FOR A 30-FOOT-WIDE CONSTRUCTION ROAD TO INSTALL A 36-INCH FORCE MAIN WASTEWATER LINE ACROSS THE COMMISSION MANAGED U.S. DEPARTMENT OF INTERIOR, PUBLIC LAND ORDER NUMBER 10-15 (PLO 10-15) LANDS, MARICOPA COUNTY, ARIZONA, AND AUTHORIZE THE DIRECTOR TO EXECUTE THE AGREEMENT AS ATTACHED OR AS RECOMMENDED OR APPROVED BY OFFICE OF THE ATTORNEY GENERAL. THE AGREEMENT FOR PERMIT IS SUBJECT TO THE APPROVAL OF THE UNITED STATES FISH AND WILDLIFE SERVICE.

5.c. Request to Approve a Memorandum of Understanding (MOU) With The Bureau of Land Management (BLM), Yuma Field Office.

Presenter: Mark Weise, Development Branch Chief

In November 2004, the BLM, Yuma Field Office, expressed its interest in becoming a participant in the Department's Federal Aid F-19-D Project (Arizona Boating Access Program). Coordination was initiated with the BLM – Yuma Field Office to draft an MOU to facilitate the development of boating/angler access projects.

The BLM, Yuma Field Office, has reviewed the MOU and has formally concurred with the document as written. The MOU would allow the Department to provide funding assistance for boating/angler access projects on the Lower Colorado River and its associated waterways.

The Department recommended that the Commission VOTE TO APPROVE THE MEMORANDUM OF UNDERSTANDING WITH THE BUREAU OF LAND MANAGEMENT, YUMA FIELD OFFICE, FACILITATING THEIR PARTICIPATION IN THE DEPARTMENT'S BOATING ACCESS PROGRAM AND AUTHORIZING THE DIRECTOR TO SIGN THE MEMORANDUM OF UNDERSTANDING.

5.d. Interagency Memorandum of Understanding Between the United States Department of the Interior - Bureau of Land Management; United States Department of the Interior - Bureau of Reclamation; United States Department of the Interior -Fish and Wildlife Service; United States Department of the Interior - Geological Survey; Arizona Game and Fish Commission; California Department of Fish and Game; and Anglers United, Inc., to complete all program goals and cooperatively manage aquatic improvements and resources addressed as part of the Lake Havasu Fisheries Improvement Program Partnership, 2005 – 2010.

Presenter: Lawrence M. Riley, Fisheries Branch Chief

The Commission has been directly involved, through Memoranda of Agreements, with the Lake Havasu Fisheries Improvement Program for more than a decade. The Program was developed to improve fish populations, fishing, fishing access, and the status of selected endangered fishes at Lake Havasu. Program's goals included improvement to more than 700 acres of in-reservoir habitat for sport fishes, the development of shoreline fishing access, and the stocking of more than 50,000 razorback suckers and 50, 000 bonytail chub.

This federal-state-private partnership has achieved the majority of its goals, and done so under budget. Partners have included the Bureau of Land Management, the Bureau of Reclamation, the U.S. Fish and Wildlife Service, the California Department of Fish and Game, the Metropolitan Water District of Southern California, and Anglers United. The Partnership has been recognized for its effectiveness and collaborative nature with a 4Cs award from the Secretary of the Interior, presented in a celebration held at Lake Havasu in 2004.

While many of the goals of the Program have been met, there is a need to continue to pursue another shoreline angler access point, a need to continue to collaborate on monitoring and maintenance of the Program's developments, and a desire to collaborate on the future of Lake Havasu. A Memorandum of Understanding has been developed to continue the collaborative efforts for Lake Havasu Fisheries Improvements for another five-year period.

The Department recommended that the COMMISSION VOTE TO APPROVE AND ADOPT THE INTERAGENCY MEMORANDUM OF UNDERSTANDING FOR THE LAKE HAVASU FISHERIES IMPROVEMENT PROGRAM PARTNERSHIP FOR 2005 THROUGH 2010.

Motion: McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE DEPARTMENT RECOMMENDATIONS ON THE CONSENT AGENDA ITEMS 5.A THROUGH 5.D AS PRESENTED.

Vote: Unanimous

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Meeting recessed for a break at 10:15 a.m.

Meeting reconvened at 10:30 a.m.

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6. Briefing on Fisheries Program Accomplishments During 2004 and 2005.

Presenters: Lawrence M. Riley, Fisheries Branch Chief, Eric Gardner, Nongame Branch Chief

Using a slide show presentation, Mr. Riley and Mr. Gardner presented the Commission with an overview and highlights of Fisheries Management program activities, achievements, challenges and accomplishments since last October, and also some insights into challenges and activities for the months to come. The slide presentation included pictures of Arizona lakes where water levels have risen significantly following a winter of rain and snow; fish stocking and maintenance activities; recovery efforts of aquatic habitat and fish in post-fire areas; projects accomplished in cooperation with other agencies and organizations; aquatic habitat restoration projects; and outreach efforts. The briefing also included efforts to combat Algal Bloom in three major reservoirs and dissolved oxygen below Glen Canyon Dam, and the recent successful effort to protect the Kanab Ambersnail from high water releases from Glen Canyon Dam.

Chairman Gilstrap requested the Department to give a special thank you to the Bureau of Reclamation for their cooperation in working on the issue of dissolved oxygen in Glen Canyon Dam releases.

The Commission discussed and asked questions of Mr. Riley and Mr. Gardner on several projects and efforts.

Public Comment

Jerry Nelson, representing Southwest Walleye Anglers, briefed the Commission on what his organization has been involved in, including working with the Department in stocking, and thanked the Department for all their efforts. He further stated that a good walleye fishery, particularly in the winter, would raise the sale of nonresident licenses.

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7. Request to Amend Commission Order 40 (Fish), Concerning Specific Proposals for Bag and Possession Limits, Special Regulations, and Specific Closures for Sport Fishing for Calendar Year 2006.

Presenter: Lawrence M. Riley, Fisheries Branch Chief

Historically, the Department has annually reviewed Commission Order 40 and proposed changes to the Commission Order with the Commission. During 2004, the Commission adopted Commission Order 40 for a two year period, ranging across 2005 and 2006. It has become necessary to request minor modifications to Commission Order 40 for the balance of 2006, to achieve conservation purposes.

2006 Proposed Fishing Regulation Changes:

1) Temporarily extend closure on renovated/repatriated streams -- Snake Creek and Bear Wallow Creek -- for Apache Trout re-establishment and recovery.

Rationale: The Department temporarily closed two Apache trout recovery streams after renovations to allow new replicate populations to become established. Snake Creek and Bear Wallow Creek were closed from January 1, 2004 through December 31, 2005. Donor fish for these replicate populations were planned to be taken from wild streams on the Fort Apache Indian Reservation. Relatively small numbers of donor fish are being used so as not to impact the donor stream, thus the donor fish are very valuable. Closing these streams was intended to allow the populations to establish and expand more quickly by reducing mortalities on adult fish, which are the valuable breeding fish and also those targeted by anglers. The Department proposes to extend these closures for 3 years (January 1, 2006 through December 31, 2008).

Snake Creek and Bear Wallow Creek were both renovated in 2003. Anticipated stocking dates were scheduled in 2004, however, the streams needed evaluation to confirm success of the treatments and ensure that all non-natives were gone; neither stream was stocked in 2004 and both are currently scheduled to be restocked with pure Apache trout in the Fall of 2005. The analysis of Bear Wallow Creek, electrofishing the entire length twice, was not completed until the fall of 2004 because of the size of the system, the remote location, and workload of other recovery activities. Live rainbow trout were found in Bear Wallow Creek late in the fall of 2004, requiring the stream to be renovated again, which was completed in June 2005. That renovation was a complete success and the stream is now ready to be restocked. The evaluation of Snake Creek was completed in 2004, however the stream was not restocked with Apache trout because issues of donor fish had not been resolved. Bear Wallow Creek and Snake Creek are confirmed clean of non-native fish and are scheduled to be restocked with pure Apache trout in the fall of 2005, requiring protection shortly after to allow the populations to establish and expand to a level that will support angling pressure.

Motion: Hernbrode moved and Golightly seconded THAT THE COMMISSION VOTE TO TEMPORARILY EXTEND CLOSURE OF SNAKE CREEK AND BEAR WALLOW CREEK TO FISHING FOR 3 YEARS.

Vote: Unanimous

2) Temporarily close renovated/repatriated streams – Fish Creek (including tributaries Double Cienega and Corduroy Creeks), upper East Fork Little Colorado River, and Hayground Creek -- for Apache Trout re-establishment and recovery.

Rationale: The Department proposes closing streams after a renovation while new replicate populations are being established. Donor fish for many of these replicate populations are to be taken from wild streams on the Fort Apache Indian Reservation. Relatively small numbers of donor fish are being used so as not to impact the donor stream, thus the donor fish are very valuable. Closing these streams will allow the populations to establish and expand more quickly by reducing mortalities on adult fish, which are the valuable breeding fish and also those targeted by anglers.

Fish Creek is 23 miles in length, including tributaries Double Cienega and Corduroy creeks, in northwestern Greenlee County. Ackre Lake, a catch and release fishery located on the headwaters of Fish Creek was also renovated, but is not included in the closure. Ackre Lake is scheduled to be stocked in the spring of 2006 with Arctic grayling and will remain open to angling.

The East Fork Little Colorado River is 10 miles long, originating in the Mt. Baldy Wilderness Area and flowing into the town of Greer, in southern Apache County. The proposed closure will only include the upper 4.3 miles upstream of Colter Dam, located over 6 miles upstream of Greer. The lower 6 miles will remain open to angling, and will continue to be stocked near Greer with catchable trout by department hatcheries.

Hayground Creek is 5.4 miles in length in southern Apache County. The stream is currently open to catch and release angling due to its status as an Apache trout recovery stream since 1995. Brown trout had invaded the stream and were removed this summer, Apache trout were restocked from a wild donor population in September.

The proposed closure is for only one year to facilitate broader public input during next year's now biennial Commission Order 40 process.

Motion: Golightly moved and Melton seconded THAT THE COMMISSION VOTE TO CLOSE FISH CREEK (INCLUDING TRIBUTARIES DOUBLE CIENEGA AND CORDUROY CREEKS BUT EXCLUDING ACKRE LAKE), UPPER EAST FORK LITTLE COLORADO RIVER, AND HAYGROUND CREEK TO FISHING FOR 1 YEAR.

Vote: Unanimous

Special gear restrictions (artificial lure and fly only) and restricted harvest regulations may be needed on the streams that will be re-opened after populations have recovered. The streams will be relying on natural reproduction to sustain population levels and may not be able to support a full statewide harvest limit (6 trout daily) or in some cases any harvest. These special regulations will be considered on a case-by-case basis when streams are re-opened.

Motion: Golightly moved and Melton seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 40: FISH AS AMENDED, ESTABLISHING OPEN

SEASONS, OPEN AREAS, AND BAG AND POSSESSION LIMITS FOR CALENDAR YEAR 2005.

Motion Amended: Golightly moved and Melton seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 40: FISH AS AMENDED, ESTABLISHING OPEN SEASONS, OPEN AREAS, AND BAG AND POSSESSION LIMITS FOR CALENDAR YEAR **2006**.

Vote: Unanimous

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10. Statewide Shooting Range Briefing

Presenter: Marty Macurak, Assistant Director, Information and Education Division

The Commission was given an update of Department activities related to shooting range support and development statewide. The update covered activities that have occurred since the September 2005 Commission meeting and was provided to the Commission prior to this meeting.

Department Owned Ranges

Ben Avery Shooting Facility (BASF), Phoenix - The new Range Manager, Marty Herrera, started in mid-September. Two range coordinator positions were also filled. The new telephone system is expected to be operational in late October or early November. Computer upgrades will follow and a vendor will be hired later this month to upgrade customer services databases. The bidding for electrical and lighting upgrades at the main and small bore ranges is on schedule; work is expected to be completed at the end of December. The final stages of evaluating contracts for cleaning services and grounds maintenance is in process, and the refurbishing and upgrading of all restroom facilities on the property will begin soon. A review and investigation of finances and administration is ongoing following irregularities found in the use of temporary staff services. The Department invited DPS to conduct an independent investigation, and concurrently the Department hired an examiner to look at financial records and BASF's financial administration processes.

Usery Mountain Shooting Range, Mesa: The Department has contracted for sound studies at the range. The Rio Salado Sportsman's Club and the Department continue to make progress on three grant projects: a pole crib berm, the range manager's office, and construction of two new pistol ranges. The process is continuing with the Bureau of Land Management to finalize the land transfer. The remediation plan for chemicals in the septic system is almost final with the Department of Environmental Quality; ADEQ has requested minor changes.

Sierra Vista Range: The Department has sent signed right-of-way papers to the State Land Department for access to the range. This will provide right-of-way in perpetuity as long as management of the range is maintained through our agreement with BLM.

Shooting Programs and Other Activities

Northern Arizona shooting range - The Department's Habitat Branch is coordinating development of the Northern Arizona shooting range.

Scholastic Clay Target Program - The 2005-2006 program kicks off with parents and kids this month, with expansion to Sierra Vista, Globe, Wickenburg, Yuma, Prescott, Kingman and Casa Grande. Last year there were 344 participants, this year it will increase to 750 participants. Also, this year the Department will begin publicizing and emphasizing among SCTP participants and supporters, the need for supporters to participate in the newly incorporated 501(c)3 to ensure the program's viability. Private, community-based financial support is critical to sustainability.

White Mountain Trap and Skeet Club - The Club has requested Department assistance in grading the road to their range twice a year. Currently, the Department is in the process of checking for public easements on a few sections of road before proceeding to conduct an analysis of public benefits.

Northeastern Arizona Sportsman's Association - The association desires that the Commission acquire a shooting range in St. John that is owned by Apache County. The range is approximately 400 acres and has a covered shooting station, one trap field and features some landforms that create natural shooting bays. The range would benefit from roadwork and it has no electricity, water or sewer service. The range is used for club shoots, 4-H shooting programs and hunter education field days. In September, the Commission gave general approval to the concept of acquisition. Next the Department will need to conduct a Phase I Environmental Assessment of the property. Assuming there are no problems, it will then be up to the Apache County Board of Supervisors to transfer ownership of the land to the Commission. The National Rifle Association has advised the Department that it is exploring the possibility of providing some matching funds if the club applies for a Shooting Ranges Development Grant.

Commissioner McLean commented that the BASF investigation needs to move along quickly towards completion and asked Ms. Macurak to encourage the investigators to do so.

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11. Briefing on operations options for the Ben Avery Clay Target Center and Ben Avery Shooting Range.

Presenter: Marty Macurak, Assistant Director, Information and Education Division

The Department's contract with the vendor now operating the Ben Avery Clay Target Center expires on Sept. 17, 2006. The Commission was presented with three basic options for future operations of the Ben Avery Shooting Facility and its Clay Target Center:

- A request for proposals (RFP) for vendor operation of the Clay Target Center and / or the main range
- A draft Intergovernmental Agreement (IGA) to partner with the city of Phoenix for operation of the Clay Target Center and / or the main range
- The possibility of the Department operating the Clay Target Center.

The Commission was provided with a draft RFP, a draft IGA with the city of Phoenix, and a pros and cons matrix of the options, prior to this Commission meeting for review and consideration.

The Commission does not necessarily have to choose between the RFP and the IGA at this time. Assuming the city is amenable to continuing the IGA process, the Commission may issue an RFP while continuing to pursue IGA discussions. At the end of the RFP bidding period, the Commission could choose between vendor proposals and the city proposal. Additionally, the city may choose to respond to the RFP as a vendor.

Public Comment

James Burke, Deputy Director of the City of Phoenix, addressed the Commission in support of the IGA with the City of Phoenix.

Joseph Villasenor, with the City of Phoenix, provided the Commission with a handout, titled Ben Avery Clay Target Center Financial Projection Summary, to show how the proposed financial arrangement and profit sharing could be beneficial to user groups as well as the Department.

Commissioner Golightly asked about the decrease in bond money from 4 million to 2.5 million. Mr. Villasenor explained that previously the City of Phoenix was looking at operating the entire range, and now they are looking at just the Clay Target Center.

Commissioner McLean asked about the steps for bonding approval, and further asked Ms. Macurak about the timeline for the RFP. Mr. Villasenor stated that the anticipated election time for the bond would be March 2006. Ms. Macurak stated that the timeline could work well if the Commission pursues the RFP and the IGA concurrently.

Commissioner McLean further asked about the third option of the Department operating BASF, what personnel expansion might be needed and the timeline for accomplishing that.

Director Shroufe stated that if the Commission wanted to move forward with that option, then the Department would start identifying specific needs and decisions that the Commission would have to make in regards to budget and personnel. This option can run concurrent along with the RFP and IGA.

Commissioner Golightly asked the Commission to entertain the idea of a new Division being created within the Department, equal to other Divisions, to oversee and manage shooting ranges statewide. Additionally, Commissioner Golightly expressed concern about the City of Phoenix going through the bond process and getting it approved by the voters, should the IGA not be the direction the Commission decides to go in. The Commission needs to let the City of Phoenix know now whether the Commission is going to opt them out or not.

Motion: Golightly moved and McLean seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO INVESTIGATE AND BRING BACK TO THE COMMISSION COMPLETE DETAILS IN TERMS OF CREATING A NEW DIVISION WITHIN THE DEPARTMENT WITH EQUAL STATUS TO THE OTHER DIVISIONS AS A PART OF THE OPTION OF THE DEPARTMENT OPERATING THE BEN AVERY

SHOOTING FACILITY AND TO INCLUDE MANAGING ALL SHOOTING FACILITIES STATEWIDE.

Commissioner McLean stated that he is not ready to opt out the City of Phoenix's offer of 2 million in bond monies involved with the IGA and their operation of the Clay Target Center.

The Commission further discussed and clarified that the new Division would be the same as the other Divisions in that it would have an Assistant Director and Branch Chiefs, and it would handle all shooting sports statewide. The objective is to look at the bigger picture in having an entity within the Department that has sole responsible for operating shooting ranges and related matters.

Vote: Unanimous

Commissioner Golightly asked Mr. Villasenor for his perspective from the City of Phoenix in regards to their expending resources on the IGA and bond process while the Game and Fish Department has not or may not decide to go in that direction, and additionally, what will happen if the bond is passed by the voters and then the Game and Fish Department does not enter into the IGA. Mr. Villasenor stated the City of Phoenix understands the dynamics of the process and that reflects their commitment to the project.

Chairman Gilstrap also expressed concern about voters thinking that they are voting for dollars to go BASF and if that doesn't happen, it puts the Department in a very challenging position to explain.

Mr. Villasenor stated that the City of Phoenix is on the side of the Commission if they decide for the Department to operate BASF. If the Commission decides not to do that, then the City of Phoenix would like to be a part of that in the form of the IGA. Because the City of Phoenix and the Commission are walking through this process together, that issue can be addressed as the time gets closer and those issues will be addressed from the best possible public relations standpoint.

Motion: McLean moved and Golightly seconded THAT THE COMMISSION VOTE TO DIRECT STAFF TO MOVE FORWARD WITH BOTH AN IGA AND AN RFP PROCESS AND CONTINUE TO DEVELOP BOTH AVENUES IN CONJUNCTION WITH THE AVENUE SET FORTH BY COMMISSIONER GOLIGHTLY'S PREVIOUS MOTION.

Vote: Unanimous

Chairman Gilstrap asked Director Shroufe about a communications issue with the Governor's Office.

Director Shroufe stated that the Commission has been provided with a copy of a letter delivered to the Governor's Office regarding a public record, minutes of the August Commission meeting, distributed to the Phoenix City Council and part of that public record missing. It was conveyed to the Director that the Department had probably broken the law by destroying a public record. When it comes to Commission minutes, there are two official records, one is a tape and the other are the minutes after the Commission approves those minutes. Draft minutes and dubs of tapes

are not the official record, so there was some confusion that perhaps a mistake was made or the official record was altered. Director Shroufe clarified for the record that the official record was not altered. A mistake was made on a copy of the official public record by dubbing over official Commission minutes, and that mistake has been rectified. This was an issue in the past with draft minutes and trying to accommodate the public, so draft minutes are no longer sent out. The Department is now changing the process for tapes. A person can come in and sit down and listen to the record and a copy will be made of any parts that they want, but there will be no more freelance dubbing of Commission meeting records.

Ms. Cutts suggested, in regards to concerns with the City of Phoenix's bond initiative, that the bond initiative could be phrased, "if the Game and Fish Commission enters into an IGA, then bonds would be issued to accomplish the tasks." Mr. Villasenor stated that all the items recommended by the subcommittees have that kind of caveat.

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15. Consideration of Applications for Special Big Game Hunt License-Tags for Mule Deer, White-tailed Deer, Antelope, Elk, Turkey, Javelina, Bighorn Sheep, Buffalo, and Black Bear for 2006-2007.

Presenter: Leonard L. Ordway, Game Branch Chief

Using a Power Point presentation, Mr. Ordway provided a brief overview and history of the Special Big Game License-tags and the funds they generated. Applications have been received by the Department for these 2006-2007 tags in accordance with A.R.S. 17-346 and Commission Rule R12-4-120. The Commission received the applications and information prior to this meeting for review and consideration. The applications received were from the following nonprofit organizations: Arizona Antelope Foundation (AAF), Arizona Bowhunters Association (ABA), Arizona Deer Association (ADA), Arizona Desert Bighorn Sheep Society (ADBSS), Arizona Elk Society (AES), Boone and Crockett Club (BCC), Mule Deer Foundation (MDF), National Wild Turkey Federation (NWTF), Rocky Mountain Elk Foundation (RMEF), Safari Club International, Arizona Chapter (SCI-AZ), and Safari Club International, Phoenix Chapter (SCI-PHX). Additionally, Mr. Ordway mentioned the super raffle concept proposed by Pete Cimellaro, where several organizations have come together to sponsor that concept.

The Department recommends that the Commission award the 2006-2007 Sponsorship of Special License-tags prioritized by the organization being specific to the big game species, past participation by the organization, and if the tag will be raffled or auctioned, providing equitable opportunity for acquisition.

Motion: Hernbrode moved and Golightly seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO ACCOUNT FOR FUNDS RAISED BY THE SPECIAL BIG GAME TAGS TO BE ACCOUNTED FOR BY SPECIES RATHER THAN BY DONATING ORGANIZATION.

Vote: Unanimous

Chairman Gilstrap suggested addressing the Super Raffle first, as it would effect the decisions in awarding the special tags.

Public Comment

Pete Cimellaro, ADA, briefed the Commission on the proposal to create an Arizona Big Game Super Raffle (AZBGSR), where several organizations would come together to promote, account for and fund the AZBGSR. A committee would be formed to administer the AZBGSR with at least two members from each sponsoring organization. The committee could also have representation from the Arizona Game and Fish Department. If approved by the Commission, the AZBGSR would request one of each tag for raffle.

The Commission and Mr. Cimellaro further discussed details of how the raffle would be administered, promoted and marketed, and how the organizations would work together.

Public Comment

Tony Abbot, General Manager of MDF, stated that his organization supports the AZBGSR.

Bernardo Velasco, NWTf State Chapter President, stated that his organization supports the AZBGSR, and in addition to the two tags requested by his organization, they are willing to sponsor with any other organization through AZBGSR, the third turkey tag that the Commission has made available.

Commissioner McLean confirmed with Mr. Ordway and Mr. Odenkirk that there were no legal problems in awarding a tag to multiple organizations as long as statute requirements are met.

Motion: Hernbrode moved and McLean seconded THAT THE COMMISSION VOTE TO APPROVE THE CONCEPT OF THE ARIZONA BIG GAME SUPER RAFFLE (AZBGSR) WITH THE NINE TAGS AWARDED TO THE ARIZONA ANTELOPE FOUNDATION, ARIZONA DEER ASSOCIATION, ARIZONA DESERT BIGHORN SHEEP SOCIETY, AND THE ARIZONA ELK SOCIETY.

The Commission discussed how other organizations could come on board at a later date, but that these four organizations would enter into a formal agreement with the Department and be held accountable.

Vote: Unanimous

Mr. Ordway clarified that the raffle for bighorn sheep would be for the desert subspecies, nelsoni; and that the mexicana and Rocky Mountain bighorn sheep subspecies would be considered next.

The remaining Special Big Game License Tags were awarded as follows:

Antelope

Motion: Golightly moved and Melton seconded THAT THE ARIZONA ANTELOPE FOUNDATION RECEIVE THE TWO AUCTION TAGS FOR ANTELOPE.

Motion Restated: Golightly moved and Melton seconded THAT THE ARIZONA ANTELOPE FOUNDATION (AAF) RECEIVE TWO AUCTION TAGS FOR ANTELOPE AND THAT ONE OF THOSE TAGS BE AUCTIONED AT THE AAF BANQUET AND THE OTHER TAG TO BE AUCTIONED AT THE ARIZONA DESERT BIGHORN SHEEP SOCIETY BANQUET, AS REQUESTED BY AAF.

Vote: Unanimous

Bear

Motion: Golightly moved and Melton seconded THAT THE ARIZONA BOWHUNTERS ASSOCIATION (ABA) RECEIVE ONE AUCTION BLACK BEAR TAG TO BE AUCTIONED AT ABA'S ANNUAL BANQUET; AND THE SAFARI CLUB INTERNATIONAL ARIZONA CHAPTER (SCI-AZ) RECEIVE ONE AUCTION BLACK BEAR TAG.

Commissioner Hernbrode stated that the raffles for this species have made significantly more money and so these tags should offered for raffle instead of auction.

Vote: Aye – Gilstrap, Melton, Golightly, McLean
Nay – Hernbrode
Passed 4 to 1

Bighorn Sheep

Motion: Melton moved and Hernbrode seconded THAT THE ARIZONA DESERT BIGHORN SHEEP SOCIETY RECEIVE TWO AUCTION TAGS, ONE FOR THE MEXICANA SUBSPECIES TO BE AUCTIONED IN RENO IN ASSOCIATION WITH THE FOUNDATION FOR NORTH AMERICAN WILD SHEEP MEETING, AND ONE FOR THE ROCKY MOUNTAIN SUBSPECIES TO BE AUCTIONED WITHIN ARIZONA AT THE ANNUAL ADBSS BANQUET.

Vote: Unanimous

Bison

Commissioner McLean confirmed with Mr. Ordway that these tags were for the House Rock area or the Kaibab Plateau area.

Public Comment

Pete Cimellaro, with ADA, withdrew his organization's request for a bison tag.

Ron Eichelberger, with AES, requested a bison tag for the AES Fifth Anniversary Banquet.

Dan Hunter, with RMEF, stated that his organization raised the highest bid ever, and that they had sent the tag to a smaller Chapter in rural Arizona, and that this year they planned to send it to the White Mountains area to be auctioned by the local chapter there.

Tony Abbott, with MDF, stated that his organization would be amenable to withdraw all but the request for a mule deer tag.

Motion: McLean moved and Melton seconded THAT ONE AUCTION BISON TAG BE AWARDED TO THE ARIZONA ELK SOCIETY (AES) AND ONE AUCTION BISON TAG BE AWARDED TO THE ROCKY MOUNTAIN ELK FOUNDATION (RMEF).

Vote: Unanimous

Elk

Public Comment

Dan Hunter, with RMEF, stated that his organization would like to send the elk tag to their national convention in Reno.

Motion: McLean moved and Golightly seconded THAT ONE AUCTION ELK TAG GO TO THE ARIZONA ELK SOCIETY (AES) AND ONE AUCTION ELK TAG GO TO THE ROCKY MOUNTAIN ELK FOUNDATION (RMEF).

Vote: Unanimous

Javelina

Motion: Hernbrode moved and McLean and Golightly seconded THAT ONE AUCTION JAVELINA TAG BE AWARDED TO THE ARIZONA BOWHUNTERS ASSOCIATION (ABA) AND ONE AUCTION JAVELINA TAG BE AWARDED TO THE MULE DEER FOUNDATION (MDF).

Motion Amended: Hernbrode moved and McLean and Golightly seconded THAT ONE AUCTION JAVELINA TAG BE AWARDED TO THE ARIZONA BOWHUNTERS ASSOCIATION (ABA) AND ONE AUCTION JAVELINA TAG BE AWARDED TO THE SAFARI CLUB INTERNATIONAL ARIZONA CHAPTER (SCI-AZ).

Vote: Unanimous

Mule Deer

Motion: Golightly moved and McLean and Melton seconded THAT ONE MULE DEER AUCTION TAG BE AWARDED TO THE ARIZONA DEER ASSOCIATION (ADA) AND ONE MULE DEER AUCTION TAG BE AWARDED TO THE MULE DEER FOUNDATION (MDF) FOR AUCTION AT THEIR STATE AND STATE BANQUETS RESPECTIVELY.

Vote: Unanimous

Turkey

Public Comment

Bernardo Velasco, NWTF, stated that his organization would like both of the turkey tags for auction. One for auction in Nashville and, if the hunting season was extended, the other could be auctioned in the White Mountains. If the hunting season is not extended, the auction would be in Tucson.

Chairman Gilstrap confirmed with Mr. Ordway that these tags would be valid for either Merriam's or Gould's turkeys.

Motion: McLean moved and Hernbrode seconded THAT TWO AUCTION TURKEY TAGS BE AWARDED TO THE NATIONAL WILD TURKEY FEDERATION (NWTF), ONE FOR THEIR NATIONAL CONVENTION IN NASHVILLE AND ONE FOR A LOCAL (ARIZONA) FUNDRAISER.

Vote: Unanimous

Whitetail deer

Public Comment

Pete Cimellaro, ADA, stated that the ADA guarantees \$15,000 to AGFD for each tag.

Motion: Melton moved and Golightly seconded THAT TWO AUCTION WHITETAIL DEER TAGS BE AWARDED TO THE ARIZONA DEER ASSOCIATION (ADA).

Vote: Aye – Gilstrap, Melton, Golightly, McLean
Nay – Hernbrode
Passed 4 to 1

Chairman Gilstrap requested that Director Shroufe assign a Department person to the committee (main and audit subcommittee) associated with the AZBGSR.

Dan Hunter, REMF, presented the Commission with a symbolic check for \$177,000 representing the amount that his organization raised from last year's Special Big Game (ELK) License-Tags raffle effort.

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16. Consideration of Proposed Commission Order 29 for Special Big Game License-Tag Seasons for Mule Deer, White-tailed Deer, Antelope, Elk, Turkey, Javelina, Bighorn Sheep, Buffalo, and Black Bear for the 2006-2007 Hunting Seasons

Presenter: Leonard L. Ordway, Game Branch Chief

Last year, A.R.S. 17-346 was amended to increase the maximum number of Special Big Game License Tags for each species. The Commission was asked to authorize seasons for up to three special license tags for each species. Mr. Ordway presented Commission Order 29 for the 2006-2007 Special Big Game License-Tag hunting seasons for Mule Deer, White-tailed Deer, Antelope, Elk, Turkey, Javelina, Bighorn Sheep, Bear, and Buffalo.

Recommended open areas and season dates for the special license-tag hunts are as follows:

Mule Deer - September 1, 2006 – February 28, 2007 (181 days). Special license-tags will be valid for Units 1 - 16A (except Camp Navajo and Mohave County Park Lands) and 17A - 45C (except Fort Huachuca, but including the Kofa NWR).

White-tailed Deer - September 1, 2006 – February 28, 2007 (181 days). Special license-tags will be valid for Units 6A, 6B (except Camp Navajo), 8, 21, 22, 23, 24A, 24B, and 27 - 36C (except Fort Huachuca).

Antelope - August 1 - October 9, 2006 (70 days). Special license-tags will be valid for Units 1 - 10 (except Camp Navajo), 12A, 12B, 13A, 13B, 15A, 15B, 17A, 17B, 18A, 18B, portions of 19A, 19B, 21, 30A, 31, 32, 34B, 35A (except Fort Huachuca), and 35B.

Elk - August 15, 2006 – February 28, 2007 (196 days). Special license-tags will be valid for Units 1, 2B - 10 (except Camp Navajo), 12A, 12B, 16A (except Mohave County Park Lands), 17A, 17B, 18A, 18B, 19A, 19B, 21, 22, 23, 27, 28, 31, and 44A.

Javelina - October 1, 2006 - March 31, 2007 (182 days). Special license-tags will be valid for Units 1 – 6B (except Camp Navajo), 8, 10, 15A, 15B, 15C, 15D, 16A (except Mohave County Park Lands), 17A – 24B, 25M – 38M (except Fort Huachuca), 39 – 44B, and 47M.

Turkey - April 1 - May 31, 2006 (61 days). Special license-tags will be valid for Units 1, 3B - 10 (except Camp Navajo), 12A, 13A, 13BS, 17A, 17B, 20A, 22, 23, 27 and 35A (except Fort Huachuca).

Bighorn Sheep - October 1, 2006 - January 31, 2007 (123 days). One special license-tag will be valid for Units 9, 10, 12A, 12B, 13A, 13B, 15A, 15B, 15C, 15D, and 16A (except Mohave County Park Lands). A second special license-tag will be valid for Units 16B (north of Lake Havasu City), 22, 24B, 31, 32, 39, 40A, 40B, 41, 43A, 43B, 44A (west of the Swansea Road and South of Bill Williams River Rd.), 44B, 45A, 45B, 45C (including the Kofa NWR), 46A, and 46B (including the Cabeza Prieta NWR). A third special license-tag will be valid for Units 1, 27, and 28.

Buffalo - August 1, 2006 – July 31, 2007 (365 days). Special license-tags will be valid for Units 12A, 12B, and 13A (House Rock herd).

Black Bear - March 19 - December 31, 2006 (288 days). Special license-tags will be valid statewide (except for Mohave County Park Lands, Camp Navajo and Fort Huachuca).

Motion: Golightly moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THAT ALL SPECIAL BIG GAME LICENSE TAG SPECIES RECEIVE A 365 DAY HUNT PERIOD FOR THE UNITS RECOMMENDED BY THE DEPARTMENT.

Motion Amended: Golightly moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THAT ALL SPECIAL BIG GAME LICENSE TAG SPECIES RECEIVE A 365 DAY HUNT PERIOD FOR THE UNITS RECOMMENDED BY THE DEPARTMENT AND THAT THE SEASON STRUCTURES BE FROM AUGUST 1, 2006, THROUGH JULY 31, 2007, TO ACCOMMODATE THE ISSUES OF MARKETABILITY OF THE TAGS.

Vote: Unanimous

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8. Maughan Petition to Close a Road on State Trust Land Approximately Ten Miles West of Springerville, Arizona

Presenter: Mark Weise, Development Branch Chief

Rex Maughan submitted a petition to close an unauthorized road located on State Trust land located approximately ten miles west of Springerville, Arizona. The unnamed two-track road, 1003 feet in length, has been created through members of the public trying to climb a cinder knoll using four-wheel drive vehicles and All Terrain Vehicles (ATV's).

The primary purpose of this proposed road closure is to prevent further resource damage to the soils and vegetation on the cinder knoll. A secondary purpose of this road closure is to prevent potential accidents and serious injury to the public who could easily lose control of their vehicles in ascending or descending the steep road that has been created. The proposed closure will be accomplished by means of signs posted at the beginning of the road.

The unauthorized road on the cinder knoll provides no safe access to any important destination for either grazing lessees or other legitimate public use. The road goes straight up the rim of a volcanic crater where it dead-ends without a turn around area. Regional personnel and the Arizona State Land Department support this closure for natural resource protection.

Motion: Melton moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE PETITION FOR A ROAD CLOSURE ON STATE TRUST LAND APPROXIMATELY TEN MILES WEST OF SPRINGERVILLE.

Vote: Unanimous
Golightly absent

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9. State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles reported on the current status of selected state and federal legislation and current elective issues. Handouts were provided on two draft legislative proposals for statutory change; one in regards to interference with the rights of hunters and the other in regards to management of Off-Highway Vehicles (OHV). Also provided to the Commission was information of interest to the Department on congressional legislation.

The Commission discussed the two draft legislative proposals and gave the Department direction to continue.

Mr. Guiles asked the Commission to review the drafts and then contact him with any changes they might have. A final draft of the legislation will be brought before the Commission at the December Commission meeting.

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12. Briefing on the Employee Compensation Proposal to be submitted to the 2005 and 2006 Arizona State Legislature.

Presenter: Steve Ferrell, Deputy Director

Mr. Ferrell provided the Commission with a briefing on the employee compensation proposal to be submitted to the 2006 Arizona State Legislature as a supplemental appropriation and potentially proposed legislation.

The Department of Administration (DOA) has completed the Classification Maintenance Review of the Wildlife Series and agreed to equity reviews/adjustments. The cost of this will be over 2.5 million dollars, so the Department will need to approach the legislature for a supplemental appropriation from the Game and Fish Fund. This matter will be brought before the Commission in December for authorization for the Department to seek supplemental appropriation from the legislature at the beginning of next legislative session.

In regards to the Non-Wildlife Series classification, DOA is doing a pilot study and it looks like the Department may be able to be one of the pilot agencies in the study. If the pilot study doesn't provide the Department with what it's looking for, then the Department may have to go to the legislature with a salary bill.

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13. Consideration of the Kaibab Habitat Stamp Fund Budget for Fiscal Year 2006 and presentation of the five-year work plan for this fund

Presenter: Ron Sieg, Region II Supervisor

Mr. Sieg provided the Commission with an update on activities associated with the Kaibab Habitat Stamp Fund. This fund comes from the sale of a \$15 stamp required of all deer hunters on the Kaibab. The Kaibab National Forest and the Department jointly developed this budget proposal. The Commission was briefed on expenditures during FY 2005, and provided with the following Kaibab Habitat Stamp Fund Budget for FY 2006, and the Five-Year Budget Proposal.

Calendar Year 2006 Proposed Budget

Beginning Balance		\$3,864
Estimated 2005 Kaibab Stamp Sales	\$52,000	\$40,978
10% AGFD Administrative fee	(\$5,200)	
12.44% KNF Administrative fee	(\$5,822)	
Estimated Balance for 2006 Planning		\$44,842

The Department has been in discussion with the Kaibab National Forest and the Arizona Deer Association and west side winter range forage improvement is the highest priority work. Starting in 2006, treatments will be initiated of up to 4,500 acres (non-ground disturbing methods could increase these acres) within three habitat treatment types:

- Winterfat, cliffrose and four-wing saltbush reseeding
- Pinyon-juniper old push retreatments
- Pinyon-juniper thinning

Planned Activities for 2006

- Forest Service will complete the NEPA process for entire 24,000 acre project area
- Archeology surveys will be conducted for 2,000 acres in priority project area

Category	Expenditure	Habitat Stamp Funds	KNF Funds
FS salaries for NEPA Analysis	\$62,000	\$16,000	\$46,000
Archeological surveys	\$41,000	\$28,000	\$13,000
Total	\$103,000	\$44,000	\$59,300

Implementation of on-the-ground projects would have to be covered with other funds.

Estimated Ending Balance	\$842
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Calendar Year 2007 Proposed Budget

Estimated Beginning Balance		\$842
Estimated 2006 Kaibab Stamp Sales	\$52,000	\$40,978
10% AGFD Administrative fee	(\$5,200)	
12.44% KNF Administrative fee	(\$5,822)	
Estimated Balance for 2007 Planning		\$41,820

Planned Activities for 2007

- Archeology surveys will be conducted for 2,000 acres in project area

Category	Expenditure	Habitat Stamp Funds	KNF Funds (estimated)
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FS salaries for Archeological surveys	\$60,000	\$35,000	\$25,000
Total	\$60,000	\$35,000	\$25,000

Implementation of on-the-ground projects would have to be covered with other funds.

Estimated Ending Balance \$6,820

Calendar Year 2008 Proposed Budget

Estimated Beginning Balance		\$6,820
Estimated 2007 Kaibab Stamp Sales	\$52,000	\$40,978
10% AGFD Administrative fee	(\$5,200)	
12.44% KNF Administrative fee	(\$5,822)	
Estimated Balance for 2008 Planning		\$47,798

Planned Activities for 2008

- Archeology surveys will be conducted for 2,000 acres in project areas
- Treat pinyon-juniper in project area
- Seed browse species in project area

Category	Expenditure	Habitat Stamp Funds	KNF Funds (estimated)
Archeological surveys	\$60,000	\$35,000	\$25,000
PJ and seeding Treatments	\$25,000	\$10,000	\$15,000
Total	\$85,000	\$45,000	\$40,000

Additional funds will be sought to accelerate on-the-ground implementation of projects.

Estimated Ending Balance \$2,798

Calendar Year 2009 Proposed Budget

Estimated Beginning Balance		\$2,798
Estimated 2008 Kaibab Stamp Sales	\$52,000	\$40,978
10% AGFD Administrative fee	(\$5,200)	
12.44% KNF Administrative fee	(\$5,822)	
Estimated Balance for 2009 Planning		\$43,776

Planned Activities for 2009

- Archeology surveys will be conducted for 2,000 acres in project area
- Treat pinyon-juniper in project area
- Seed browse species in project area

Category	Expenditure	Habitat Stamp Funds	KNF Funds (estimated)
Archeological surveys	\$58,000	\$33,000	\$25,000
PJ and seeding Treatments	\$25,000	\$10,000	\$15,000
Total	\$83,000	\$43,000	\$40,000

Additional funds will be sought to accelerate on-the-ground implementation of projects.

Estimated Ending Balance \$776

Calendar Year 2010 Proposed Budget

Estimated Beginning Balance		\$776
Estimated 2009 Kaibab Stamp Sales	\$52,000	\$40,978
10% AGFD Administrative fee	(\$5,200)	
12.44% KNF Administrative fee	(\$5,822)	
Estimated Balance for 2010 Planning		\$41,754

Planned Activities for 2010

- Archeology surveys will be conducted for 2,000 acres in project area
- Treat pinyon-juniper in project area
- Seed browse species in project area

Category	Expenditure	Habitat Stamp Funds	KNF Funds (estimated)
FS salaries for Archeological surveys	\$56,000	\$31,000	\$25,000
PJ and seeding Treatments	\$25,000	\$10,000	\$15,000
Total	\$81,000	\$41,000	\$40,000

Additional funds will be sought to accelerate on-the-ground implementation of projects.

Estimated Ending Balance \$754

Commissioner Hernbrode requested the Department to look into selective fertilization of areas where deer distribution could be effected on some portions of the range. Mr. Sieg stated that he was going into the field to look at these sites with Mr. Monsen who has extensive experience in the use of fertilization in browse. Commissioner Hernbrode requested to accompany them into the field.

Motion: Melton moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE KAIBAB HABITAT STAMP FUND BUDGET FOR FISCAL YEAR 2006 AND THE FIVE-YEAR BUDGET PROPOSAL.

Vote: Unanimous

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14. Call to the Public

There were no request from the public to speak at this time.

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Meeting recessed for a short break at 3:55 p.m.

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17. Petition for Rule Change by Mr. Glen Phillips Requesting the Commission Amend R12-4-114 Issuance of Nonpermit-tags and Hunt Permit-tags.

Presenter: Richard Rico, Assistant Director, Special Services Division

On September 1, 2005, the Department received a letter from Mr. Glenn Phillips (attached to these minutes for the record) and a petition requesting that the Commission amend R12-4-114 to exempt individuals over 70 years of age (with a Pioneer License) from the big game draw for all deer and elk hunts with greater than 250 permits. This would result in these individuals automatically being drawn if they applied for one of these hunts. In addition his petition would also eliminate the ability for one of these permits to be transferred in the event the tag holder was unable to use it. The basis for his request is that this would be of significant benefit to senior hunters who are still able to hunt and that it would not unduly impact the draw for deer/elk hunts.

Mr. Phillips was not present, but his letter and petition were provided to the Commission for consideration.

Mr. Rico stated that in looking at the 2004-2005 draws, approximately 6000 Pioneer License holders applied, so even with a small portion of this group applying, it would cause a lot of problems with the way the draw is conducted. For example, there could be a 250 permitted hunt where 500 to 1000 Pioneer License holders put in for those particular tags; a separate draw would have to be run.

Motion: McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO DENY MR. PHILLIP'S PETITION AND DIRECT THE DEPARTMENT TO CONSIDER HIS COMMENTS DURING THE NORMAL 5-YEAR RULE REVIEW PROCESS.

Commissioner Hernbrode suggested amending the motion. Commissioner McLean agreed.

Motion Amended: McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO DENY MR. PHILLIP'S PETITION FOR RULE CHANGE.

Vote: Unanimous

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18. Petition to Revise Rule R12-4-315, Allowing for the Live Transport of Black Bass for Off-site Tournament Weigh-ins.

Presenter: Lawrence M. Riley, Fisheries Branch Chief

Mr. Charlie Evans, of Benton, Kentucky, on behalf FLW Outdoors, submitted a petition to revise A.A.C. R12-4-315 (Possession of Live Fish; Unattended Live Boxes and Stringers). Mr. Evans petition requests that the rule be revised to allow transport of black bass alive from the water where taken to an off-site weigh-in location. The proposed language provides for written authorization from the Department, authorization up to 40 anglers over two consecutive days, and holding and transport requirements for return of the fish to the waters where taken. Mr. Evans' petition is very similar to the petition submitted by FLW Outdoors last spring and considered by the Commission at their April Commission meeting. The Commission's action at that time was to recognize that there was some merit in the petition. The Commission, based upon recommendation from the Department, denied the petition to open the rule for revision immediately, but directed the Department to consider the potential rule change during the next five-year review of Article 3.

Mr. Evans' petition recognizes the damages associated with illegal transport of fishes to locations that were not authorized. As was discussed at the Commission's April meeting, illegal transport and stocking of fishes is a consistent problem in Arizona and around North America. These illegal actions threaten fisheries resources through disease transmission and invasive, nuisance, or unplanned for species establishment. Mr. Evans' reasoning is sound and based upon recognizing the need for oversight of any activities that involve the transport of live fishes. Mr. Evans presents sound and reasonable information and process to ensure the survival and appropriate treatment of black bass for off-site weigh-ins, contributing to the successful release of bass in their waters of origin following weigh-in. Mr. Evans also provides information regarding the value to local and state economies from tournament activities.

The petition will likely require changes to other rules and the proposed language will require development and support of a permitting process. Consideration of this rule change should include public input and careful consideration of impacts to other rules and Department staff and budget, prior to rule making. The existing 5-year rule review process is the appropriate venue for consideration of this petition whereby a full and careful analysis can be conducted. The next five-year review of Article 3 should commence in mid-2006.

Don Lee, with FLW Outdoors, was present and addressed the Commission in support of the rule change. Mr. Lee provided the Commission with an informational packet on the 2006 Tournament Season of the FLW Outdoors Stren Series, which included a copy of the proposed rule change and the justification for it, letters of support, fish mortality data, and public input. Mr. Lee's first choice would be a special rule change, but understands the normal rule process and timelines.

Motion: McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO DENY THE PETITION BUT DIRECT THE DEPARTMENT TO CONSIDER ALLOWING THE LIVE TRANSPORT OF BLACK BASS FOR THE PURPOSE OF OFF-SITE

TOURNAMENT WEIGH-INS DURING THE NEXT REGULAR RULE REVIEW OF ARTICLE 3.**Vote:** Unanimous

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19. Request to Approve a Notice of Final Rulemaking to Amend Article 1 Rules, Dealing with Definitions and General Provisions, as Stated in the 2004 Five-Year Rule Review Approved by GRRC and to Reinstitute Limits on Non-Resident Hunt Permit-Tags**Presenter:** Dustin McKissen, Rules and Risk Manager

At its April 2004 meeting, the Arizona Game and Fish Commission directed the Department to submit a Notice of Docket Opening to begin the regular rulemaking process to amend the rules of Article 1, dealing with definitions and general provisions, as identified in the 2004 five-year rules review report. The report, as required by statute, identified key areas where the Commission's rules were lacking in some respect, and prescribed methods to address those deficiencies. Public meetings were held across the state in December 2004 to gain input on the proposed changes from the regulated community.

Since the opening of the original docket, additional rule revisions became necessary to address issues that arose subsequent to the original five-year rule review report, including reinstating limits on non-resident hunt permit-tags. To conserve time and resources, the Notice of Proposed Rulemaking included revisions intended to address those additional concerns. However, this delayed submission of official proposed rule changes. A second Notice of Docket Opening was approved by the Commission to complete the rulemaking process for the rules under this Article.

The Department is now prepared to submit a Notice of Final Rulemaking to the Governor's Regulatory Council to officially amend these rules.

The Notice of Final Rulemaking does not include any rule changes that are substantially different from the proposed rule changes presented in August. The amendments that have created the most interest from the Department or the regulated community are as follows:

- Amend R12-4-104 to prescribe qualifications for applying for a hunt permit-tag, or to purchase a bonus point. A qualified applicant shall be at least ten years old when the hunt they apply for begins; shall have completed a Department approved hunter education course if under the age of fourteen; and does not have their hunting privileges suspended or revoked in this state or any state participating in the Wildlife Violator Compact.
- Amend R12-4-102 to clearly require applicants for hunt permit-tags or bonus points to provide their own contact and address information when applying.
- Amend R12-4-107 to add bear, turkey, and javelina to the list of bonus point species.
- Amend R12-4-107 to allow a person to receive a loyalty bonus point if that person applies at least once a year for the draw for a particular genus species or purchases a bonus point for that species within the required five-year period.

- Amend R12-4-108 to establish a new GMU, 47M, which will encompass the metro Phoenix area. This will allow the Department to be more responsive in regulating the area.
- Amend R12-4-114 to issue 20% of all hunt permit-tags for buffalo and bighorn sheep to bonus point holders, instead of issuing 20% in each hunt number. This will more evenly distribute tags through the bonus point system, because not all hunts for these species have enough tags from which to take 20%.
- Amend R12-4-114 to reinstitute limits on non-resident hunt permit-tags.
- Amend R12-4-120 to require that a successful applicant for a special big game tag transfer all proceeds from the sale of the tag to the Department within 90 days of the date the applicant sells or awards the tag. The tag shall not be issued until the proceeds are received.
- Amend R12-4-121 to add a new subsection to allow an individual that is issued a hunt permit-tag through the big game draw to donate the tag to a qualified non-profit organization, as authorized by recent statutory changes. The subsection will also prescribe procedures for non-profit organizations to lawfully transfer the tag.

The Commission was provided with the complete rulemaking package for consideration prior to this meeting. If the Commission approves the Notice of Final Rulemaking and the Economic Impact Statement, the Department will submit the notice to the Governor's Regulatory Review Council by November 21, 2005, for posting on the council's January 2006 meeting agenda. The Department anticipates that the rules will become effective and enforceable, at the latest, by April 2006, before the 2006 hunt draw.

Public Comment

Pete Cimellaro, ADA, questioned R12-4-120 (D), and asked for clarification on changing the word "agree" to "coordinate". Mr. Ordway stated that using the word "agree" usurped Commission authority. The word "coordinate" allows the Department more control on expenditures.

Commissioner McLean commented that using the word "agree" could allow the non-profit organizations to hold funds hostage by not agreeing on what project to use it for, and especially now with the Super Raffle, there could be several organizations that all would have to agree.

Chairman Gilstrap concurred with not using the word "agree," but questioned whether "coordinate" was the right word to use.

Mr. Ordway stated that there was considerable discussion on what term to use. The Department has shown good practice of not going completely contrary to what the organization wants to do, but there have been times where the agreements have not been possible and it caused administrative problems to get things done. Also, sometimes agreements are made by the organizations before the Department is even in the loop.

Mr. Odenkirk stated that the money generated from the special tag sales is public money under the control of the Commission and the Department and allowing an outside organization to agree on how the money is spent, unlawfully delegates authority outside of the agency.

Chairman Gilstrap stated that what is being discussed is whether the organizations are being relegated to a lesser role than a partnership in this process. It's not the term so much as it is that concern.

Mr. Cimellaro concurred that that is their concern and wanted it defined for the future.

Commissioner Hernbrode suggested that a letter of understanding may suffice and Mr. Cimellaro and the Commission agreed that it would.

Commissioner McLean suggested striking the words that say "a special tag shall not be issued until the Department receives all proceeds" and leaving the first part of the sentence where the Department can receive the proceeds within 90 days, but the applicant can go ahead and hunt.

Mr. Odenkirk stated that GRRC may see that as a substantive change and then it would have to go back for supplemental rulemaking.

Commissioner McLean stated that his concern was with the Super Raffle, but he did not want to risk the cap portion of this rulemaking package and not having that in place for the 2006 draws.

Mr. Ordway stated that a master agreement is done every time a special tag is transferred to an organization. The matter of transferring proceeds can be addressed in that master agreement, the exact relationship and responsibilities of each of the partners within the tag transfer.

Public Comment

Kim Warren, NWTF, submitted a Speaker Card, but was not present to address the Commission.

Motion: McLean moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE A NOTICE OF FINAL RULEMAKING TO AMEND ARTICLE 1 RULES, DEALING WITH DEFINITIONS AND GENERAL PROVISION, PRINCIPALLY AS STATED IN THE 2004 FIVE-YEAR RULES REVIEW REPORT APPROVED BY GRRC AND TO REINSTITUTE LIMITS ON NON-RESIDENT HUNT PERMIT-TAGS. THE NOTICE WILL BE SUBMITTED TO GRRC FOR CONSIDERATION AT THEIR JANUARY 2006 MEETING.

Vote: Unanimous

The Commission gave a consensus that a letter of understanding was not necessary in light of the master agreement mentioned by Mr. Ordway.

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20. Request to Approve a Notice of Final Rulemaking to Amend Article 2, Miscellaneous Licenses and Permits, Subsequent to the 2004 Five-Year Rule Review Approved by GRRC.

Presenter: Dustin McKissen, Rules and Risk Manager

At its April 2004 meeting, the Arizona Game and Fish Commission directed the Department to submit a Notice of Docket Opening to begin the regular rulemaking process to amend the rules of Article 2, dealing with miscellaneous licenses and permits, as identified in the 2004 five-year rules review report. The report, as required by statute, identified key areas where the Commission's rules were lacking in some respect, and prescribed methods to address those deficiencies. Public meetings were held in February 2005 across the state to gain input on these proposed revisions.

Since the opening of the original docket, continuous delays in the rulemaking process outside of the control of the Department have stretched participatory staff's resources in meeting the requirements of the rulemaking process, as well as fully addressing the concerns specified in the proposed rulemaking. For this reason, submission of official proposed rule changes was delayed. A second Notice of Docket Opening was approved by the Commission in June 2005 to complete the rulemaking process for the rules under this Article. The Department is now prepared to submit a Notice of Final Rulemaking to the Governor's Regulatory Review Council to officially amend these rules.

The Notice of Final Rulemaking does not include any rule changes that are substantially different from the proposed rule changes presented in August. The amendments that have created the most interest from the Department or the regulated community are as follows:

- Delete the requirement in R12-4-202 that an applicant for a disabled veteran's license submit certification of disability with their application within 90 days of receiving the certification. The Department only issues a license if the applicant can demonstrate permanent disability, and if they can, there does not seem to be a reason to require certification within 90 days of receiving it.
- Amend R12-4-208 to preclude an applicant from being issued a guide license within five years of the date the application is made if the applicant has been convicted of a violation of a federal or state wildlife law for which a license to take wildlife can be revoked or suspended. An applicant will only be disqualified from receiving a guide license under this subsection if they have been convicted for such an offense as of 2006.
- Amend R12-4-208 to give special consideration to an applicant if the applicant violated a wildlife law, but immediately and voluntarily reported the violation.
- Amend R12-4-208 to require that an individual who acts as a guide shall not aid, counsel, agree to aid, or attempt to aid another individual in planning or engaging in conduct that results in a violation; and that an individual who acts as a guide shall report any violation committed by a client.
- Amend R12-4-216 and R12-4-217 to allow any doctor licensed by a state board of the United States to issue a certification of disability for a crossbow permit or a Challenged Hunter Access Mobility Permit. Non-resident hunters have had problems applying for these permits, because they are not reasonably able to receive the required disability certification from an Arizona-licensed doctor, even if they meet the disability criteria.

If the Commission approves the Notice of Final Rulemaking and the Economic Impact Statement, the Department will submit the notice to the Governor's Regulatory Review Council by November 21, 2005, for posting on the Council's January meeting agenda. The Department anticipates that the rules will become effective and enforceable no later than April 2006, before the 2006 hunt draw.

Motion: Hernbrode moved and McLean seconded THAT THE COMMISSION VOTE TO APPROVE A NOTICE OF FINAL RULEMAKING TO AMEND ARTICLE 2, MISCELLANEOUS LICENSES AND PERMITS, PRINCIPALLY AS STATED IN THE 2004 FIVE-YEAR RULES REVIEW REPORT APPROVED BY GRC. THE NOTICE WILL BE SUBMITTED TO GRC FOR CONSIDERATION AT THEIR JANUARY 2006 MEETING.

Vote: Unanimous

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21. Director's and Chairman's Reports

Chairman Gilstrap reported that he met with a group that is developing a nonprofit organization which will be an entity that supports the Clay Target Program financially, with equipment and with training; went to a coaching clinic at the Olympic training center in Colorado Springs; and took the course for training instructors on teaching novice shooters.

Director Shroufe informed the Commission that the Pinetop meeting scheduled for next year will again be during the annual car festival in Pinetop and also there is a conflict in the dates for the IAFWA meeting and a Commission meeting. New dates will be brought back to the Commission at the December Commission meeting.

Director Shroufe reported that the Invasive Species Council, co-chaired by the Department and the Department of Agriculture, met for their first meeting this week and plan to have a strategic plan to the Governor by 2006; a lot has been done on the Employee Compensation Package as reported by Mr. Ferrell in agenda item number 12; and the Department is going to address mandatory boating education and whether the Commission has an interest in doing that or not.

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22. Commissioners' Reports

Commissioner Golightly has been involved in shooting ranges in Northern Arizona, in meetings, and in trying to establish a location; and helped Region II with the dedication ceremony for a pond at the Flagstaff Middle School.

Commissioner Melton spent six days hunting with his grandson.

Commissioner McLean distributed Game and Fish "Hunt and Fish More, Work Less" coffee mugs in Wyoming; met with the Department and the Forest District Ranger; attended a youth hunting safety seminar at Mormon Lake Lodge; attended the dedication ceremony for the pond at the Flagstaff Middle School; met with Mr. Ordway and several organizations; and attended the Governor's signing of the fee increase bill.

Commissioner Hernbrode attended the Malapai Borderlands group meeting at Malapai Ranch; received training on the rulemaking process and recommended training as a group for the Commission; and tested the hunting of Gambel's quail in October versus December or January.

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23. Approval of Minutes

Motion: Golightly moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FOR AUGUST 13 AND 14, 2004; SEPTEMBER 17, 2004; JUNE 24 AND 25, 2005.

Vote: Unanimous

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24 Future Agenda

Presenter: Steve Ferrell, Deputy Director

Mr. Ferrell reported on 12 actions items, 3 of which are future agenda items.

- Implement the existing system within the Department that manages emails on behalf of Commissioners.
- Give the Commission a list of standard Commission meeting agenda items that are regularly scheduled in certain months.
- Provide regular updates to the Commission about the status of developments at the Ben Avery Shooting Facility (BASF).
- Move today's agenda item number 4 to the December Commission meeting; the land exchange at Page Springs; provide notice to local residents to provide comments at that meeting; explore reasonable covenants that might be conveyed to the acquired property; request that the landowner be present at the December Commission meeting; work with the Attorney General's Office to cover the Department of liability in the period of interim to the completion of any potential land exchange.
- Draft a thank you letter from the Commission to the Bureau of Reclamation for their involvement in managing dissolved oxygen in Glen Canyon Dam once Lake Powell is turned over this winter.
- Express to DPS a sense of urgency on part of the Commission to complete the investigation at BASF.
- Evaluate the budgetary considerations, organizational structure, and operational considerations for adding a new organizational work unit, including but not limited to a fully staffed Division within the Department that would be responsible for all shooting sports programs including the management of BASF and other shooting ranges statewide.
- Move forward an RFP and the IGA process for the management of BASF.
- Account for big game special tag revenues by species rather than by NGO.
- The Director will designate one Department representative to the Big Game Super Raffle Audit Committee.
- Place Mr. Lee's issue regarding off-site tournament weigh-ins on the five year rule review for article 3.
- Via clarification within the master agreements for special tags, formally describe the roles and responsibilities of and relationship between the Department and partners in

coordinating the expenditures of special tag funds relative to the change made today in R12-4-120 (D).

Chairman Gilstrap requested, in regards to finding venues in which to provide the Animal Rightists Power Point Presentation, that they start with the WCC as a way to have a major forum for that opportunity. In regards to the potential initiative discussed at the last Commission meeting, the Commission should have a working session to discuss that in detail. In regards to the potential purchase of lands in the Silver Springs area, that would be a great place to hold the working session. Also, Dale Hall has been approved by the Senate as Director of Fish and Wildlife and a congratulatory letter should be sent from the Commission.

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Motion: McLean moved and Hernbrode seconded THAT THE MEETING ADJOURN.

Vote: Unanimous

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Meeting adjourned at 5:30 p.m.

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W. Hays Gilstrap, Chairman

Joe Melton, Member

Michael M. Golightly, Member

William H. McLean, Member

Robert Hernbrode, Member

ATTEST:

Duane L. Shroufe
Secretary and Director