

Minutes of the Telephonic Meeting of the  
Arizona Game and Fish Commission  
Wednesday, March 23, 2011 – 12:00 p.m.  
Arizona Game and Fish Department  
5000 W. Carefree Highway  
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

In person:  
Commissioner Robert E. Mansell

In person:  
Director Larry Voyles  
Deputy Director Bob Broscheid  
Deputy Director Gary R. Hovatter  
Assistant Attorney General Jim Odenkirk

Via telephone:  
Chairman Robert R. Woodhouse  
Vice Chair Norman W. Freeman  
Commissioner Jack F. Husted  
Commissioner John W. Harris

Chairman Woodhouse called the meeting to order at 12:00 p.m. Director Voyles conducted roll call and confirmed that all Commissioners were present. Several Department staff members were present and no members of the public were present. This meeting followed an agenda dated March 22, 2011.

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#### 1. State and Federal Legislation.

**Presenter:** Anthony Guiles, Legislative Liaison

Mr. Guiles briefed the Commission on several proposed bills. The Commission discussed and took action as follows:

##### HB 2358; Wildlife Guide; Wasted Game Meat

Mr. Guiles briefed that there is some concern regarding the edible portions definition in that it includes the neck as an edible portion. At this point, the bill is going to be held in caucus and won't receive a full vote in the Senate. The Department is meeting with the sponsor of the bill this afternoon. The sponsor is willing to amend the bill to exclude the neck in order for the bill to move forward.

The Commission discussed excluding the neck from the edible portion and confirmed with Mr. Guiles and the Director that the Department was willing to compromise on the bill in order for the rest of it to move forward.

The Commission was in consensus to direct the Department to move forward with HB 2358 by excluding neck meat from edible portions.

##### HB 2396; Civil Assessments

Mr. Guiles brought to the Commission's attention that an amendment to this bill relates to the fingerprint clearance card and it would require Arizona Game and Fish Department employees and volunteers who have contact with children or vulnerable adults as part of their regular duties to have a valid fingerprint clearance card. This was for information only. The Commission has already taken a position supporting the fingerprint provisions.

#### SB 1201; Firearms; Omnibus Bill

SB 1201 has the inclusion of the wording: "any state or agency or political subdivision of this state to regulate the sale or transfer of firearms on property it owns." This may have some broader implications for the Department, particularly at the Ben Avery Shooting Facility, so for clarification, the Department recommended an amendment to HB 2006, General Powers and Duties of the Commission (attached - see page 3, #13).

Commissioner Freeman discussed what the Department is allowed to sell at a shooting range and would like to see the Department be able to sell more of its branded merchandise.

The Department recommended that the Commission support HB 2006 as it is for now and then possibly revise it next year to include what the Commission can and/or cannot sell. There are a few things the Department would like to see enhanced in that regard.

**Motion:** Freeman moved and Harris seconded THAT THE COMMISSION VOTE TO APPROVE THE LANGUAGE IN HB 2006 AS PRESENTED (ATTACHED).

**Vote:** Unanimous

#### HB 2114 Strike Everything Amendment

HB 2114 is the SB 1294 Rotenone issue. This strike everything amendment offers a slight change in which the Arizona Department of Environmental Quality would approve or disapprove of the use of Rotenone. The Department recommended that the Commission oppose the strike everything amendment to HB 2114.

**Motion:** Freeman moved and Harris seconded THAT THE COMMISSION VOTE TO OPPOSE THE STRIKE EVERYTHING AMENDMENT TO HB 2114.

**Vote:** Unanimous

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#### 2. Possible Amendment to Commission Order 3 (hunt numbers 2022 and 2054) and Consideration of Other Options to Address New Restrictions on Public Access to the Chino Grande Ranch in Unit 19B.

**Presenter:** Brian Wakeling, Game Branch Chief

Mr. Wakeling briefed the Commission on the Chino Grande Ranch in Game Management Unit 19B, which has indicated verbally that it will be closing access to the public for a long-term basis

beginning immediately. This may influence hunting access for pronghorn hunters that may be drawn for hunts 2022 and 2054. Mr. Wakeling provided a Power Point presentation that included a map of the area, access and other potential issues, and options for the Commission's consideration.

In December 2010, the Commission approved Commission Order 3 that included a 50-permit general (hunt number 2022) and a 15-permit archery-only (hunt number 2054) pronghorn hunt in Unit 19B. However, a spokesman for the Chino Grande Ranch in Unit 19B has since verbally indicated that it will be closed to public entry primarily due to their intent to develop wind and solar energy on their private lands. The Chino Grande Ranch, owned by Chino Grande, LLC, is composed of about 50 square miles of private and 34 square miles of state trust land. This land mass comprises about 35% of the remaining open pronghorn habitat within Unit 19B, with the remainder of the open area made up of the Deep Well (foot access only), Double O, and Yavapai Ranches and U. S. Forest Service land. Excluding the Chino Grande, the remaining open areas have low pronghorn abundance, which may create hunter crowding concerns if the currently authorized number of permits is issued. Within Unit 19B, many ranches deny access to pronghorn hunters, whereas the K-4 and Campbell do allow access for a fee. The Chino Grande Ranch has not indicated that fee access will be considered on their private lands.

These two hunts are popular for pronghorn hunting applicants. For the current application period, the general pronghorn hunt (2022) has 1,170 first-choice, 1,575 second-choice, 851 third-choice, 486 fourth-choice, and 838 fifth-choice applicants for 50 permits. The archery-only hunt has 97 first-choice, 89 second-choice, 63 third-choice, 39 fourth choice, and 27 fifth-choice applicants for 15 permits.

Because the draw has not yet been run and access is likely to differ substantially from when hunters applied for these hunts, the following options were provided to the Commission:

1. No change to the number of permits in the 2 hunts. Subsequent to the draw but prior to the issuance of permits, the Commission could direct the Department to contact the successful applicants to determine if they still desire these permits with the potential changes to accessible areas; those that are unwilling to accept these permits would be eligible for return of permit fees and reinstatement of bonus points. The benefits of this approach are that the maximum number of hunters may be able to participate based on the available bucks for harvest and hunters may be able to obtain access to hunting areas, including state land. The challenges of this approach include the likely reduction of the area open to hunting being reduced by about 35% and the potential for hunter crowding, assuming that only limited walk-in access were still available. Because some private landowners do allow access, the potential for increased hunter crowding on these private lands is possible.
2. Reduce the number of permits offered in hunt 2022 and hunt 2054. Because the remaining open habitat has lower density pronghorn populations than do the habitats that have been closed to access, a less-than-proportional number of permits should remain. If this alternative is chosen, the Region has recommended that no more than 8 permits should be retained in hunt 2022 and no more than 4 permits should be retained in hunt 2054. The benefits of this option are hunter densities would be reduced to a level which should limit interference among hunters. The challenges include that some hunters might

perceive the hunt as sufficiently different from the opportunity that they believed that they were applying for that they may subsequently, even after their hunt, appeal to the Commission for perceived loss of hunting area. Hunters may also perceive that they had been excluded from areas where the most desirable bucks or favorable hunting might be obtained.

3. Reduce the number of permits offered in hunt 2022 and hunt 2054 to 0 in each hunt, effectively eliminating Unit 19B hunts from the draw. With this approach, no hunters would be drawn for an area that had changes to access after their initial application; however, they may get drawn for another choice that they may perceive as less desirable as their first choice hunt application. Delays or increased permit handling time may necessitate subsequent pursuit of a change to the hunt permit-tag application schedule, which may be addressed at the April Commission meeting
4. Alter the area open within these hunt numbers by amending open areas through Commission Order. This would provide the Department the ability to pursue more strongly any hunter that chose to ignore closures on the Chino Grande and limit private landowner's ability to charge access fees. In practice, the delineation of open areas would be difficult to describe in a fashion that would be understandable to the public, it would differ from that printed in the 2011 hunt regulations, is likely to be incomplete with the amount of time allocated to determining where access fees are charged, and may not address those areas consistently.

The Department recommended Option #1.

Commissioners Freeman and Husted believed that Option #3 would be the best. This would be proactive and hopefully head off some of the trouble and hunter discontent. Then next year, people will know what they are getting into if they apply for these hunts. Commissioner Freeman also commented that the Commission needs to be proactive regarding these renewable energy developments.

Commissioners Mansell and Harris believed that Option #1 is best because it gives the option to the hunters that applied for this hunt.

Chairman Woodhouse expressed concern with private landowners charging trespass fees and possibly raising those charges if the Commission goes ahead with these hunts. The Commission needs to start discussions on how they are going to go forward and deal with these types of issues. The Commission needs to be proactive and state their case.

#### Public Comment

The Department received an email from John Popp which Mr. Wakeling read into the record as follows: "I was very disturbed when hearing that the Chino Grande is closing the ranch to the public. As a native Arizonan I have hunted and fished and trapped in the state for 46 years. I've been fortunate to draw a handful of different tags in my 46 years. The one tag I've never been able to draw is an antelope tag. I have put in for more years than I can remember and have double digit bonus points. 19B has always been a fabulous unit to hunt antelope in. I always

select it when applying for the draw. If this draw goes through and the Chino Grande closes the ranch it spells a recipe for disaster for the following reasons:

- The majority of the antelope will not be accessible to the public
- All 65 hunters will be confined to the northwest corner of the unit
- It brings up the probability of Chino Grande charging a trespass fee to let the public hunt
- It will absolutely encourage trespassing and game violations on the Chino Grande\
- Game and Fish would not be providing a service to the public

These are just a few of the reasons that come to mind. Speaking for myself after trying my whole life to get drawn for antelope, if I were to draw a 19B tag and be limited to one little piece of country, I wouldn't be happy. I just don't believe this is the right way to handle this. My suggestion would be to eliminate the 19B choice from the draw. If a hunter put in for 19B and is fortunate enough to have his name pulled out of the hat, I think the fair thing to do is ignore the 19B choice, whatever the number choice it was, and defer to his next. Thank you for letting me voice my opinion."

**Motion:** Freeman moved and Husted seconded THAT THE COMMISSION VOTE TO SELECT OPTION #3 WHICH WOULD BE FOR THIS HUNT ONLY TO ISSUE ZERO TAGS FOR HUNTS 2022 AND 2054.

Commissioner Husted seconded the motion with emphasis on the Department understanding that this is the beginning of dialogue that needs to take place with the State Land Department and all of the Department's partners post haste, before the Commission looks at this again in seven months, and that the possibility of legislation also be looked at and discussed.

Chairman Woodhouse commented that this may require another workshop with this issue as the only topic.

Commissioner Harris asked how this would work for those who only applied for that hunt area.

Mr. Wakeling stated that they will get a bonus point and their funds for the tag will be refunded, but not their license and application fees.

Mr. Odenkirk confirmed that the license fee is not refundable because it is already processed and the license has been provided to the customer, and the application fee is set in rule as non-refundable.

Commissioner Husted requested that each hunter affected by the closure of Unit 19B be contacted by the Department.

**Vote:** Aye - Woodhouse, Freeman, Husted  
Nay - Harris, Mansell  
Passed 3 to 2

The Department will put out a press release today regarding this issue and the Commission's decision to close Unit 19B.

3. Call to the Public

There were no requests to speak to the Commission.

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**Motion:** Husted moved and Freeman seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

**Vote:** Unanimous

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Meeting adjourned at 1:07 p.m.

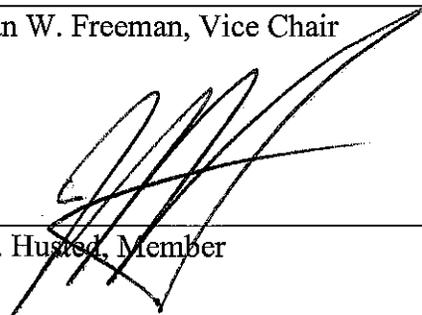
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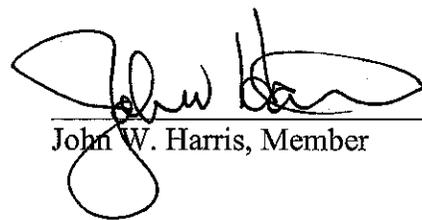
Robert R. Woodhouse, Chairman



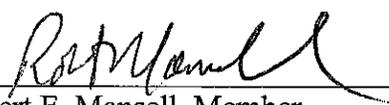
Norman W. Freeman, Vice Chair



Jack F. Husted, Member

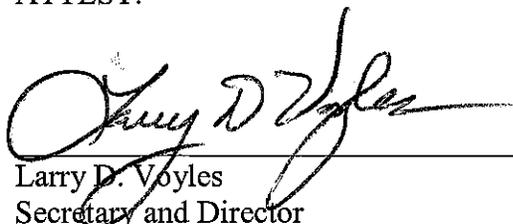


John W. Harris, Member



Robert E. Mansell, Member

ATTEST:



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Larry D. Voyles  
Secretary and Director

COMMITTEE ON JUDICIARY  
SENATE AMENDMENTS TO H.B. 2006  
(Reference to House engrossed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Section 17-231, Arizona Revised Statutes, is amended to  
3 read:

4 17-231. General powers and duties of the commission

5 A. The commission shall:

6 1. ~~Make~~ ADOPT rules and establish services it deems necessary to carry  
7 out the provisions and purposes of this title.

8 2. Establish broad policies and long-range programs for the  
9 management, preservation and harvest of wildlife.

10 3. Establish hunting, trapping and fishing rules and prescribe the  
11 manner and methods which may be used in taking wildlife.

12 4. Be responsible for the enforcement of laws for the protection of  
13 wildlife.

14 5. Prescribe grades, qualifications and salary schedules for  
15 department employees.

16 6. Provide for the assembling and distribution of information to the  
17 public relating to wildlife and activities of the department.

18 7. Prescribe rules for the expenditure, by or under the control of the  
19 director, of all funds arising from appropriation, licenses, gifts or other  
20 sources.

21 8. Exercise such powers and duties necessary to carry out fully the  
22 provisions of this title and in general exercise powers and duties which  
23 relate to adopting and carrying out policies of the department and control of  
24 its financial affairs.

25 9. Prescribe procedures for use of department personnel, facilities,  
26 equipment, supplies and other resources in assisting search or rescue  
27 operations on request of the director of the division of emergency  
28 management.

29 10. Cooperate with the Arizona-Mexico commission in the governor's  
30 office and with researchers at universities in this state to collect data and

1           conduct projects in the United States and Mexico on issues that are within  
2           the scope of the department's duties and that relate to quality of life,  
3           trade and economic development in this state in a manner that will help the  
4           Arizona-Mexico commission to assess and enhance the economic competitiveness  
5           of this state and of the Arizona-Mexico region.

6           B. The commission may:

7           1. Conduct investigations, inquiries or hearings in the performance of  
8           its powers and duties.

9           2. Establish game management units or refuges for the preservation and  
10          management of wildlife.

11          3. Construct and operate game farms, fish hatcheries, fishing lakes or  
12          other facilities for or relating to the preservation or propagation of  
13          wildlife.

14          4. Expend funds to provide training in the safe handling and use of  
15          firearms and safe hunting practices.

16          5. Remove or permit to be removed from public or private waters fish  
17          which hinder or prevent propagation of game or food fish and dispose of such  
18          fish in such manner as it may designate.

19          6. Purchase, sell or barter wildlife for the purpose of stocking  
20          public or private lands and waters and take at any time in any manner  
21          wildlife for research, propagation and restocking purposes or for use at a  
22          game farm or fish hatchery and declare wildlife salable when in the public  
23          interest or the interest of conservation.

24          7. Enter into agreements with the federal government, with other  
25          states or political subdivisions of the state and with private organizations  
26          for the construction and operation of facilities and for management studies,  
27          measures or procedures for or relating to the preservation and propagation of  
28          wildlife and expend funds for carrying out such agreements.

29          8. Prescribe rules for the sale, trade, importation, exportation or  
30          possession of wildlife.

31          9. Expend monies for the purpose of producing publications relating to  
32          wildlife and activities of the department for sale to the public and

1 establish the price to be paid for annual subscriptions and single copies of  
2 such publications. All monies received from the sale of such publications  
3 shall be deposited in the game and fish publications revolving fund.

4 10. Contract with any person or entity to design and produce artwork on  
5 terms which, in the commission's judgment, will produce an original and  
6 valuable work of art relating to wildlife or wildlife habitat.

7 11. Sell or distribute the artwork authorized under paragraph 10 of  
8 this subsection on such terms and for such price as it deems acceptable.

9 12. Consider the adverse and beneficial short-term and long-term  
10 economic impacts on resource dependent communities, small businesses and the  
11 state of Arizona, of policies and programs for the management, preservation  
12 and harvest of wildlife by holding a public hearing to receive and consider  
13 written comments and public testimony from interested persons.

14 13. ADOPT RULES RELATING TO RANGE OPERATIONS AT PUBLIC SHOOTING RANGES  
15 OPERATED BY AND UNDER THE JURISDICTION OF THE COMMISSION, INCLUDING THE HOURS  
16 OF OPERATION, THE FEES FOR THE USE OF THE RANGE, THE REGULATION OF GROUPS AND  
17 EVENTS, THE OPERATION OF RELATED RANGE FACILITIES, THE TYPE OF FIREARMS AND  
18 AMMUNITION THAT MAY BE USED AT THE RANGE, THE SAFE HANDLING OF FIREARMS AT  
19 THE RANGE, REQUIRED SAFETY EQUIPMENT FOR A PERSON USING THE RANGE, THE SALE  
20 OF FIREARMS, AMMUNITION AND SHOOTING SUPPLIES AT THE RANGE, AND THE AUTHORITY  
21 OF RANGE OFFICERS TO ENFORCE THESE RULES, TO REMOVE VIOLATORS FROM THE  
22 PREMISES AND TO REFUSE ENTRY FOR REPEAT VIOLATIONS.

23 C. The commission shall confer and coordinate with the director of  
24 water resources with respect to the commission's activities, plans and  
25 negotiations relating to water development and use, restoration projects  
26 under the restoration acts pursuant to chapter 4, article 1 of this title,  
27 where water development and use are involved, the abatement of pollution  
28 injurious to wildlife and in the formulation of fish and wildlife aspects of  
29 the director of water resources' plans to develop and utilize water resources  
30 of the state and shall have jurisdiction over fish and wildlife resources and  
31 fish and wildlife activities of projects constructed for the state under or  
32 pursuant to the jurisdiction of the director of water resources.

1           D. The commission may enter into one or more agreements with a  
2 multi-county water conservation district and other parties for participation  
3 in the lower Colorado river multispecies conservation program under section  
4 48-3713.03, including the collection and payment of any monies authorized by  
5 law for the purposes of the lower Colorado river multispecies conservation  
6 program."

7        Renumber to conform

8        Amend title to conform

2006rg  
03/18/2011  
~~09:47 AM~~  
~~C: sp~~

3/22/11  
rbc