

Minutes of the Telephonic Meeting of the
Arizona Game and Fish Commission
Monday, April 11, 2011 – 10:00 a.m.
Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

In person:

Commissioner John W. Harris

In person:

Director Larry Voyles

Deputy Director Bob Broscheid

Deputy Director Gary R. Hovatter

Assistant Attorney General Linda Pollock

Via telephone:

Chairman Robert R. Woodhouse

Vice Chair Norman W. Freeman

Commissioner Jack F. Husted

Commissioner Robert E. Mansell

Via telephone:

Assistant Attorney General Jim Odenkirk

Chairman Woodhouse called the meeting to order at 10:00 a.m. Director Voyles conducted roll call and confirmed that all Commissioners were present. Several Department staff members were present and one member of the public was present. This meeting followed an agenda dated April 8, 2011.

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1. State and Federal Legislation.

Presenter: Anthony Guiles, Legislative Liaison

HB 2114; fish eradication; moratorium; study committee

Mr. Guiles briefed the Commission on the new Griffin Floor Amendment to HB 2114 (attached). There were some improvements to the language, but there are still some concerns from the Department's perspective, particularly the imposition of a moratorium and the violations for the application of rotenone. This usurps the Department and Commission's authority and would set a dangerous precedent for wildlife management being legislatively mandated.

Commissioner Husted stated that through meetings with Senator Griffin and her staff along with Department staff, the Department basically got the changes they asked for in the bill. Also, the bill calls for a study committee on the human health risks associated with rotenone, which is a serious concern for some people.

Woodhouse stated that he was also at those meetings with Senator Griffin and her staff and that Senator Griffin was never told by himself or by Commissioner Husted that the Commission would support the bill with these changes. Commissioner Woodhouse further pointed out issues with 4, 5 and 6 under Section 2(B).

Commissioner Freeman commented that the issues and concerns about rotenone should be addressed by the Department and the Commission, but not through a legislatively mandated

study group. This is a legislative intrusion into the Department and Commission's science based methods of managing wildlife.

Commissioner Mansell complimented Director Voyles for issuing a statewide moratorium and for preparing to organize a study group. He is opposed to the Legislature getting involved in the study group and is opposed to additional laws and regulations that the Department and Commission must abide by.

Commissioner Harris commented that he also had issues with 4, 5 and 6 under Section 2(B). This has the Legislature doing what the Department should be doing through Commission direction.

Kirk Young, Fisheries Branch Chief, discussed the issues of rotenone with the Commission and what the Department has been doing. The Department has been compiling publications related to rotenone studies as it relates to potential human health issues (approx. 210 publications) and has been working through a sub-committee with AFWA to look at this on a national level. The committee will be getting some medical expertise also to look at this in a neutral fashion.

Public Comment

Mr. Guiles read a letter into the record from the Yuma Valley Rod and Gun Club (attached).

Motion: Freeman moved and Mansell seconded THAT THE COMMISSION VOTE TO CONTINUE TO OPPOSE HB 2114.

Vote: Aye - Woodhouse, Freeman, Harris, Mansell
Nay - Husted
Passed 4 to 1

SB 1517 Strike Everything (originally SB 1547 ; linesighting; interstate transmission lines)

Mr. Guiles reported on the status of SB 1517. The wording of the strike everything bill alleviated some of the Commission's concerns.

Josh Avey, Habitat Branch Chief, discussed this item with the Commission. The new iteration in SB 1517 returns decision making back to the Corporation Commission and allows the Corporation Commission to either approve or deny a particular route with the desire to minimize the effects to the environment. Potential impacts can be identified and then additional mitigation can be requested beyond what may have been sighted in the Environmental Impact Statement.

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2. Call to the Public

There were no requests to speak to the Commission.

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

Vote: Unanimous

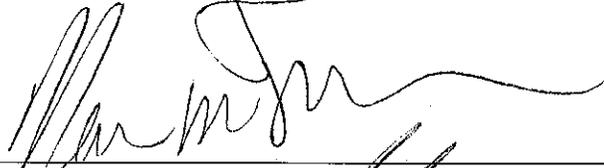
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Meeting adjourned at 10:53 a.m.

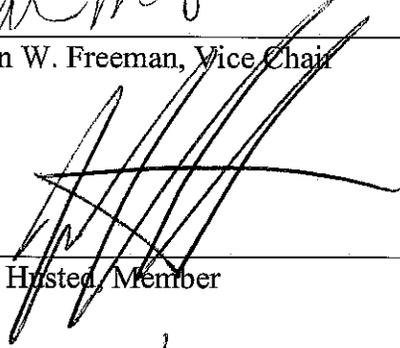
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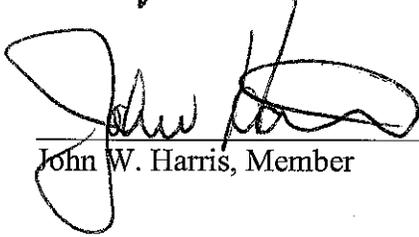
Robert R. Woodhouse, Chairman



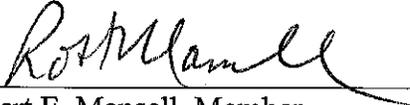
Norman W. Freeman, Vice Chair



Jack F. Husted, Member

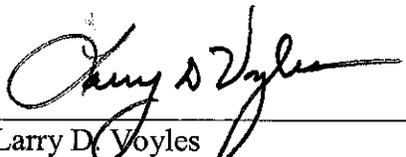


John W. Harris, Member



Robert E. Mansell, Member

ATTEST:



Larry D. Voyles
Secretary and Director



Bill Number: H.B. 2114

Griffin Floor Amendment

Reference to: WLRD amendment

Amendment drafted by: Devika Persaud

FLOOR AMENDMENT EXPLANATION

- **Revises the moratorium to state that only mechanical methods may be used to eradicate fish in the Sonoita Creek watershed. The moratorium is imposed for one year, from May 1, 2011 to May 1, 2012.**
- **Deletes references to specific poisons used to kill fish.**
- **Deletes the requirement for the Director of the DEQ to review an impact analysis and approve the use of rotenone or antimycin A before a person can apply the chemicals.**
- **Creates a six-member, joint legislative study committee to review the long and short-term human health risks associated with the fish eradication methods employed in this state. The committee is also charged with the duty to review the environmental impacts associated with these methods, especially to water supplies for humans and livestock. The committee is required to submit a report of its findings and recommendations to the Governor, President of the Senate and Speaker of the House by December 31, 2011.**

GRIFFIN FLOOR AMENDMENT

SENATE AMENDMENTS TO H.B. 2114

(Reference to WLRD amendment)

1 Page 1, line 4, strike "Application of aquatic poison" insert "Moratorium"

2 Line 5, strike "APPLY ROTENONE OR ANTIMYCIN A TO" insert ", THROUGH ANY MEANS
3 OTHER THAN MECHANICAL, ERADICATE EXISTING FISH POPULATIONS AS PART OF A
4 NATIVE FISH REINTRODUCTION PROGRAM FROM"

5 Line 6, strike "STOCK POND, IRRIGATION WATER DELIVERY SYSTEM" insert "STOCKPOND"

6 Line 7, after "IN" strike remainder of line

7 Strike lines 8 through 18, insert "THE SONOITA CREEK WATERSHED FROM THE
8 EFFECTIVE DATE OF THE MORATORIUM IMPOSED BY THIS SECTION UNTIL MAY 1, 2012."

9 Reletter to conform

10 Between lines 20 and 21, insert:

11 "Sec. 2. Joint legislative study committee on human health risks
12 associated with fish eradication; report; delayed repeal

13 A. A joint legislative study committee on human health risks associated
14 with fish eradication is established to consider the methods of eradicating
15 fish populations in the waters of this state. The committee consists of:

16 1. Three members of the senate who are appointed by the president of
17 the senate, no more than two of whom may be from the same political party.

18 2. Three members of the house of representatives who are appointed by
19 the speaker of the house of representatives, no more than two of whom may be
20 from the same political party.

21 B. The committee shall:

22 1. Identify the risks posed to human health from the use of fish
23 eradication methods in sources of potable waters in this state, including
24 health hazards and short and long term health impacts.

25 2. Analyze any risks posed to the environment, downstream potable water
26 supply or livestock water supply from the use of fish eradication methods.

27 3. Review fish eradication practices in use in this state.

Senate Amendments to H.B. 2114

1 4. Consider alternative methods of fish eradication.

2 5. Review the process by which the state determines how to eradicate
3 fish populations as that process relates to human health, including site
4 specific consideration, notice to the public and an opportunity to comment,
5 timing, methods of control, application and monitoring.

6 6. Consider any other issues related to fish eradication practices as
7 related to human health.

8 7. Submit a report of the committee's findings and recommendations on
9 or before December 31, 2011 to the governor, the president of the senate and
10 the speaker of the house of representatives and shall provide a copy of the
11 report to the secretary of state.

12 C. This section is repealed from and after September 30, 2012.

13 Sec. 3. Delayed repeal

14 Section 49-311, Arizona Revised Statutes, as added by this act, is
15 repealed from and after June 30, 2012.

16 Sec. 4. Retroactivity

17 This act is effective retroactively to from and after April 30, 2011."

18 Amend title to conform

4/7/11

11:51 AM

S: KK/DP/tf

YUMA VALLEY ROD AND GUN CLUB

P.O. Box 6500
Yuma, AZ 85366

8 April 2011

From: Yuma Valley Rod and Gun Club
To: Chairman, Arizona Game and Fish Commission
Subj: Comments regarding House Bill 2114

Mr. Chairman, Yuma Valley Rod and Gun Club stands in opposition of House Bill 2114 as amended. We have extensively studied the basic bill and the amendment. While the amendment provides a step forward, too much of the basic bill remains intact.

Of particular concern is the establishment of a moratorium until the Department of Environmental Quality has sufficient funding to complete an extensive and costly study of the use and effects of Rotenone and Antimycin A. Considering the state of our current economy, it is impossible to predict when, if ever, sufficient funding will become available to conduct the required study.

Of additional concern, is the fact that the challenge regarding the use of these chemicals has been brought to our state legislature rather than, the U. S. Environmental Protection Agency. To require a state agency to conduct a study that is within the purview of a federal agency is unreasonable. This is particularly disconcerting, considering the fact that the Director of the Arizona Game and Fish Department has already imposed a restriction on the use of the chemicals while health and safety concerns are being addressed.

We are also concerned that the imposition of a moratorium could have a far reaching effect on the Sport Fishing Industry, and the Game and Fish Department's fish stocking program, which is intended to reestablish native fish that are endangered or threatened.

As an alternative, we would recommend, that the Arizona Game and Fish Commission and Department, consider a Memorandum of Understanding with Santa Cruz County to address the concerns involved.

We believe that further study is necessary before a statewide ban on the use of Rotenone and Antimycin A is warranted. If the Environmental Protection Agency determines that these chemicals are a threat to health and safety, Yuma Valley Rod and Gun Club would likely support restrictions.

George A. Reiners
Legislative Chair
Yuma Valley Rod and Gun Club