

Minutes of the Telephonic Meeting of the
Arizona Game and Fish Commission
Wednesday, January 25, 2012 – 3:30 p.m.
Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

In person:
Chairman Norman W. Freeman
Vice Chair Jack F. Husted
Commissioner Robert E. Mansell
Commissioner Kurt R. Davis

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

Via telephone:
Commissioner John W. Harris

Via telephone:
Assistant Attorney General Linda Pollock

Chairman Freeman called the meeting to order at 3:30 p.m. All Commissioners were present in person except for Commissioner Harris who was present by telephone. Several members of the public and several Department staff were present. This meeting followed an agenda dated January 23, 2012.

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1. Legislative Update

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles presented several bills to the Commission that have been scheduled for legislative committee hearings and could have significant impact to the Department. The following bills were discussed and/or the Commission took a position to support or oppose:

HB 2457; possession of weapons while hunting

This bill is scheduled for a hearing on Monday, January 30, 2012. This bill would allow any hunter and anyone in the field to carry any firearm that they choose while they are in the field.

Commissioner Mansell confirmed with Mr. Guiles that current regulations allow archery hunters to carry a handgun, so this change would allow archery hunters to carry a rifle or a shotgun, but not allow those firearms for taking wildlife.

Chairman Freeman confirmed with Mr. Guiles that the Commission could address this through rule rather than through legislation.

Leonard Ordway, Assistant Director of Field Operations, clarified that currently the rules do not allow for it, however, Department policy direction from about two years ago during the rules moratorium allowed for the use of a personal defense type handgun to be carried during restrictive type seasons. During the most recent rules review that went before the Commission in

Article 3, a more permissive structure was incorporated into the rule. The way this legislation is structured, it will take all of the restrictive seasons (rimfire, shotgun, archery) and allow the possession of any firearm that was otherwise illegal to be possessed. The legislation however, does say that a person shall not use any other type of hunting methodology other than what is prescribed by the season type.

The Commission discussed that they would like to see some dialogue with the Legislators of this bill and see if they are open to consideration of this being addressed by the Commission through rule instead of putting more laws on the books.

The Commission discussed with Mr. Guiles that this legislation was likely brought forward because of personal safety issues, particularly in Southern Arizona.

Mr. Guiles stated that the NRA believes this came from personal safety issues, but he has not heard that from the sponsor, Representative Barton. Also, Legislators like to see things in statute rather than in rule. There is a concern that rules are too easy to change, and that the public doesn't see those rule changes where they may see a statutory change. They just don't know how rules are put into effect and how they are changed, but they do understand the legislative process and like to see things in statute.

Commissioner Husted stated that he would like to see some dialogue with Legislators on how the Commission can participate in the development of proposed legislation as opposed to taking a position after a bill is dropped. He would like it to be known that the Commission is not always the body that opposes bills.

The Commission was in consensus.

Mr. Guiles will set up a meeting with Representative Barton to discuss the Commission's thoughts on this bill. The Commission was in consensus.

Public Comment

George Reiners, Yuma Valley Rod and Gun Club (YVRGC) (Called from Region IV): Opposes HB 2457 because it is vague and more detail needs to be provided.

HB 2640; hunting; firearm magazine capacity

Commissioner Harris noted that this bill does not mention federal statutes regarding migratory waterfowl, and that federal statutes override state legislation.

Mr. Guiles stated that this is an oversight and there is a conflict with the Migratory Bird Treaty Act, which he plans to bring to the sponsor's attention.

Commissioner Husted stated that he had discussions with some of those who drafted this bill and understood that there was a desire to carry, but not to use, and that he didn't see that come out in this particular bill. This may have been a compromise to give the American citizen the opportunity to defend himself while staying within the magazine capacity that has been accepted over the years as fair chase.

The Commission was in consensus to direct Mr. Guiles to go back to the sponsors and ask them to consider some additional concepts.

HB 2639; game and fish omnibus

The Department recommended that the Commission take a position to support HB 2639.

Motion: Husted moved and Davis seconded THAT THE COMMISSION VOTE TO SUPPORT HB 2639; GAME AND FISH OMNIBUS.

Vote: Unanimous

Mr. Guiles stated that there are a number of bills that have been introduced by different Legislators dealing with Title 17 issues. These bills have not been brought to the Commission's attention because they will not likely get a hearing. The Department tries to bring to the Commission those bills that will probably be moving forward in the process and are scheduled for a hearing. The Department will continue to keep the Commission apprised of legislative activities.

Chairman Freeman confirmed with Mr. Guiles that the Department is actively publishing updates on the Department's website, and that the public can access the website and see what bills the Commission has taken positions on and see which bills the Department is tracking.

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2. Memorandum of Understanding (MOU) Between the Arizona Game and Fish Commission and The Arizona Sportsmen for Wildlife Conservation (AZSFWC)

Presenter: Brian Wakeling, Game Branch Chief

Mr. Wakeling briefed the Commission as follows: In December 2009 the Department presented the Commission with a Memorandum of Understanding (MOU) between the Commission and the Arizona Sportsmen for Wildlife Conservation (AZSFWC). The Commission approved the MOU at the December meeting and it was signed on January 7, 2010. The agreement was for a five year period with the ability to be extended for another five years by mutual written agreement between both parties. There has been one subsequent collection agreement under the MOU and it was for a Pinyon Juniper treatment on the north Kaibab. That project was developed primarily through assistance with the Department's Region II and has been completed.

Commissioner Husted asked how this item came to be on the agenda.

Chairman Freeman stated that it was on the agenda because he had received numerous emails and phone calls about this MOU.

Public Comment

Jim Unmacht, President, AZSFWC, stated that he was surprised to see this item on the agenda and did not know why it was there. He was also curious about the emails regarding the MOU. There has been one project with the Department and the Arizona Deer Association as well as the National Forest Foundation. Mr. Unmacht provided the Commission with copies of the project report for the project that concluded in 2010.

Gary Stinson, Board Member, AZSFWC, stated that he is not sure what why this item is on the agenda. His assumptions are that someone wants to end it and he asked Chairman Freeman if that was the case.

Chairman Freeman stated that it is something the Commission may discuss.

Commissioner Mansell stated that the emails he received, hundreds of them, were in reference to HB 2072 and they all portrayed one individual as being responsible for the bill. There is a lot of discontent about it being done in secret, without any accountability, without any oversight, and without an audit trail. Setting that aside, the preamble in the MOU, the last sentence in the first paragraph states "that the Parties use this MOU to formalize a framework for collaborating with each other where possible and practical" and on page 2 it states "Whereas; the missions of both the Department and the AZSFWC are parallel and accomplishing the elements of these missions can be best accomplished when the Parties work together on projects of mutual interest." With HB 2072, there was no collaboration, no working together, and the lack of that collaboration and working together left a feeling of distrust, disassociation, or disfranchising. Another area to note is on page 2, item 2.b, "To work cooperatively with the Department to develop programs that maintain or enhance Arizona's unique wildlife resources." This is what the AZSFWC agreed to and in all three of these areas, this agreement was not followed.

Public Comment

Gary Stinson, Board Member, AZSFWC, stated that he believes this was mishandled and he doesn't disagree with Commissioner Mansell's comments. But he thinks this is one very bad incident that does not have to define going on together. Currently, there is a pending request for \$11,500 to help complete Biscuit Tank, and there is a long list of other money that AZSFWC has made available to the Department. They would like to continue to make money available to the Department, but the MOU must be in place to do that, so let's not throw out the baby with the bathwater. If AZSFWC is guilty of not conferring with the Commission, then the Commission is guilty about not conferring with AZSFWC about this particular matter. So while he appreciates what the Commission is saying, he doesn't want to see the Commission or AZSFWC walk away from the good things they can do. This is an opportunity to move forward on a better basis.

Jim Unmacht, President, AZSFWC, discussed with the Commission that there is a difference between Arizona Sportsmen for Wildlife (AZSFW) and Arizona Sportsman for Wildlife Conservation (AZSFWC). The MOU is with his group, AZSFWC, and his group did not write the bill. AZSFWC was given an overview of the bill in December and conceptually agreed with the basics of it, but didn't have input in writing the bill. There was nothing for AZSFWC to bring to the Commission because they were not involved in moving the bill.

Commissioner Harris was present by phone, but having technical difficulties, so the Commission took a short break while the issue was corrected.

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Meeting recessed for a break at 4:13 p.m.

Meeting reconvened at 4:18 p.m.

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Commissioner Harris commented that in looking at the past history, there have been some very successful projects in the past and some potential successful projects in the future, so he agrees with not throwing the baby out with the bathwater. The MOU needs to stay in place and better lines of communication needs to be opened so that we don't have another fiasco like HB 2072.

Commissioner Mansell commented that the lines of communication were broken by the other party and not the Commission and their credibility has been tainted, so it is up to them to rebuild it. Commissioner Mansell further stated that a lot of HB 2072 and how it went bad has been pinned on Suzanne Gilstrap, which he has discussed with her, and her serving as the Executive Director of AZSFWC is how AZSFWC is a part of this.

Mr. Unmacht stated that he understands and respects Commissioner Mansell's opinion, however, he disagrees that AZSFWC has violated trust in the areas pointed out in the MOU.

Public Comment

Mike Golightly, representing himself (Former Game and Fish Commissioner) (Called from Region II), asked for clarification on what organization sponsored HB 2072.

Mr. Unmacht explained that it was AZSFW and not AZSFWC.

Mr. Golightly was going to recommend that the Commission pull out of the MOU but he would like to wait now and hear the other public comments.

Bill McLean (Former Game and Fish Commissioner - Not present, but requested the following comments be read into the record by Chairman Freeman): AZSFW and AZSFWC may be separate corporations, but they are controlled by the same Board/people. Experience shows us that they are not willing to work with the Commission and that they are not willing to even discuss their legislative agenda and plans with the Commission. Their legislative attempt, HB 2072, was a huge debacle. As a result of not coordinating with the Commission or other sportsmen's organizations, they have almost totally lost the support of the organized sportsmen's community, YVRGC, AES, ADBSS, Trout Unlimited, and perhaps ADA, have withdrawn their support. AWF, MDF, and RMEF never supported them. God knows that they don't speak for the non-organized hunters and anglers of Arizona. Timing is everything and now is the time for the Commission to sever any ties with them before they do more damage to the hunting and fishing community, and for the Commission to support the general license holders. The Commission needs to send a clear message to its base that it, the Commission, is more than willing to work jointly with organizations that will work for the betterment of wildlife and the American Model, but will not associate itself nor lend its support to organizations that don't.

George Reiners, YVRGC (Called from Region IV), agreed with Mr. McLean's comments. He further stated that he believes AZSFW and AZSFWC are one and the same. He believes that

AZSFWC's statement that they didn't know about this bill is in error and that the Commission should pull out of this MOU.

Robbie Woodhouse, representing himself (Former Game and Fish Commissioner) (Called from Region IV), commented that the AZSFW and AZSFWC's websites claim the same people on their Boards. Also, the information on both websites is very dated, such as Prop 109 shows as pending but has been dead for a long time. So, he doesn't believe that they keep their membership advised of what their actions are in an adequate manner. Some of those members pay a lot of hard earned dollars that they raise as sportsmen and sportswomen and it seems serious to him that folks would keep paying into an organization where the Executive Board is a few people on two different organizations in control of all of that. He also firmly believes that the difference between AZSFW and AZSFWC is a bit of a shell game. As you get into the 501(c)(3) status and the status of the other one, one of those is by law legally able to have a Superpack committee, and Superpack committees really bother him. He had some underlying doubt regarding trust when, as a Commissioner, he seconded the motion to enter into the MOU, and now there are so many ways that AZSFWC and AZSFW have violated that trust in the MOU. He does not believe the Commission has any choice other than to terminate the MOU. As the whole debacle came about with HB 2072, in which the Commission, the Department, and the citizens of this state were completely blind-sighted, the sportsmen have spoken. The Commission has a responsibility to speak up and represent the silent majority of sportsmen in this state that are not members of any organization. The activities of the AZSFWC in the last couple of weeks has greatly mobilized and vocalized the silent majority and they are looking to the Commission for leadership. They were happy when the Commission voted 5-0 to oppose HB 2072 and that silent majority still looks to the Commission to represent them and be the leadership and their voice on a statewide level. Mr. Woodhouse strongly urged the Commission to terminate the MOU with AZSFWC.

Commissioner Davis commented that he saw HB 2072 and the MOU as separate issues. Regarding the MOU, he drew an analogy between an MOU and a marriage contract as follows: When one of the parties in a marriage contract fails at something that has been agreed upon, like being a good listener, it doesn't mean you get a divorce. You address the issue, you talk about it and you work on it. It's not always great or perfect and sometimes, as everyone knows, marriage is tough. The same holds true for other types of contracts such as this MOU. There are going to be situations where we may feel that the MOU has been violated or we didn't see eye to eye, but previously there were things that we did well together and chose to enter into an MOU. So we would be best served to engage in a conversation with our partner in the MOU and air out concerns and differences. It would be best to go down that path first before jumping all the way to a divorce.

Commissioner Husted noted for clarification that he checked the websites of AZSFWC and AZSFW and that there were 13 Board members on one and 9 on the other. Of those, there are four people on both Boards. He further stated that this bill was an eye opener for a lot of people. There were mistakes made, but we have all learned a lesson. Things change a little bit every year, the Commission, the sportsmen community, and the perils we face. It's time to listen and to learn, and to use this as a learning and building experience and move forward. Rather than a dissolution of this relationship, he suggested that Commissioner Davis take charge of an ad hoc committee and bring the sportsmen and constituent groups together and see if something positive can be created out of this experience.

Motion: Husted moved and Harris seconded THAT THE COMMISSION VOTE TO NOT DISSOLVE THE MOU WITH AZSFWC TODAY AND THAT COMMISSIONER DAVIS CHAIR A CONSTITUENCY/STAKEHOLDERS GROUP TO SEE IF A POSITIVE SPIN CAN COME FROM THIS EXPERIENCE.

Commissioner Davis agreed to chair the committee as stated by Commissioner Husted.

Commissioner Mansell stated that with everything that doesn't go right, there can be a silver lining and if Commissioner Davis can bring out that silver lining, he would love to see it.

Chairman Freeman confirmed with Mr. Unmacht that he was interested in working with Commissioner Davis as indicated in the motion and Mr. Unmacht stated that he was. Chairman freeman also requested a copy of AZSFWC bylaws, if they are new or have been changed since the MOU was entered into.

Vote: Unanimous

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3. Call to the Public

Suzanne Gilstrap, Government Affairs Consultant, Capitol Consulting, thanked the Commission for their vote of confidence. Ms. Gilstrap, on behalf of the AZSFW Board, apologized to the Commission and Department for the error they made and stated that they shall not make it again. However, Ms. Gilstrap reminded the Commission that the deal goes both ways and that they were not informed about the Commission's omnibus bill or other bill that was filed; they were not privy to it until the bill dropped. This is not said to be difficult, but to express that AZSFW wants to work with the Commission. They have been a good partner and they want to continue to do that.

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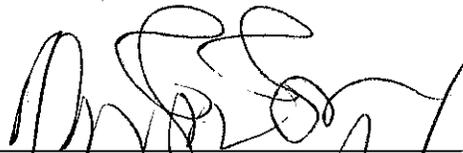
Motion: Husted moved and Mansell seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

Vote: Unanimous

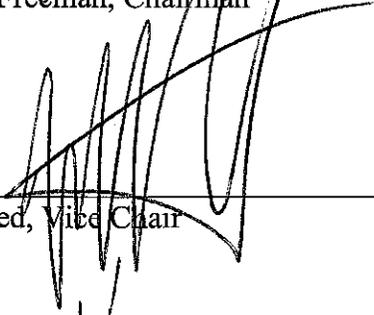
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Meeting adjourned at 4:48 p.m.

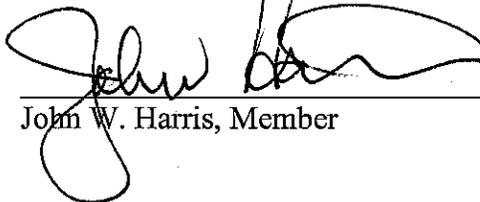
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Norman W. Freeman, Chairman



Jack F. Husted, Vice Chair



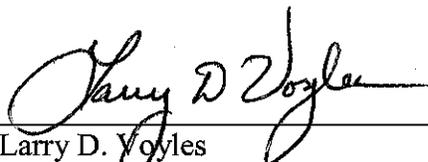
John W. Harris, Member



Robert E. Mansell, Member

Kurt R. Davis, Member

ATTEST:



Larry D. Voyles
Secretary and Director