

Minutes of the Telephonic Meeting of the  
Arizona Game and Fish Commission  
Wednesday, March 20, 2013 – 12:00 p.m.  
Arizona Game and Fish Department  
5000 W. Carefree Highway  
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

In person:  
Chairman Jack F. Husted  
Commissioner Edward "Pat" Madden

In person:  
Director Larry D. Voyles  
Deputy Director Bob Broscheid  
Assistant Attorney General Linda Pollock

Via telephone:  
Vice Chairman John W. Harris  
Commissioner Robert E. Mansell  
Commissioner Kurt R. Davis

Via telephone:  
Assistant Attorney General Jim Odenkirk

Chairman Husted called the meeting to order. Director Voyles conducted roll call and confirmed that all Commissioners were present. There were several members of the public present as well as several Department staff. This meeting followed an agenda dated March 19, 2013.

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### 1. Call to the Public

There were no requests from the public to speak.

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### 2. State and Federal Legislation

**Presenter:** Presenter: Anthony Guiles, Legislative Liaison

#### Strike Everything Amendment to HB2551

Mr. Guiles briefed the Commission on a proposed strike everything amendment to HB2551 regarding federal and state jurisdiction issues. The language for this bill was coordinated with the County Sheriffs. After several revisions and comment periods the striker amendment was drafted and submitted by the deadline. However, Senator Crandall's staff introduced another version and that amendment was provided to the Commission for review, dated 3/19/13 at 11:25 A.M. (attached).

Chairman Husted stated that the theme has been to not harm our relationship with the Forests, but sometimes our federal partners create rules that we and the Sheriffs have to enforce, and we would like to have a greater seat at the table. That is the origin of this effort. The Sheriffs' and our Director need to be able to have an impact on what our people are enforcing.

The Commission discussed that the bill prior to the amendment laid out what the Commission wanted to do, but the current draft language is short of that initial goal. The Study Committee regarding the assimilation of federal authority on state law is not in the draft nor is the Title 17 fix that is needed for the Department to work on off road travel and in particular game retrieval. It is also lacking in regards to the Director of this agency and the County Sheriffs' being able to decide what is enforceable in federal regulation.

Mr. Guiles stated that he thinks there has been some communication disconnects between those who are working on this. Senator Crandall is willing to make some future changes to the bill, if the Sheriffs are agreeable. We hope these changes can be made with a floor amendment or during a conference committee. We would like to see the changes we had in the first draft included in the future bill.

Commissioner Davis stated that the bill needs to be amended on the floor. The Commission could vote to support the bill assuming that it will get the necessary amendment. If the amendment doesn't occur then the Commission can reverse its support for the bill.

**Motion:** Madden moved and Davis seconded THAT THE COMMISSION VOTE TO SUPPORT SB 2551 ASSUMING THE NECESSARY AMENDMENT TO SUPPORT COMMISSION POLICY AND TO ALLOW CHAIRMAN HUSTED TO SPEAK IN FAVOR OF IT AT THE HEARING.

Commissioner Davis asked if the motion could include a letter to the committee members stipulating the amendment that the Commission needs to see on the floor.

Commissioner Madden accepted the amendment.

**Amended Motion:** Madden moved and Davis seconded THAT THE COMMISSION VOTE TO SUPPORT SB 2551, ASSUMING THE NECESSARY AMENDMENT TO SUPPORT COMMISSION POLICY AND TO ALLOW CHAIRMAN HUSTED TO SPEAK IN FAVOR OF IT AT THE HEARING, AND THAT A LETTER BE SENT TO THE COMMITTEE MEMBERS STIPULATING THE AMENDMENT THAT THE COMMISSION NEEDS TO SEE ON THE FLOOR.

#### Public Comment

Sandy Bahr, Chapter Director for the Sierra Club in Arizona, expressed significant concerns about the direction the Commission is taking relative to this bill and also the process. She did not feel that the Commission provided enough public notice, so that people could participate, and she further encouraged the Commission to not take a position on this bill.

Chairman Husted stated that the Commission has been crafting a Commission policy for the last several months and that it has been a very public process.

Commissioner Davis commented for the record that the State (the Game and Fish Department) does a vast majority of the law enforcement for the federal government's travel management. This discussion has not centered around reasonable discussions of protecting habitat and so forth, but has revolved around a process that has been high-jacked and just instructs the Department

and the Commission on what kind of access hunters and recreationists can have. It's a process that is broken and flawed, and extraordinarily dangerous to the ability of people to enjoy some of the most beautiful places in our state. That requires the Department and the Commission to evaluate the use of its resources to enforce travel plans that don't make any sense from an enforcement standpoint and certainly not from a scientific or biological standpoint.

**Vote:** Unanimous

(continued after discussion of letter to Director of USFWS)

Letter to Director of USFWS regarding delisting of the Gray Wolf

The Commission discussed supporting a letter to the Honorable Dan Ashe, Director of the USFWS, sent from Representative Cynthia Lummis and Senator Orrin Hatch (attached) requesting the expansion of delisting the gray wolf to all of the lower 48 states.

Public Comment

Thomas Hulen, representing himself, requested that the Commission not support the Lummis/Hatch letter. He does not think that delisting the gray wolf is biologically warranted.

Terry Morris, representing himself, opposes delisting of the gray wolf and requested that the Commission not support delisting.

Sandy Bahr, Chapter Director for the Sierra Club in Arizona, expressed her opposition to delisting gray wolves and encouraged the Commission to not support the Lummis/Hatch letter.

Commissioner Harris commented that the USFWS is looking at delisting the gray wolf in the lower 48 states because of the significant effort in past years to make sure that those populations came up to, and well above, the initial plan. Now the USFWS is looking at returning the management authority back to the states. That is what the Commission needs to focus on in their letter to Senator Hatch and Representative Lummis.

**Motion:** Harris moved and Husted seconded THAT THE COMMISSION VOTE TO SUPPORT REPRESENTATIVE LUMMIS AND SENATOR HATCH'S LETTER TO THE HONORABLE DAN ASHE, DIRECTOR OF THE U.S. FISH AND WILDLIFE SERVICE, FOR THE DELISTING OF THE GRAY WOLF AND GIVING STATES MANAGEMENT AUTHORITY OVER THE GRAY WOLF; HOWEVER, AT THE SAME TIME WE CONFIRM OUR COMMISSION'S POSITION IN ARIZONA OUR RESTORATION EFFORTS OF THE MEXICAN GRAY WOLF IN THE SOUTHWEST, THAT WE CONTINUE TO DEVELOP OUR STATE PLAN SO THAT WE WILL BE IN A POSITION TO START MANAGEMENT FOR GRAY WOLVES WHEN OUR RESTORATION EFFORTS ARE MET.

**Vote:** Unanimous

Strike Everything Amendment to HB2551 (continued)

Chairman Husted read into the record the Commission's Policy on "Travel Management and Access Travel Management and Access upon Arizona's Public Lands for the Enjoyment of Arizona's Wildlife Resources and Outdoor Recreation" as follows:

"The Arizona Game and Fish Department is responsible for management of all wildlife on public lands. Wildlife is held in trust for the public and access should not be denied or restricted without cause.

The Arizona Game and Fish Commission recognizes and promotes multiple use on public lands managed by the US Forest Service and the Bureau of Land Management. Every citizen should have access to their multiple use public lands unless there are reasons to deny access founded in sound science and affirmative analysis, and not a presumption of harm.

It is the policy the Arizona Game and Fish Commission to place a high priority on conserving existing access and modes of access for hunting, fishing, trapping, shooting, wildlife watching, OHV use, dispersed camping and other responsible forms of outdoor recreation; and to place a high priority on improving access upon such lands in areas of the State where access is currently difficult or nonexistent.

It is unacceptable for a federal multiple use land management agency to establish regulations that the public cannot understand; that the federal land manager cannot effectively enforce; or that the land manager imposed upon state and local enforcement authorities an unreasonable and unenforceable mandate that denies reasonable and sufficient access to citizens. The Department will actively advocate for access issues and seeks to maintain the Commission's legal standing to seek remedies for decisions that injure the Department's ability to meet the Commission's strategic objectives for wildlife management or management of recreational activities under the Commission's jurisdiction."

Chairman Husted stated that this policy was voted on by the Commission at the March Commission meeting.

Assistant Director Larry Riley added that the Commission discussed this policy at its workshop in November, the first draft policy was evaluated at the December Commission meeting, alternatives were analyzed at the January and February meetings, and then the final policy was voted on in March.

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**Motion:** Madden moved and Harris seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

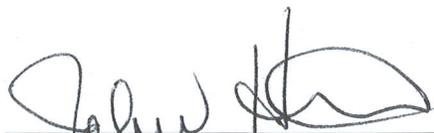
**Vote:** Unanimous

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Meeting adjourned at 1:05 p.m.

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Jack F. Husted, Chairman

  
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John W. Harris, Vice Chair

  
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Robert E. Mansell, Member

  
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Kurt R. Davis, Member

  
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Edward "Pat" Madden, Member

ATTEST:

  
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Larry D. Voyles  
Secretary and Director

PROPOSED AMENDMENT

SENATE AMENDMENTS TO H.B. 2551

(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 28-1174, Arizona Revised Statutes, is amended to  
3 read:

4 28-1174. Operation restrictions; violation; classification

5 A. A person shall not drive an off-highway vehicle:

6 1. With reckless disregard for the safety of persons or property.

7 2. Off of an existing road, trail or route in a manner that causes  
8 damage to wildlife habitat, riparian areas, cultural or natural resources or  
9 property or improvements.

10 3. On roads, trails, routes or areas closed as indicated in rules or  
11 regulations of ~~a federal agency~~, this state, a county or a municipality or by  
12 proper posting if the land is private land.

13 4. Over unimproved roads, trails, routes or areas unless driving on  
14 roads, trails, routes or areas where such driving is allowed by rule or  
15 regulation.

16 B. A person shall drive an off-highway vehicle only on roads, trails,  
17 routes or areas that are opened as indicated in rules or regulations of  
18 ~~a federal agency~~, this state, a county or a municipality.

19 C. A person shall not operate an off-highway vehicle in a manner that  
20 damages the environment, including excessive pollution of air, water or land,  
21 abuse of the watershed or cultural or natural resources or impairment of  
22 plant or animal life, where it is prohibited by rule, regulation, ordinance  
23 or code.

24 D. A person shall not place or remove a regulatory sign governing  
25 off-highway vehicle use on any public or state land. This subsection does  
26 not apply to an agent of an appropriate federal, state, county, town or city  
27 agency operating within that agency's authority.

28 E. A person who violates subsection A, paragraph 1 **OF THIS SECTION** is  
29 guilty of a class 2 misdemeanor.

30 F. A person who violates any other provision of this section is guilty  
31 of a class 3 misdemeanor.

1           G. In addition to or in lieu of a fine pursuant to this section, a  
2 judge may order the person to perform at least eight but not more than  
3 twenty-four hours of community restitution or to complete an approved safety  
4 course related to the off-highway operation of motor vehicles, or both.

5           H. Subsections A and B **OF THIS SECTION** do not prohibit a private  
6 landowner or lessee from performing normal agricultural or ranching practices  
7 while operating an all-terrain vehicle or an off-highway vehicle on the  
8 private or leased land."

9 Amend title to conform

CHESTER CRANDELL

3/19/13  
11:25 AM  
S: SLL/YP/tf

Congress of the United States  
Washington, DC 20510

March 15<sup>th</sup>, 2013

The Honorable Dan Ashe  
Director  
U.S. Fish and Wildlife Service  
1849 C Street, NW  
Washington, DC 20240

Dear Director Ashe:

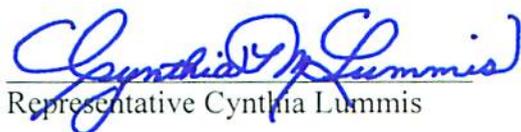
We understand the U.S. Fish and Wildlife Service (USFWS) is in the process of reviewing the Endangered Species Act (ESA) recovery status of the gray wolf in the lower 48 States and is preparing to announce the delisting of the species. We support the nationwide delisting of wolves and urge you to move as quickly as possible on making this a reality. We were supportive of the USFWS decision in 2009 when most wolves were delisted in the Northern Rocky Mountains, again in 2011 when wolves in the Great Lake States were delisted, and the 2012 delisting in Wyoming. It is unfortunate that these decisions were met with lawsuits from environmental activists.

Wolves are not an endangered species and do not merit federal protections. The full delisting of the species and the return of the management of wolf populations to State governments is long overdue. As you know, State governments are fully qualified to responsibly manage wolf populations and are able to meet both the needs of local communities and wildlife populations.

Unmanaged wolves are devastating to livestock and indigenous wildlife. Currently State wildlife officials have their hands tied any time wolves are involved. They need to be able to respond to the needs of their native wildlife without being burdened by the impediments of the federal bureaucracy created by the ESA. During the four decades that wolves have had ESA protections, there has been an uncontrolled and unmanaged growth of wolf populations resulting in devastating impacts on hunting and ranching in America as well as tragic damages to historically strong and healthy herds of moose, elk, big horn sheep, and mule deer.

As you consider these much needed changes to federal protections with regard to the gray wolf, we urge you to expand the delisting of the species to all of the lower 48 states. It is critical that the states be given the ability to properly manage all of the species within their boundaries.

Sincerely,

  
Representative Cynthia Lummis

  
Senator Orrin Hatch