

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, August 10, 2001 – 8:00 a.m.
Saturday, August 11, 2001 – 8:00 a.m.
Radisson Woodlands Hotel
1175 W. Route 66, Flagstaff, AZ

PRESENT: (Commission)

Director's Staff

Chairman Dennis D. Manning
Commissioner Michael M. Golightly
Commissioner Joe Carter
Commissioner Sue Chilton
Commissioner W. Hays Gilstrap

Director Duane L. Shroufe
Deputy Director Steve K. Ferrell
Asst. A.G. Jay Adkins
Asst. A.G. Jim Odenkirk

Chairman Manning called the meeting to order at 8:00 a.m.

1. Executive Session

- a. Legal Counsel. *Forest Guardians v. APHIS*, CIV 99-61-TUC-WDB; *State of Arizona v. Norton*, CIV 98-0632-PHX-ROS; *Conservation Force v. Shroufe*, CIV 98-0239 PHX-RCB; *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Center for Biological Diversity v. Dombek et al.*, CIV 00-1711-PHX-RCB and *Mark Boge v. Arizona Game and Fish Commission & Shroufe*, CIV 2000-020754.
- b. Personnel Matters. Director's goals and objectives
- c. Litigation. Cause of action associated with Page Springs Fish Hatchery
- d. Legal Advice. Potential litigation involving Bellemont Shooting Facility
- e. Legal Counsel. Commission vote to support expedited settlement of the Game Range litigation against the Arizona State Retirement System (*Dodd et al. v. Arizona Game and Fish Retirement System et al*, Maricopa County No. CV 2000-005875). The Commission is not a party to this litigation.

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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Meeting recessed 8:00 a.m.

Meeting reconvened 9:05 a.m.

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Chairman Manning called the meeting to order at 9:05 a.m. Members of the Commission and Director's staff were introduced. The meeting followed an addendum dated August 3, 2001.

2. A Workshop to Learn about the Lee's Ferry Trout Fishery on the Colorado River below Glen Canyon Dam

Presenter: Larry Riley, Fisheries Branch Chief

A workshop was held to learn about the current management, on-going research and relevant river management planning and monitoring processes applicable to the Lee's Ferry or Glen Canyon reach of the Colorado River in the Glen Canyon National Recreation Area (NRA).

Presentations included:

Larry Riley, Fisheries Branch Chief, gave a Power Point presentation on the basic objectives of the workshop and what was hoped people would gain; the Lee's Ferry management concept and the different phases of its fisheries history from 1964 to present.

Bill Persons of the Research Branch gave a Power Point presentation on the status and trends of the Lee's Ferry fishery. Presentations were given on downstream rainbow and brown trout populations and experimental flows. There was concern regarding the decline of humpback chub populations (federally-listed endangered species).

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Meeting recessed 10:15 a.m.

Meeting reconvened 10:25 a.m.

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Brian Wright, Outdoor Recreational Planner for the Glen Canyon National Recreational Area (GCNRA), gave a presentation using slides on river management planning. Issues were looked at on the water, not in the water. The objective of the Colorado River Recreation Management Plan (RMP), originally developed in 1984, was to revise the RMP and complete an Environmental Assessment (EA) within a two-year time period with public input. The presentation consisted of the plan's status, how the National Park Service (NPS) was proceeding with the plan and where it will continue. The mission of the NPS is to assure resource protection for visitor carrying capacity for proposed management action and to try to satisfy both private and commercial river users to every possible extent.

An explanation and more detail were given for the steps taken earlier this spring regarding surveys. A contractor (EDAW) was hired to help write the EA. There was a goal to do 800 surveys (400 anglers and 400 rafters) on their experiences. A summary was given of the results. So far, 530 rafter surveys have been completed. The next main focus will be on anglers and crowding during weekends and heavy use periods.

The GCNRA was developing alternatives for management plans, assessing carrying capacity of limits of acceptable change and encouraging public involvement with web site, email and phone contacts.

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3. Call to the Public

Don Martin, representing the Mohave County Sportsman's Club, expressed concern with closure of certain portions on the Lake Mead Recreation Area. No scoping meetings had been held in Mohave County prior to the decision; the National Park Service has not been responsive to the people of the county. This action will have an impact on the county and anglers who want to go to the south cove area.

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2. A Workshop to Learn about the Lee's Ferry Trout Fishery on the Colorado River below Glen Canyon Dam - cont'd.

The workshop continued with presentations by representatives of the trout fishing guides at Lee's Ferry.

Dave Foster stressed the importance of the river flows and knowing the impacts of these flows and how they impact the anglers. There could be (fishing) regulation changes. Stabilized flows have allowed the rainbow population to grow dramatically. Low flows kill the food base of the fish; thus, the condition of the fish will drop. It is not that there are too many fish in the river, but it is that there are too many fish given the current flow scenarios over the past few months. He had a problem with regulation change as a management tool in that it could be cumbersome.

Terry Gunn noted every regulation change that has occurred was related to a downturn in the fishery. There was concern with a potential downturn at the present time. He agreed with Mr. Foster that it was all about water flows. He was also concerned about regulation changes. He believed that a downturn would occur naturally and would rebound by itself in the future.

Bill McBurney agreed with the other speakers. There were a lot of skinny fish and a person had to work hard to find quality fish in the river. Stripers were being caught at mile marker 150. If there were to be another low water flow next summer, it would be critical to the economy of the Lee's Ferry fishery.

A question and discussion period followed.

Regarding a possible fishing regulation change for Lee's Ferry, Mr. Riley stated at this time the Department was not proposing a regulation change at Lee's Ferry and probably would not do so without support from the angling public. Mr. Gunn added people come from all over the United States and the world for the blue ribbon fishery.

Commissioner Carter saw a major threat to the blue ribbon fishery. These threats were due to the continued efforts to adjust the flows and the reintroduction of endangered species into this stretch of the river. Efforts to reintroduce species in the state have terminated other quality fishing opportunities. He urged that those issues be closely watched. He hoped the Department and Commission would make it a priority to maintain the quality fishing on this stretch of the river and work with the other appropriate state and federal agencies to deal with endangered species outside of this reach as opposed to at the expense of this reach of the river.

Regarding angling satisfaction, Mr. Gunn stated steady usage indicates people are very satisfied. People desire larger fish and genetics has a lot to do with growing larger fish. He did not know the origin of the introduced fish but a lot of the genetic heritage was lost. The Department should seek and experiment with other strains of rainbow trout. Mr. Foster stated his customers were satisfied. The average angler does not like to go three or four hours without catching anything. New anglers need the reinforcement that they will catch something after that amount of time fishing. He noted the impacts of invasive species to anglers.

Commissioner Chilton stated the presentation consisted of three issues: water, power and recreation. All have become targets by people who want those to go away.

Commissioner Golightly stated the Commission needed to know what the anglers wanted. Catch rate vs. quality has to be balanced. Mr. Riley stated an evaluation must be done of the pluses and minuses of a strain change. The Department would have to go through compliance with the Endangered Species Act as well as its own regulations.

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3. Call to the Public

Mike Hughes, representing self, spoke with regard to the recent hunt draw. Some of the hunts did not get published in the hunting regulations booklet as passed by the Commission. When the tags were issued, they were wrong. A letter was sent to give hunters the opportunity to take the hunt they actually put in for according to the regulation booklet or keep the tag that was issued. In the main hunt he was concerned about, most of the people traded what they actually applied for. He applied for the hunt (3123) from September 28-October 14; a limited opportunity hunt which he considered a trophy hunt. The people who applied for hunt 3124 actually drew that hunt and were issued tags for 3123. Hunt 3124 was for the same hunt units, but in November. There were 20 tags for 3124, but as of Wednesday, none of them had gone back. If it was left the way that it was, the number of tags would be doubled for the early hunt in September and it would be detrimental to the quality bulls. Chairman Manning stated appropriate Department personnel would address the issue with Mr. Hughes.

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2. A Workshop to Learn about the Lee's Ferry Trout Fishery on the Colorado River below Glen Canyon Dam - cont'd.

Dave Cohen, representing the Glen Canyon Adaptive Management Work Group (a federal advisory committee serving the Department of Interior), spoke on behalf of the angling community. He described the history of the various studies of the river. In 1989 the Bureau of Reclamation called for an Environmental Impact Statement (EIS). In 1996, the Record of Decision (ROD) was released. It created an entirely different group of investigators and the technical work group of which he was a member, and a new environmental testing system (the Grand Canyon Monitoring and Research Center).

Much of the information collected prior to that time was either lost or kept in various locations. There has been very important collection of data since 1989. Data collected

by the Glen Canyon Adaptive Management Work Group has been sent to the Secretary of the Interior, who makes decisions based on the information.

The Game and Fish Department concentrated on the first 16 miles of the river below the dam. It was decided that the impact of non-native fish on native fish in the lower basin was too great to allow that fishery to continue in a structured fashion. The Department lifted restrictions of fish below Lee's Ferry; there would be an attempt to remove the brown trout.

The number of large trout at Lee's Ferry no longer exists. As a member of the group, his primary responsibility was to protect the trout fishery. The group's responsibility has been restricted to the first 16 miles of the river below Glen Canyon Dam. Fish below that area are not managed (Paria River).

Lee's Ferry may be faced with experiments. One was a temperature control device in Glen Canyon Dam, which would raise the temperature at Lee's Ferry 15 degrees. This would not affect rainbow trout (current temperature is about 48 degrees). It would encourage populations of walleye and smallmouth bass from Lake Powell. It would also encourage whirling disease occurrences at Lee's Ferry. If there were temperature controls at Lee's Ferry, a decision would have to be made by the Commission as to whether or not rainbow trout should be stocked into Lee's Ferry.

Randy Peterson, representing the Bureau of Reclamation's Upper Colorado River Region, is also the Program Manager for the Glen Canyon Dam Adaptive Management Program (AMP). Using slides, his presentation described impacts of the operation at Glen Canyon Dam on the Lee's Ferry fishery.

The continuance of the Lee's Ferry fishery was contingent on the improvement of conditions and preservation of the native fishes below the dam. He described the fundamental complex challenges in doing so. Most of the water releases were controlled by compact and statute over which the Bureau of Reclamation has little or no control. Since 1983, the releases have been above average and they have affected the fishery and habitat downstream.

There were two fundamental crises at the present time: 1) the apparent reduction of native fish recruitment and 2) retaining the sediment in the Canyon (beaches).

Because the cooperating agencies could not agree on a preferred alternative, the concept of using adaptive management was introduced. It was the only thing that allowed completion of the EIS. Fundamentally, the disagreement was between the U.S. Fish and Wildlife Service, who wanted constant flows with no fluctuations, and the rest of the cooperating agencies, who wanted to retain some of the hydropower benefits.

Adaptive management is the idea of trying to understand the processes and impacts to species that are not now understood. Adaptive management is an attempt to reduce the uncertainty in decision making through a series of experimentation. The Bureau of Reclamation and Secretary Norton are ultimately responsible and make recommendations for the operation of the dam, not the AMP.

The stakeholders approved the Strategic Plan a few days ago. There was a common vision and mission statement – honoring and protecting the Grand Canyon as a national and international treasure. A dozen goals address each of individual resources and these cover the full spectrum of recreational, cultural, aquatic and terrestrial resources. Specific management objectives were established for each. Numeric targets will show whether or not goals were being met. The highest priority of the AMP was to use all the authorities it had to try to improve conditions for species.

Dr. Barry Gold, Chief of the Glen Canyon Monitoring and Research Center (GCMRC), gave a slide presentation regarding the Glen Canyon AMP. A handout of the slides was provided to the Commission.

The GCRMR has responsibility for all AMP science activities and science activities based on stakeholder needs; utilizes RFPs and external peer review; in-house science staff directs science program and synthesizes results; meets regularly with the technical work group and the AM Work Group and provides scientific information on the consequences of the manager's options.

Experimentation since the ROD includes the 1996 Beach-Habitat/Building Flow (BHBF); 1997 Habitat Maintenance Flow (HMF) and the 2000 Low Steady Summer Flows (LSSF). Currently a sub-group of the AM Work Group is trying to develop a suite of "planned" experiments to address the remaining uncertainty of how the plan operates.

Objectives and results were described of the 1996 BHBF and 1997 HMF as well as the observations of the 2000 LSSF. Specific observations were noted for the aquatic food-base, Lee's Ferry rainbow trout, fish below the Paria River and physical resources.

Regarding funding, Dr. Gold stated that base funds derived from power revenues were solid but were inadequate to support the program. In the 2001 Appropriations bill, there was a cap for program funding at \$7.85 million. These funds come from the sale of hydroelectric power generated at Glen Canyon Dam that is used for operation and maintenance. It was hoped that long-term funding would be appropriated by the Secretary of the Interior.

Objectives for population viability studies for endangered species were discussed.

Clayton Palmer, representing the Western Area Power Administration's (WAPA) Salt Lake City Integrated Projects, gave a Power Point presentation regarding the production of hydroelectric power at Glen Canyon Dam.

The Bureau of Reclamation sets the parameters by which the dam is operated and, in consultation with the basin states, sets the monthly and annual volumes of water to be released. The WAPA sells the electricity coming from the dam and owns the transmission lines. The WAPA sets customer rates and does not sell to profit organizations. Revenues go towards the operation of the dam and maintenance of the power lines.

In February 1997, there was a permanent change in the criteria for the operation of the Glen Canyon Dam. Minimum releases in the summer were 3000 c.f.s. (mostly for the rafting community) and 1000 c.f.s. during the rest of the year in order to have some water

in the system for fish purposes. Maximum releases were 31,500. Daily fluctuations were only limited by the minimum flows and the maximum capacity of the dam. The 1997 ROD required a minimum of 5000 c.f.s. at night and 8000 c.f.s. minimum release from 7 a.m. to 7 p.m. The maximum release is 25,000 c.f.s.; however, the maximum is exceeded during extremely wet conditions. Daily fluctuations are now limited to 5000-8000, depending on the volume during the month.

The ROD allowed for an emergency exception criteria. It is used for reserve sharing (up to 70 megawatts). The Western Interconnecting System was described. Glen Canyon Dam is electrically connected to just about every generator and utility west of the Missouri River. When emergencies occur, Glen Canyon is the last resort to respond to blackout situations and is limited to 15,000 megawatt hours.

Public comment:

Jerry Nelson, representing the Southwest Walleye Association, stated people involved needed to react to conditions before there was a crisis situation.

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Meeting recessed 1:28 p.m.

Meeting reconvened 1:35 p.m.

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5. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife

Presenter: Leonard Ordway, Law Enforcement Branch Chief

Record of these legal proceedings is maintained in a separate minutes book in the Director's Office.

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3. Call to the Public

There were no comments.

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4. Request by the Town of Gilbert to Amend Commission Order 40 (Fishing Regulations) to Designate the "Pond at Town Hall" in Gilbert, Arizona for Catch and Release and for the Use of Artificial Lures and Flies Only

Presenter: Larry Riley, Fisheries Branch Chief

The Town of Gilbert Parks and Recreation Department requested that the Pond at Town Hall (Pond) be designated for catch and release using artificial flies and lures only. Further, it was requested that only single barbless hooks be allowed. Currently, the Pond has no special regulations.

The Town of Gilbert requested the modification for the following reasons:

1. The Pond is used as a venue for the Parks' system's ongoing "Introduction to Flyfishing" Program
2. The program promotes a "catch and release" approach to fishing
3. The Town wishes to foster the survival of larger than average fishes with a high expectation of catchability
4. The Town wishes this site to be a venue for other Game and Fish Department sponsored education programs in the East Valley

The reasons that the Town of Gilbert has requested this modification in advance of the normal sequence for Commission Order 40 relates to the timing of the renovation of the Pond and the desire to be able to stock the Pond prior to January 2002 and be reasonably assured the investment would not be harvested while awaiting the regulation change.

The Department has considered the Town of Gilbert's request and has worked with town staff in development of the proposed change. The Pond is small (approximately ½ acre) and would not qualify as one of our traditional Urban Fishing Program sites. The Town has undertaken the renovation of the Pond at its own expense and stocks the Pond at its own expense with fish purchased from a third party. It is unlikely the Town will continue its commitment to this program given its goals without some enforceable expectation that the fish stocked will not be harvested. The application of special regulations is, while unusual, consistent with the approach the Town wishes to foster. The Town intends to stock the site with bluegill, crappie, catfish, and potentially trout (seasonally). Based on the size of the Pond, it will not likely produce "trophy-sized" trout unless they are purchased for the Pond. Its size and location (low desert environment) suggests that over-summer survival is unlikely for trout. Due to the size of the Pond, limitation of harvest will be necessary if the Town's goals of resident population of bluegill, crappie and catfish with the potential to grow to a quality size are to be achieved.

The Town and Department are planning to reach out to the public to identify issues that the public may have with the proposal. The current proposal comes with the verbal support of several fishing organizations.

The Department supported the Town's recommendation.

Judge David Phares, who is the lead fly-fishing instructor of Gilbert Parks and Recreation and representing the Town of Gilbert, stated there needed to be a venue to teach people how to fly fish. There were no fish in the pond at the present time, but hopefully stocking would occur in October.

Motion: Gilstrap moved and Carter seconded THAT THE COMMISSION VOTE TO AMEND COMMISSION ORDER 40 TO DESIGNATE THE "POND AT TOWN HALL" IN GILBERT, ARIZONA, FOR CATCH AND RELEASE ONLY FOR ALL SPECIES AND FOR THE USE OF ARTIFICIAL LURES AND FLIES WITH BARBLESS HOOKS ONLY.

Vote: Unanimous

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

Presenter: Bob Broscheid, Project Evaluation Program Supervisor

A copy of the printed update, which was provided to the Commission prior to today's meeting, is included as part of these minutes.

Ron Seig, Region II (Flagstaff) Supervisor, clarified that the facilitated meeting on Anderson Mesa referred to in the update was for a meeting scheduled to occur on August 19, 2001. Director Shroufe stated the ongoing process would be brought to conclusion and a report would be presented to the Commission.

More information was provided regarding the Coronado National Forest efforts on Mount Graham with respect to the infestation issue. Commissioner Carter referenced page 4. He asked that detailed information be included in the September federal lands update, i.e., what the Forest Service (FS) plans to do in the future. The FS, Department and University have been monitoring the Mount Graham red squirrels each spring and fall. He assumed the monitoring would have included evaluation of habitat and food supply. It has now become a catastrophic situation with regard to the spruce forest above the 9200' elevation. In the report, it was indicated that in 2000, 16,000 trees had been killed; the process began in 1997, or perhaps 1995. He asked what year the Department became aware of this and what steps did the Department take to work with the land management agency (FS) to see whether or not there were any remedies for the die off earlier in the days of infestation as opposed to five years later. The top of the mountain has been destroyed with regard to wildlife habitat. He was concerned with a number of things in the report. He noted in his conversations with the FS on this issue, it was indicated that it was probably nearing 1500 acres today, which covers most of the 1700-acre refugia for the squirrel. There were no specific plans regarding how this issue would be addressed or resolved. He was concerned with statements regarding contributing factors. There were 10 years of records; in 1989, the squirrel population was estimated at 135. Throughout 10 years of construction and operational activities, the squirrel count increased to over 500. He wondered how the construction activity on a 2-1/2 acre site continues to be a contributing factor to the demise of the species, if in fact, their numbers increased from 100+ to 500+ during the entire annual year-round operation of the facility. He wondered if making these statements was appropriate.

Commissioner Chilton offered for discussion the herbaceous forage distribution analysis on Units 4B/3C. She noted she had provided a handout consisting of a proposed comment response to Kate Klein, District Ranger for the Black Mesa Ranger District. She read the response into the record.

The forage should be distributed as is presently set forth in the forest plan as adopted. 'Available herbaceous forage' is a formula designed specifically for calculating domestic livestock stocking capacity. By definition, that is the portion for livestock. Many species-specific adjustments already reduce the amount determined to be 'available' to sheep or cattle. These calculations including factors, such as slope, distance from water, soil condition, canopy cover, plant composition, range condition and other adjustments based on domestic livestock research have little to do with wildlife. All herbaceous production excluded from the 'available to livestock' total is available to wildlife and for soil protection and for other considerations. Has the 4B/3C proposed change in the regional forage distribution plan been through the NEPA process or is it a local deviation without

authorization? Has a thorough evaluation been done of the harm that has been caused by the process and its possible outcome to the economy of the local communities? Has an EA been written? The underlying problem of deteriorating forest health must be addressed if we are not all to be sharing a constantly shrinking pie. In many areas, fire suppression combined with a virtual halt to appropriate timber harvest levels has left little resource value for wildlife preservation, for wildlife management or harvest for productive animal husbandry or for human use. I am asking us to consider requesting that the forest continue to work to reduce wildfire risks which puts wildlife in danger, to reduce the spread of disease and infestation, to reduce overcrowded suffocating canopy cover, to increase forage production and to make the forest healthy for wildlife, domestic animals and for recreation.

Commissioner Chilton explained that the terms, "total herbaceous production" and "available forage production" make it difficult to suggest a percent utilization without understanding what was presented as a number. Everything that grows is a total. The FS has divided that into four parts of 25%. It has declared 75% to be off limits. The final 25% is the amount (the portion determined to be available for consumption by domestic livestock) based on livestock utilization of range. The amount has been discounted further. The discounting factors include distance from water, slope, composition of the forage, and soil condition. The remaining percentage, e.g., 15%, is now called 100%. The Department was asked what part of the remaining percentage would go to domestic livestock producers and elk. There was no "keep out" sign on the forage that has been arbitrarily set aside as a part not to be counted. She stated direction should be given to the Department to urge the FS to follow the Forest Plan as adopted and not go to percentages of variation.

Sharen Adams, Habitat Program Manager for Region I (Pinetop), stated the Department and FS were following the land management plan, which has identified allowable use levels for grazing ungulates. The plan states allowable use can be amended on a site-specific analysis. The allowable use is based on range condition and the level of use the range can withstand by grazing ungulates. It would not be fair to say livestock can have 25% of that when the range need is only 25% use and then say wildlife has the remaining 75% of the forage produced. If elk took the 75%, it would be 100% use of the annual forage and the Forest Plan and habitat adjustments for elk would not be met. The intent is to have all grazing ungulate use within the allowable 25% use. Ms. Adams believed what Commissioner Chilton referred to was to give livestock 25% use because wildlife has use of the remaining 75% of what was growing. Forage was not available for grazing ungulates; it was available for non-grazing wildlife, prey species, watershed, soil, and to allow the range to improve. Ms. Adams stated there were allowable use levels for elk, such as in Unit 4A.

Ms. Adams stated Ms. Klein and she would be reviewing public comment and evaluating all the forage and distribution recommendations. One recommendation would be selected based on a variety of factors. A presentation would be made to the Commission at the September meeting so that it could make a recommendation for forage distribution and what that will imply in terms of management strategies for both agencies.

Ms. Adams stated this was the third phase of a process that began in 1993 with Airipine, and continued in 1998 with Unit 4A. This would complete the Sitgreaves side of the

Forests. The process was going through NEPA. There will be environmental assessments that are geared to each of the AMPs.

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7. Statewide Shooting Range Update

Presenter: Kerry Baldwin, Education Branch Chief

Written updates were provided on various issues in the program prior to today's meeting.

Mr. Baldwin gave a briefing with regard to efforts by Tucson Rod and Gun Club (TRGC) and the Coronado Forest to address the shooting range issue. The TRGC was trying to get the congressional delegation to come up with something and the Club continues to try to come up with some methodologies. To date, nothing has been successful.

Regarding Bellemont, Mr. Adkins stated the draft special use permit had been received for comment. In the document, the FS required full indemnification from the Department during the term of the permit for any damages that may be caused on the range while operating pursuant to that permit. The problem is that the State of Arizona has taken a position for many years that it cannot indemnify in the manner the FS is requesting. The position is based on a clause in the Constitution as interpreted in the Attorney General's office several years ago. In the past, we have been able to have a "watered" down indemnification clause which has passed the scrutiny of the Attorney General's office and has been agreeable to the U.S. government. In this case, direction has been received that there can be no longer be modification to the language. Jim Golden, Coconino Forest Supervisor, wrote a letter in which he discusses that very issue and is demanding a full legal analysis of the state's position regarding the issue. Currently, there is a stalemate on the language and this could result in a delay of the execution of the special use permit. There may be avenues that could be pursued from the state's standpoint as to some alternative language or method of accomplishing what the federal people want. One of the problems is that there has been little attempt by the federal people to want to negotiate this particular point.

Mr. Baldwin added that on Wednesday, the Forest Service issued a press release that effective August 13, 2001, they were closing 100,000 acres of the Tonto National Forest to recreational shooting. The Department has been working with the FS on the issue and there are preliminary agreements to look into areas that are currently closed to recreational shooting (not hunting) to try to select sites within that zone that could be developed for recreational shooting purposes and identified as such.

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8. Request to Authorize New Ben Avery Shooting Facility Positions

Presenter: Kerry Baldwin, Education Branch Chief

The Department requested that the Commission approve the establishment of three additional positions at the Ben Avery Shooting Facility (BASF). Since the initial staffing assignments, there has been no additional Department staff assigned to the facility to cover increased administrative functions and people management. Increased workloads

have been generally met with use of volunteers and temporary positions. The primary times of operation that most frequently require additional staffing are on weekends and during major events.

The additional positions, if approved, would be funded and administered under the Statewide Shooting Ranges Project W-98S.

The Department would like to establish an Administrative Assistant FTE position to help cover the weekends, as well as two, half-time limited appointment Rangemaster positions. The expected cost associated with maintaining these three positions is \$60,000 annually. Effective July 1, 2001, the Department established a new fee structure at the BASF. It is anticipated that the various fee increases will generate an additional \$140,000 of income annually at the current use figures.

Motion: Carter moved and Chilton seconded THAT THE COMMISSION VOTE TO AUTHORIZE THE DEPARTMENT TO ESTABLISH AN ADMINISTRATIVE ASSISTANT FTE AND TWO LIMITED RANGEMASTER POSITIONS AT THE BEN AVERY SHOOTING FACILITY.

Vote: Unanimous

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9. State and Federal Legislation

Presenter: Richard Stephenson, Legislative Liaison

Four initiatives were presented at the meeting. They were:

Fishing Tournament Permits; repeal penalty

In response to public criticism of fishing tournaments and a lack of information on potential impacts on fisheries resources, the Commission proposed a bill in 1990 to require all entities holding fishing tournaments to get a free permit from the Department and, subsequently, file a report. Sufficient data was gathered in a few years to enable the Department to evaluate fishing tournament impacts and the statutory requirement for permitting tournaments was repealed in 1999. However, the penalty for not having a tournament permit was inadvertently overlooked and remains in ARS §17-309 (A) (23). Proposed legislation would repeal ARS §17-309 (A) (23), conducting fishing tournaments without a permit, which is a class 2 misdemeanor.

License Fraud

It is currently a class 3 misdemeanor (maximum \$500 and 30 days) to “obtain” a license or permit to take wildlife by fraud or misrepresentation. It is not unlawful to “apply” for a license or permit by fraud. In 1998, the Department/Commission proposed legislation (S. 1105) to increase the penalty from a class 3 to a class 2 misdemeanor (maximum \$750 and 4 months) and add that it would be unlawful to “apply for” in addition to “obtain” a license or permit by fraud. Also included in the bill was language to allow sale of licenses by telecommunication. The bill passed the Committee and floor of the Senate but received unwelcomed amendments on the Senate floor and in the House. The bill

died in conference committee. Proposed legislation would amend ARS §17-341 to increase the penalty from a class 3 to a class 2 misdemeanor for “obtaining” a license by fraud or misrepresentation, make it an equal offense to “intentionally apply for” a license or permit by fraud or misrepresentation, and amend ARS §17-340 to make violation of ARS §17-341 a revocable offense.

License Dealer Penalties

Prior to 1988, Game and Fish license dealers were required to be bonded. Small dealers complained about the cost and paperwork associated with the bonding process. In response to the dealers’ complaints, the Department/Commission successfully proposed legislation to repeal the bonding requirement in 1988.

There are two due dates for license dealers: 1) the 10th of the month for monthly reports (for which there is a statutory 30 day grace period (ARS §17-338) and 2) January 10 for the annual report (ARS §17-339). Additionally, the dealer shall submit all licenses, tags, reports and due fees upon “demand of the Commission or Department.” It was the recommendation of the Auditor General’s May 2001 Performance Audit of the Department to “seek amendments to ARS §17-338 and §17-339 to establish enforcement options, e.g., penalties and late fees, to be assessed against dealers who do not meet deadlines for reporting sales, remitting monies or returning unsold licenses.” The Department agreed to the finding and offered to seek amendments to ARS §§17-338 and 339.

Commission Declare City/County Ordinances “Invalid”

Recent or proposed actions by some Arizona cities and counties have a potential to infringe on the authorities and responsibilities reserved for the Game and Fish Commission by statutes enacted by the State Legislature. An unsuccessful attempt was made in the Legislature at the end of the 2001 session to clarify and assert the Game and Fish Commission’s and the State Land Commissioner’s statutory authorities. Discussion continues with the stakeholders on this issue and an initial roundtable discussion is tentatively scheduled for the second week in August.

Legislation would be sought to give the Game and Fish Commission authority to declare ordinances enacted by cities and counties “invalid” if the ordinance has an incidental impact on hunting, fishing, or trapping, and further, to provide for the city or county to have the ability to petition the Commission to close an area for public health and safety reasons.

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10. Consent Agenda

- a. Request for Commission Approval of a Lease Agreement with the State Forester Division of the State Land Department for Office Rental at the Commission’s Pinetop Regional Office, Navajo County, Arizona. Department recommendation: That the Commission vote to approve a lease agreement with the State Forester Division of the Arizona State Land Department for office rental at the Commission’s Pinetop Regional Office for a maximum of five years with option to terminate the lease without penalty

and authorize the Director to execute the agreement as attached or as approved by the Arizona Attorney General.

- b. Request to Transfer Javelina by the Henry Doorly Zoo. Department recommendation: That the Commission vote to approve the Henry Doorly Zoo request for transfer of six javelina from the Payson Zoo to their site in Ashland, Nebraska for exhibit.
- c. Amendment of Six-Year Habitat Enhancement, Maintenance and Operations (FW-20-D) Program Narrative to Include Other Qualifying Improvement and Maintenance Projects. Department recommendation: That the Commission vote to approve the amended Program Narrative for the Habitat Improvement, Maintenance and Operations Project (FW-20-D) for fiscal years 2001-02 through 2006-07.

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION APPROVE CONSENT AGENDA ITEMS A, B AND C.

Vote: Unanimous

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11. Commissioner Compensation and Provisions Survey Results

Presenter: Jeff Casper, Responsive Management Coordinator

A briefing was provided on compensation rates, travel and communications provisions provided for Commission members in other western state fish and wildlife agencies.

Chairman Manning suggested that commissioners' and board members' reimbursements should be updated. Of all the western states surveyed, Arizona was close to the bottom for compensation of its commissioners (\$30/day). He gave direction to Mr. Stephenson to pursue this during the next legislative session. Commissioner Carter noted all boards and commissions in the state were set at the same salary. This information should be passed along to those others. Director Shroufe suggested that Mr. Stephenson could contact chairmen of other commissions and boards. It would probably be appropriate for Chairman Manning to send a letter to them to ask if they were interested in working with the Commission on legislation.

Commissioner Gilstrap suggested having conversations with the Governor's Office staff and the Governor's executive assistant for boards and commissions. This might be a better first step. Director Shroufe noted he could do that.

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12. Economic Impacts of Game and Fish Programs in Arizona

Presenter: Jeff Casper, Responsive Management Coordinator
Jonathan Silberman, Economics Professor, ASU West

(For additional information, see Commission meeting minutes for June 22, 2001, pages 8-10.)

Key questions from the Commission brought forth at the June Commission were reviewed.

There were two categories that could be used in relation to economics information: public relations and more informed decision making. With regard to public relations, data would be produced that anyone could use to show the importance of hunting and fishing to a county with regard to expenditures, taxes and jobs. The relative importance could be compared to some other recreation, e.g., golf. Hunting and fishing could be promoted, especially as they are related to a rural community's economic development strategy, and the impact of visitors' dollars. Data could be used to create support or partnerships for various issues related to hunting and fishing. Improved decision making would also occur, e.g. cost benefit analysis. Impacts could be forecasted if there were changes in quality or quantity of anglers or hunters within a county.

Internally, there was a need for economic data. Anytime there was a proposal to change a rule, the Governor's Regulatory Review Council requires an agency to do economic impacts. With regard to land use designations, e.g., national monuments, forecasts could be made if hunting would not be allowed in a large area. With regard to invasive species, the data could be used to determine their impacts on a county. The value of game species and hunting could be determined. Outreach material could be produced that would help develop a sense of where fishing and hunting lie with the rest of the economy.

Commissioner Carter stated the Commission should support this and make a decision today that would have far-reaching effects. Almost any economic statistical data has a statewide program, has a Maricopa or Pima component, and then it has all others. Most activities occur in rural Arizona. This is an opportunity to convey to Chambers of Commerce and local elected officials what wildlife and recreation means in each of their counties and decision-making processes. Commissioner Gilstrap agreed; the Commission/Department sometime fail to realize the importance of its tremendous economic impact on the state.

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION VOTE TO IMPLEMENT THE RECOMMENDATION AS OUTLINED IN DOCTOR SILBERMAN'S REPORT.

Vote: Unanimous

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13. Review of Ten Road Closures Exceeding Five Years Since Closure

Presenter: Fred Bloom, Development Branch Chief

ARS §17-452 (A) grants the Commission authority to order areas closed to operation of motor vehicles but limits such closures to not more than five years from the date of closure.

Personnel in the Department's Public Lands Access Program reviewed records of existing road closures and has determined there are ten road closures that exceed five years since the date of closure. Regional personnel have field checked the current status of these roads. The summary listing follows:

Original Petitioner	Location (Hunt Unit)	Date Originally Granted
Bennett, Ken	Unit 42	09/24/77
Carney, Otis	Unit 36C	09/24/77
Pierce, Stephen	Unit 17B	9/24/77
Whatley, Cliff	Unit 36C	01/21/78
Hartman, Dave	Unit 5A	06/30/78
Aguirre, Henry	Unit 37A	09/09/80
Reidel, Virginia	Unit 5B-N	03/15/91
King, John	Unit 36C	09/16/95
Colter, James	Unit 2C	10/20/95
Woodburn, Helen	Unit 19B	10/20/95

The Department recommended renewal of the following road closures: Hartman, Reidel and King. The Department recommended that Commission not approve renewal of the following road closures: Carney, Bennett, Pierce, Whatley, Aguirre, Colter and Woodburn.

Recommendations not to renew closures are based on one or more of the following:

- Justifications stated for closure not consistent with criteria established in statute
- Change of land ownership status
- Petitioner no longer associated with the closure
- Change of land use

All petitioners have been notified of the Department's recommendations where possible.

Motion: Carter moved and Golightly seconded THAT THE COMMISSION APPROVE RENEWAL OF THE FOLLOWING ROAD CLOSURES: DAVE HARTMAN, VIRGINIA REIDEL AND JOHN KING AND THAT THE COMMISSION NOT APPROVE RENEWAL OF THE FOLLOWING ROAD CLOSURES: OTIS CARNEY, KEN BENNETT, STEPHEN PIERCE, CLIFF WHATLEY, HENRY AGUIRRE, JAMES COLTER AND HELEN WOODBURN.

The renewals would be for a five-year period.

Vote: Unanimous

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16. Request for Limited Position – Public Land Access Program

Presenter: Fred Bloom, Development Branch Chief

The request from the Department was for the establishment of a three-year limited appointment position in the Heritage Access Program. The position would be dedicated

entirely to focusing on public land access issues in the southeastern part of the state. The Wildlife Specialist II position would have an initial annual funding requirement of \$56,100.

Motion: Golightly moved and Carter seconded THAT THE COMMISSION VOTE TO APPROVE ESTABLISHING A LIMITED APPOINTMENT WILDLIFE SPECIALIST II POSITION FOR THE PURPOSE OF ADDRESSING SPECIFIC ACCESS ISSUES IN SOUTHEASTERN ARIZONA.

Vote: Unanimous

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14. Hunt/Draw Process and Social Security Number

Presenter: Linda Kuryn, Finance & Accounting Branch Chief

(For background information, see Commission meeting minutes for June 22, 2001, page 7.)

In accordance with Federal Law, 42 U.S.C. Section 666, A13, and Arizona state law, ARS §§25-320 (k) and 25-502 (E), an individual is required to provide his or her social security number on the hunt application form. This information is kept on file with the Arizona Department of Economic Security for use in identifying and tracking child support offenders.

Individuals who prefer not to use their social security numbers for tracking bonus points can call the Department to have a Department identification number issued (formerly called sportsman identification number). This is a permanent number required on all hunt applications to ensure proper tracking of bonus points.

If an individual selects this option, the Department identification number will be utilized (in lieu of the social security number) if he or she requests a license issued through the draw process. While this process has been in place for several years, the Department will provide additional verbiage in the hunt regulations booklet to clarify this issue for its customers.

Ms. Kuryn noted the Department had an ISA with the Department of Economic Security (DES) stating DES will pay for the keying of social security numbers on Department applications. The Department gets approximately \$5000 annually to allow the keying of this information. She also had been informed by her counterpart at New Mexico Game and Fish that an agreement was worked out with the New Mexico Human Services Department (Department of Economic Security) wherein social security numbers did not need to be used on their applications because other data points could be used, e.g., name, date of birth and address. They suspend or revoke licenses accordingly by using those data points.

The Arizona hunt regulations should clearly state if an individual is issued a hunting license through the draw process, he or she has the option of using his or her social security number or a hunter ID number that is printed on the license issued through the Department.

Chairman Manning asked what the process was if someone wanted to change from using a social security number to a hunter ID number without losing bonus points. Ms. Kuryn stated bonus points had been merged into these numbers. The Department should publicize the importance for a person to remember his or her hunter ID number because there were consequences if he or she did not remember the number and keeping bonus points. Chairman Manning stated there should be a definite procedure for anyone changing from a social security number to a hunter ID number. Ms. Kuryn noted the hunter ID number should be tied to a person's social security number because of the ISA with DES. There was a form to be filled out. There was also a routine in the draw that also matches.

Chairman Manning asked about applying for a license on the application form. Ms. Kuryn stated there would be a box on the application form to be marked as to which the applicant wanted to use, i.e., social security number or hunter ID number.

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18. Approval of Minutes

Motion: Carter moved and Gilstrap seconded THAT THE MINUTES FOR JUNE 22-23, 2001 BE APPROVED.

Vote: Unanimous

The minutes for April 20-21, 2001, April 30, 2001 and May 11-12, 2001 were signed.

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17. Call to the Public

There were no comments.

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15. Process for Setting Commission Meeting Agendas

This was tabled to the Saturday, August 11, 2001 meeting due to a time constraint at today's meeting.

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19. Director's and Chairman's Reports

Chairman Manning toured the Buenos Aires National Wildlife Refuge with respect to access issues. He attended the annual meeting of the Western Association of Fish and Wildlife Agencies, various wolf workshops and Department Conservation Workshop.

Director Shroufe noted the Divisions submitted briefings for the Commission to read.

Director Shroufe attended a Wildlife Conservation Council meeting, two BEC meetings and the annual meeting of the Western Association of Fish and Wildlife Agencies. He attended a chaired a North American Wetlands Conservation Council meeting. He attended a Growing Smarter Oversight Committee meeting.

Director Shroufe participated in the 20th anniversary celebration of the Arizona State Lottery. The Department received the Lottery's first Beneficiary of the Month award.

Director Shroufe attended the graduation of three new wildlife managers.

Director Shroufe attended a Wildlife for Tomorrow (WFT) foundation meeting. The Arizona Wildlife Hall of Fame banquet would be on August 24; the Foundation supports the Department and the potential was great for millions of dollars each year in contributions.

Director Shroufe attended a Pacific Flyway Council meeting and the Conservation Workshop. He met with a group of southeastern Arizona county commissioners and ranchers to discuss the process involved with the black-tailed prairie dog issue.

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20. Commissioners' Reports

Commissioner Gilstrap attended the annual meeting of the Western Association of Fish and Wildlife Agencies, toured the Buenos Aires National Wildlife Refuge and attended the Arizona Cattle Growers Association meeting.

Commissioner Golightly attended the Arizona Mule Deer Association banquet in Phoenix. He attended the annual meeting of the Western Association of Fish and Wildlife Agencies and the Arizona Bowhunters Association event. He attended the National Wild Turkey Foundation banquet in Flagstaff and the Department's Conservation Workshop.

Commissioner Carter stated since he was not present at the June meeting, his report would contain events since the May meeting. Gerry Perry, Region V (Tucson) Supervisor and he did a live one-hour radio talk show on Game and Fish issues in Sierra Vista. Commissioner Gilstrap and he met with Governor's staff on Department and Commission issues. Director Shroufe, Commissioner Gilstrap and he met with the Yuma Valley Rod and Gun Club representatives met regarding personnel issues in Region IV. He attended the Department's Employees' Awards ceremony in Flagstaff. He attended the U.S. Fish and Wildlife Service's (FWS) Mexican wolf open house in Clifton. He attended a meeting of the Cochise County Board of Supervisors regarding Cowan ranch access; he attended a meeting in Senator Bowers' office along with Mrs. Cowan regarding the same issue. Commissioner Gilstrap, Region V staff and he toured the recently acquired FWS property with regard to access and wildlife management issues. Director Shroufe and he met with elected officials from southeastern Arizona and leaders in the ranching community to discuss the black-tailed prairie dog efforts. Commissioner Gilstrap and he met with Land Commissioner Mike Anable to discuss access issues on state trust lands.

Commissioner Chilton attended the Arizona Cattle Growers Association's Game Committee meeting as well as the state lands and federal lands sessions. She toured the Eagle Creek area. She attended a meeting of the Altar Valley Conservation Alliance to discuss issues related to the Sonoran Desert Conservation Plan. She was planning on attending the upcoming Mearns' quail workshop in Patagonia.

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Motion: Gilstrap moved and Golightly seconded THAT THE MEETING ADJOURN.

Vote: Unanimous

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Meeting adjourned 5:05 p.m.

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Saturday, August 11, 2001 – 8:00 a.m.

Chairman Manning called the meeting to order at 8:00 a.m. Members of the Commission and Director’s staff were introduced. The meeting followed an addendum dated August 3, 2001.

Awards and Commissioning of Officers

Wildlife managers receiving their commissions were: Matthew Bratz, assigned to Region III (South Kingman District); David Carson, assigned to Region VI (Globe District); Velma Crotts, assigned to Region III (North Kingman District); Susan Baldwin, assigned to the Ben Avery Shooting Facility; Chris Hiser, assigned to Region V (Unit 32); Edward Jahrke, assigned to Region VI (Urban Scottsdale District); Michael Sumner, assigned to Region IV (Somerton District) and Raul Vega, assigned to Region V (Unit 30A). Chairman Manning administered the oaths of office.

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1. An Update on the Elk Harvest Management Strategy Implementation and a Request to Approve a Notice of Rulemaking Docket Opening for Article 1, Definitions and General Provisions and Article 6, Rules of Practice before the Commission

Presenter: Mark Naugle, Manager, Rules & Risk Management

(For additional information, see Commission meeting minutes for March 24, 2001, pages 24-32.)

In order for the Department to implement the Elk Harvest Management Strategy recommendations, R12-4-101, 102, 104, 107, 114, 115 and 609 may need to be amended to provide for maximum flexibility in the Department’s elk management efforts.

Rule R12-4-609 is currently being evaluated as part of the Article 6 five-year rules review process.

Richard Remington, Region I (Pinetop) Supervisor and leader of the Elk Harvest Management Strategy (EHMS) Rulemaking Team, provided the Commission with a summary of the proposed rules and overview of the timelines and public involvement process the Department recommended in the rules’ review. A Power Point presentation was given.

R12-4-101. Definitions

R12-4-101 was being opened to allow the Department to address recommendations from the EHMS Report that deal with the development of hunter pools and the special issuance of non-permit tags through regional offices. These recommendations may require the revision of existing definitions or the addition of new definitions to facilitate future elk management.

R12-4-102. Fees for Licenses, Tags, Stamps and Permits

R12-4-102 was being opened to allow the Department to address recommendations from the EHMS Report that will potentially impact fees for certain tags, such as hunt permit-tags not issued during the random draw, or non-permit tags for limited opportunity hunts, or hunter pool hunts. The recommendation to adjust the fees of these or other tags necessitates opening this rule.

R12-4-104. Application Procedures for Issuance of Hunt Permit-Tags by Drawing

R12-4-104 was being opened to allow the Department to address recommendations from the EHMS Report that may result in increasing bag limits for elk. The procedure for obtaining additional hunt permit-tags or non-permit tags may require a change in current application procedures.

Another recommendation from the EHMS Report was the possible addition of a spring elk hunt season. If this strategy is adopted, R12-4-104 may need to be amended to allow for elk hunters to apply for more than one elk permit-tag in a calendar year.

R12-4-107. Bonus Point System

R12-4-107 was being opened to allow the Department to address the issue of bonus points as it relates to the EHMS Report recommendation that elk hunt permit-tags that are not issued during the random draw process be issued in a first-come, first-serve drawing or over the counter. (This rule review would also address multiple bag limits for elk and multiple elk hunt permit-tags and non-permit tags issued during a single calendar year will impact the bonus point system.)

R12-4-114. Issuance of Non-Permit Tags and Hunt Permit-Tags

R12-4-114 was being opened to allow the Department to address recommendations from the EHMS Report for possible changes to the bag limit for elk and to the nonresident participation regulations in regards to the 10% rule.

Opening the rule would also allow the Department to address how "limited elk" permits could be made available and how they could be issued to meet the recommendations of the EHMS Report concept of a "hunter pool." (The recommendation is that these should be non-permit tags and should be available only at regional offices at specific times.)

R12-4-115. Depredation Hunts

R12-4-115 was being opened to allow the Department to address recommendations from the EHMS Report for the issuance of pre-established hunter pools for unplanned harvest opportunities related to the Department's wildlife management efforts.

Opening this rule would also allow the Department to address the possibility of delegating Commission authority to the Director for specifying when and where to utilize certain population reduction hunts and to establish non-permit tag numbers or quotas and time frames for such hunts.

R12-4-309. Restricted Hunts

The EHMS Report recommended opening this rule for amendment; however, it was not included in this rule package because it is a part of the Docket P Out-of-Cycle Rulemaking approved by the Commission at its June Commission meeting. (See Commission meeting minutes for June 23, 2001, pages 21-22.)

R12-4-609. Commission Orders; Emergency Seasons

If R12-4-115 is amended, this rule may also need to be modified to provide for internal consistency of the Commission's rules. Proposed modifications to R12-4-115 may also require R12-4-609 to be modified to provide for a consistent framework for determining the parameters of when it is necessary to declare an emergency season. Such framework would allow the Director to use emergency seasons in situations requiring short notice for habitat, management or private land issues.

The Commission will have the opportunity to approve or reject any proposed amendments to the rules at the January 2002 and March 2002 Commission meetings when the Department will provide a briefing on the recommended rule changes. At the August 2002 Commission meeting, the Department will submit the Notice of Proposed Rulemaking to the Commission for adoption and at the December 2002 Commission meeting, the Department will submit the Notice of Final Rulemaking to the Commission for adoption. If approved by the Commission and the Governor's Regulatory Review Council, the anticipated effective date for the rule amendments will be February 21, 2003.

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION APPROVE A NOTICE OF RULEMAKING DOCKET OPENING FOR THE POSSIBLE AMENDMENT OF R12-4-101, R12-4-102, R12-4-104, R12-4-107, R12-4-114, R12-4-115 AND R12-4-609 TO IMPLEMENT THE ELK HARVEST MANAGEMENT STRATEGY RECOMMENDATIONS.

Vote: Unanimous

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2. Request to Adopt Commission Order 5 – Spring Turkey

Presenter: Tice Supplee, Game Branch Chief

A Power Point presentation was given.

The 2002 spring turkey season was recommended to be either April 26-May 23, or a stratified season of April 26-May 9 and May 10-May 23. This year's recommendation was for 5,641 permits. Permit increases were recommended in Units 1, 5A, 5B, 8/10, 12A, 13B, 17A, 27 and 35A. A moderate decrease was recommended for Unit 6A.

The same units and permit numbers were recommended for the 2002 spring Juniors-only turkey season (180 total permits, with 25 permits each in Units 1, 5B, 6A [with a stratified season], 8/10, and 27, and 30 permits in Unit 3C).

The Department also recommended a single permit be offered for Gould's turkey in Unit 35A. A second permit would be recommended at the October Commission meeting to be eligible as a Special Tag. The turkey population in the Huachucas has remained stable over the past four years and estimates place the population at about 100 birds.

Ms. Supplee noted the Department would be coming to the Commission in December for hunt guidelines for 2003. There is a possibility that stratified seasons would be restructured so that individuals with a stratified hunt unit could have more total days by splitting the front end and allowing all hunters from both splits to have later dates if unsuccessful at the beginning of their seasons. There have been some complaints, particularly from individuals who get the first half of the stratification, that weather conditions can compromise their hunt opportunities.

Motion: Carter moved and Chilton seconded THAT THE COMMISSION ADOPT COMMISSION ORDER 5-SPRING TURKEY, AS PRESENTED.

Vote: Unanimous

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3. Request to Adopt Commission Order 6 – Javelina

Presenter: Tice Supplee, Game Branch Chief

A Power Point presentation was given.

The Department recommended 11,705 general firearms javelina permits, 9,665 archery permits and 6,600 HAM permits. The decrease in javelina permits was due primarily to continued low recruitment rates.

Proposed javelina season dates for the 2002 seasons were January 1-31 for archery; February 15-21 for HAM and either February 15-21 or February 22-28, 2002 for general. One HAM season was stratified in Unit 20C and the second season was proposed to run from February 22-28, 2002. The Department also proposed dropping the 50-permit HAM hunt in Unit 40A/40B. The archery hunt for this unit would remain open as part of a multiple unit hunt.

The Department recommended 440 Juniors-only javelina permits for Units 16A, 19B, 20B, 20C and 36A. The proposed season date was February 9-15, 2002.

Motion: Gilstrap moved and Carter seconded THAT THE COMMISSION ADOPT COMMISSION ORDER 6-JAVELINA, AS PRESENTED.

Vote: Unanimous

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4. Request to Adopt Commission Order 8 – Spring Buffalo

Presenter: Tice Supplee, Game Branch Chief

A single season of March 15-April 14, 2002, with four bull permits was recommended for the House Rock Ranch Wildlife Area and the adjacent game management units. No spring season was recommended for the Raymond Ranch Wildlife Area because the number of mature bull buffalo was relatively few and problems with trespass animals was not expected.

Motion: Gilstrap moved and Golightly seconded THAT THE COMMISSION ADOPT COMMISSION ORDER 8-SPRING BUFFALO, AS PRESENTED.

Vote: Unanimous

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5. Request to Adopt Commission Order 9 – Spring Black Bear

Presenter: Tice Supplee, Game Branch Chief

The Department recommended a March 22-April 30, 2002 season that would close the first Wednesday after the female harvest objective was reached. The recommendation would continue the 25 permit hunt in Unit 24A, 50 permit hunt in Unit 27, with a female harvest objective of one each. A 75 permit hunt in Unit 29 and 30A and the 150 permit hunt in Unit 31, with female harvest objectives of one and two, respectively, was recommended. Unit 32 was again recommended for a 50 permit hunt and Units 34A and 35A were recommended for a 15 permit hunt each, all with a female harvest objective of one each. Fort Huachuca was also recommended to be open with the harvest objective being in conjunction with Unit 35A.

A March 22-April 14, 2002, archery-only spring bear was recommended in Unit 22, with 50 permits and a harvest objective of one female bear. A May 1-September 30, 2002, archery-only bear season was recommended for Unit 34A, with 10 permits and a harvest objective of one female bear, and Unit 35A for 20 permits with a harvest objective of three female bears. The Department recommended an April 26-May 23, 2002, 50 permit archery-only spring bear season in Unit 3B and 3C with a female objective of two, and a 10 permit archery-only spring bear season in Unit 6B with a female bear objective of one.

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 9-SPRING BLACK BEAR, AS PRESENTED.

Vote: Unanimous

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6. Request to Adopt Commission Order 21-Waterfowl and Commission Order 22-Snipe**Presenter:** Tice Supplee, Game Branch ChiefCommission Order 21-Waterfowl

The Department recommended the following 2001-2002 season dates for waterfowl:

	<u>Mountain Zone</u>	<u>Desert Zone</u>
Juniors Only	October 6	Jan. 26
Falconry Only	October 7-11	Jan. 21-25
General Duck	October 12-January 20	October 12-January 20
General Goose	October 15-January 20	October 15-January 20
Restricted Goose Hunts	December 1-January 20 (GMU 1 and 27) November 15-January 20 (GMU 22 and 23)	

The recommendation reflected no change from last year's recommendation in season length and bag limits, other than one that dealt with canvasbacks for the 2001-2002 season.

Due to the U.S. Fish and Wildlife Service's (FWS) breeding population estimates of canvasbacks and predicted 2001-2002 harvest, the FWS proposed to close the season on canvasbacks for the 2001-2002 season in all four flyways. The Pacific Flyway Council, at its July 27, 2001 meeting, approved a recommendation to allow a 38-days season within the general duck season dates, with a bag limit of one canvasback per day and two in possession.

On August 1, 2001, the FWS Regulations Committee approved the 38-day season canvasback season for states in the Pacific Flyway. The season must be 38 consecutive days, not including the Juniors-only hunt, when junior hunters would be allowed to harvest one canvasback.

Arizona waterfowl hunters harvest an average of 600 canvasbacks annually. The majority of that harvest is believed to occur late in the season. By offering an opportunity to harvest canvasbacks during the last 38 days of the general season, Arizona waterfowl hunters are more likely to encounter canvasbacks and legally take them. This limited season is preferred over a season closure of canvasbacks by allowing increased hunter opportunity and less likelihood for enforcement action. It was the Department's recommendation to allow the take of one canvasback per day from December 14, 2001 through January 20, 2002. The possession limit would be two canvasbacks after December 14, 2001.

Also, the FWS has approved several new varieties of non-toxic shot, which are now reflected in the Commission Order notes.

Commission Order 22 - Snipe

The Department recommended a general snipe season that was concurrent with the duck season with no change in bag and possession limits, 8 and 16 respectively.

Motion: Chilton moved and Carter seconded THAT THE COMMISSION VOTE TO APPROVE, SUBJECT TO FINAL FEDERAL FRAMEWORKS, COMMISSION ORDER 21-WATERFOWL AND COMMISSION ORDER 22-SNIPE, AS PRESENTED.

Vote: Unanimous

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7. Proposed Amendment to Commission Order 29

Presenter: Tice Supplee, Game Branch Chief

At its October 2002 meeting, the Commission voted to approve the Arizona Desert Bighorn Sheep Society's and the Arizona Chapter of Safari Club International's requests for one special buffalo permit each. The approved season for these permits was September 1, 2001-April 30, 2002.

On May 9, 2001, a letter was received from Chuck Adams, purchaser of both special buffalo permits. In the letter, he stated he bought the two tags with the understanding that he would be the only buffalo hunter at the House Rock Wildlife Management Area from February through April. He recently learned the Department would be proposing spring bull hunts at the August 2001 Commission meeting.

Because of this conflict, Mr. Adams requested that the Commission extend the special tag hunt dates to June 15 or 30, 2002. If the Commission chose to amend Commission Order 29 to accommodate this request, the Department recommended all future seasons for special buffalo permits be the following: September 1 through June 30 of the following year.

Motion: Gilstrap moved and Golightly seconded THAT THE COMMISSION VOTE TO APPROVE AN AMENDMENT TO COMMISSION ORDER 29 AS PROPOSED.

Vote: Unanimous

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8. Waterfowl Conservation Fund

Presenter: Tice Supplee, Game Branch Chief

An overview was presented of project activity during FY 1998/99, FY 1999/00 and FY 2000/01 for expenditures of the Waterfowl Conservation Fund (WCF) (Arizona Waterfowl Stamp) revenue.

Waterfowl Conservation Fund Activity FY 98-99 Project Activity and Expenditures

11/98 Nolan Moist Soil Mgt. Project	Private waterfowl foraging area on 15 acres	\$ 5,193.00
Ducks Unlimited, Inc.	AZ contribution to wetland habitat restoration in Alberta, Canada	\$10,000.00
AZ Electric Power Coop (AEPCO)	Construct water control levee to manage wetlands at the AEPCO wetland project	\$14,057.00

Total FY 98/99 WCF Expenditure \$29,250.00

Waterfowl Conservation Fund Activity FY 99/00 Project Activity and Expenditures

12/99 Nolan Moist Soil Mgt. Project	Private land wetland/waterfowl forage area for water delivery to 15 acre wetland	\$ 4,499.00
5/00 Ducks Unlimited, Inc.	Wetland restoration & enhancement in Alberta. Part of the Pacific Flyway commitment	\$10,000.00
6/00 Pintail Lake USFS Collection Agreement	Purchase & install water control structure at Pintail Lake.	\$ 9,752.00

Total FY 99/2000 WCF Expenditure \$24,251.00

Waterfowl Conservation Fund Activity FY 00/01 Project Activity and Expenditures

9/00 Pintail Slough Havasu NWR	Partnership grant with DU to restore & enhance wetlands on Havasu NWR	\$20,000.00
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WCF Commitments Made or Ongoing in FY 2000/01

8/00 Hay Lake Wetlands Restoration	Commission committed \$160,000 towards wetland construction & restoration on Hay Lake, Region II. Project ongoing. Delays have resulted in no WCF dollars being spent to date. Anticipate WCF dollars will be requested in near future
8/00 Per Stewardship Agreement with AEPCO, develop 10' well as a source of water to the wetland & install 2700' of buried pipe to wetland.	Estimated Cost \$100,000. Project on hold due to reevaluation of wetland design & water delivery system needs. Dept. will continue to work with cooperator.
10/00 Per Stewardship Agreement with Nolan Farms, water delivery to 15 acres of wetlands in Cochise Co.	Up to \$6,000 will be provided to maintain & enhance wetland/waterfowl habitat
3/01 Whitewater Draw Wildlife Area Enhancement Project	\$30,000 WCF will be used to match approximately \$90,000 of private & federal grant funds to enhance approximately 40 acres of seasonal wetlands. Expenditure of dollars will occur after 7/01
3/01 Per Stewardship Agreement with Bar T Bar Ranch, develop waterfowl food plots	\$4,000 WCF will be provided; project complements the ongoing Hay Lake wetland creation & restoration activities
3/01 Per Stewardship Agreement with Ness Farms, provide waterfowl food plots. Provide foraging areas to waterfowl, sandhill cranes & doves near Commission-owned Whitewater Draw Wildlife Area	\$5,500 WCF

WCF Balance as of 6/25/01	\$425,130.52
Actual & committed expenditures in FY 00/01	<u>305,500.00</u>
Projected Remaining Balance	\$119,630.52

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9. Call to the Public

Chad Smith, representing self, noted the mishap in this year's draw for elk in Units 17A, 18A, 18B and 19B and the Commission should consider reversing its decision. The option to giving a tag that was not applied for was unfair not only to the hunters who had drawn an early elk tag but also to people who had been trying to draw those particular tags. He believed that any early rifle elk season in the state has the possibility of producing a trophy bull. These units in particular have incredible genetics for trophy potential. There should not be more hunters in the area. There should be a way to give hunters the tag they originally applied for.

Chairman Manning explained there was a total of 20 permits for two separate hunts designed for the hunt structure. Because of Department error, 40 tags were issued and the people who had the late hunt had the option of keeping the tag and participating in the early hunt.

Director Shroufe stated the process was being reconstructed and the Department would get back with Mr. Smith on Monday.

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10. Future Agenda Items

Commissioner Gilstrap noted there should be a change in the Commission's scheduled meetings. The Thursday prior to the January Commission meeting has traditionally been the time the Commission met with members of the Legislature. There was a statutory conflict for 2002, and that date may have to be moved from noon on Thursday to noon on Wednesday. This should be on the agenda to discuss in public.

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15. Process for Setting Commission Meeting Agendas

(This item had been tabled at the Friday, August 10, 2001 meeting.)

Presenter: Steve K. Ferrell

(For additional information, see Commission meeting minutes for June 23, 2001, pages 22-23.)

In the past, the Commission used various processes for establishing agendas for its meetings. These processes have varied between formal and informal and have changed over time to reflect the preference of the chairman or the membership. It is the desire of the current Commission to establish a formal process, which is easy to follow, simple for the public to understand and cost effective to implement, while remaining compliant with the Arizona's Open Meeting Law.

The Department developed three options. They were:

Option 1:

Future Commission agenda items are discussed and may be voted on in public session at a previous Commission meeting. Except for true emergencies, no items are placed on a future agenda by any other means.

Option 2:

Between Commission meetings, any Commissioner may notify the Director's Office of any item he/she wishes to be added to the Commission agenda. The Department shall place all requests on the draft agenda and forward it to all five Commissioners. Department staff shall contact the Chairman if any difficulty is anticipated in preparing a proposed item in a timely manner. If the Chairman agrees, the item may be removed or deferred from the draft agenda and shall be proposed at the next meeting for future agenda items. All other proposed items shall remain on the agenda.

Mr. Ferrell presented an example of Option 2. This was close to the method currently established for forming draft agendas. This option was further discussed.

Mr. Adkins clarified concerns regarding Option 2. Under this option, any commissioner should be able to have on an agenda any item he or she feels is part of the Commission's normal business. If a particular commissioner requests that an item be placed on the next agenda between meetings and another commissioner thinks it is not appropriate or timely to discuss the issue, the item should go on the next immediate Commission agenda assuming the Department can have time to staff it. The commissioner who feels an issue is not appropriate to discuss so soon, when it is brought up at the meeting, can voice his concerns and perhaps the Commission may agree to table the issue until the next Commission meeting. This may result in people attending the meeting and not having the item discussed; this should not happen very often. Option 2 would closely follow the original recommendation.

Mr. Adkins noted it would be in violation of the Open Meeting Law to poll the Commission outside of the public meeting process. The core issue was whether or not a commissioner could get an item that is a matter of the Commission's business on the agenda. The Commission Chairman should be able to do this and should have some management of the Commission meeting agenda. Director Shroufe stated the Department would advise the Chairman as to the preparedness of staff to present an item. He noted there were no deliberations occurring between the Chairman or any other commissioners as to whether or not the item should or should not be on the agenda other than staffing it properly.

Commissioner Carter suggested revision of Option 2. Verbiage for the revision was discussed.

Director Shroufe noted the draft agenda was sent to the Commission for two reasons: 1) to acquaint the Commission with what is on the agenda and 2) to give the Commission a chance to ensure the agenda is as complete as possible.

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Meeting recessed 9:40 a.m.

Meeting reconvened 9:52 a.m.

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Commissioner Carter offered an option to consider. Referring to the top of page 2, the sentence would read, "...item may be deferred to the next regular meeting after the meeting for which the item was originally requested." This would allow consistency in the approach.

Option 3:

Only the Chairman may place an item on the agenda outside of a Commission meeting. Any Commissioner wishing to place an item on the agenda must contact the Chairman, who shall instruct the Department to place the item on the agenda.

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION VOTE TO ADOPT OPTION 2 BE APPROVED BY THE COMMISSION WITH THE FOLLOWING MODIFICATION THAT BEGINS WITH THE SENTENCE AT THE TOP OF PAGE 2, "...ITEM MAY BE DEFERRED TO THE NEXT REGULAR MEETING

AFTER THE MEETING FOR WHICH THE ITEM WAS ORIGINALLY REQUESTED.”

Vote: Unanimous

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Motion: Gilstrap moved and Carter seconded THAT THE COMMISSION GO INTO EXECUTIVE SESSION PER ADDENDUM 1 DATED AUGUST 2, 2001, ITEM 1 EXECUTIVE SESSION, ITEMS B., C. AND D.

Vote: Unanimous

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Meeting recessed at 9:55 a.m.

Meeting reconvened 11:35 a.m.

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1. Executive Session

- e. Legal Counsel. Commission vote to support expedited settlement of the Game Range litigation against the Arizona State Retirement System (*Dodd et al. v. Arizona Game and Fish Retirement System et al*, Maricopa County No. CV 2000-005875). The Commission is not a party to this litigation.

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION ADOPT THE DRAFT RESOLUTION RECOMMENDED BY JIM DE VOS AND NORRIS DODD WITH THE DATE TO BE CHANGED FROM AUGUST 10 TO AUGUST 11, 2001.

Vote: Unanimous

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7. Statewide Shooting Range Update

Mr. Baldwin stated the item for discussion was the letter to the Department from the U.S. Forest Service that was received on Thursday.

Director Shroufe noted there were several things in the letter. One of the issues was about the well. He had conversations with the Forest Service regarding this and it was their indication to him that this was a requirement of the Washington, D.C. office. This set back provides him a venue to go to Washington because it was another stalling tactic. There were other issues with regard to rights of way.

Mr. Baldwin pointed out the special use permit element and things they had to have prior to a permit being issued, i.e., plan of operation. The Department has an outline of the plan that the Forest Service agreed to. The other issue was fees; the Forest Service cannot waive fees. Mr. Baldwin was told that the Forest Service proposal was 5% of the gross on fees.

Director Shroufe stated the Department would be getting with the Forest Service on these issues. The indemnification was not what he expected. He hoped to have something stating this was the beginning of negotiations.

Mr. Baldwin stated that the 5% fee would only be for the tenure of the Forest Service and should be a small fee.

Director Shroufe believed the Forest Service was holding out to force us to bypass the special use permit and go to land exchange status, but they were putting up barriers to the Department for the land exchange. He did not see an end to roadblocks and he was going to make the Commission's concerns known to the Forest Service.

Motion: Carter moved and Gilstrap seconded THAT THE MEETING ADJOURN.

Vote: Unanimous

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Meeting adjourned 11:43 a.m.

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