

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, December 6, 2002 – 8:00 a.m.
Saturday, December 7, 2002 – 8:00 a.m.
State Fairgrounds, Wildlife Building
17th Avenue & McDowell Road
Phoenix, Arizona

PRESENT: (Commission)

(Director's Staff)

Chairman Michael M. Golightly
Commissioner Joe Carter
Commissioner Sue Chilton
Commissioner W. Hays Gilstrap
Commissioner Joe Melton

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

Chairman Golightly called the meeting to order at 8:05 a.m.

1. Executive Session

- a. Legal Counsel. *Forest Guardians v. APHIS*, CIV 99-61-TUC-WDB; *State of Arizona v. Norton*, CIV 02-0402-PHX-FJM; *Montoya v. Manning*, 301. F.3d 985 (9th Cir. 2002); In Re *General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game and Fish Commission & Shroufe*, CIV 2000-020754; *Mary R. LLC, et al. v. Arizona Game and Fish Commission*, CIV 2001-015313.
- b. Purchase of Real Property and associated water rights

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

Vote: Unanimous

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Meeting recessed at 8:05 a.m.

Meeting reconvened at 9:08 a.m.

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Chairman Golightly called the meeting to order at 9:08 a.m. The commissioners introduced themselves and Chairman Golightly introduced Director's staff. The meeting followed an addendum dated December 2, 2002.

2. Litigation Report

Forest Guardians v. APHIS, CIV 99-61-TUC-WDB; *State of Arizona v. Norton*, CIV 02-0402-PHX-FJM; *Montoya v. Manning*, 301. F.3d 985 (9th Cir. 2002); In Re *General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game and Fish Commission & Shroufe*, CIV 2000-020754; *Mary R. LLC, et al. v. Arizona Game and Fish Commission*, CIV 2001-015313.

A copy of the report, which was provided to the Commission prior to today's meeting, is included as part of these minutes. There were no questions regarding the report.

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3. Open Meeting Training

Mr. Odenkirk introduced Julia Smock, an attorney from the Attorney General's Office who is on the official Open Meeting Law Enforcement Team. Ms. Smock gave a briefing on her Open Meeting Law experience.

Basic information was given on the Open Meeting Law. This included requirements to post meeting notices, agendas, and a statement with the Secretary of State that anyone could find out whether or not the Game and Fish Commission was having a meeting. This notice should be looked at annually to ensure accuracy of the information. The agenda must be posted 24 hours prior to a meeting, or it should be made available to the public. The public should be able to see each item on the agenda. Copies of documents that support agenda items should be made available to the public upon request. Confidential documents are not made available to the public. Confidentiality means there is a statute or regulation that requires information not be released or release of information would compromise an investigation. The public may have an issue that is important to them and may be looking at agendas to see if that item appears.

Setting of agendas was reviewed. Director Shroufe stated there were three ways to get items on an agenda: 1) the Commission, at a previous Commission meeting, chooses items in public session; 2) the Department comes up with the necessary items that need to be on a monthly agenda (business items) and 3) between meetings, a commissioner, on his own volition, can request an item be on the agenda. The agendas are published 21 days prior to the meeting and the supporting packet material is available two weeks prior to the meeting. With the exception of addendums, the majority of the notices are available in that time frame. The agendas are made available at the Phoenix headquarters and six regional offices. The Department maintains a mailing list. Ms. Smock suggested that the agenda contain a notice that it is subject to revision. The public should be made aware of any revisions.

Ms. Smock stated one area that was a problem for entities was going outside the agenda. A problem occurs if there is conversation among the commissioners outside a public meeting about agenda items. If a quorum exists in a business discussion, it must be noticed as a meeting. Assuming two commissioners have not been appointed to a sub-committee or an advisory committee, it is okay to talk together, but it is not legal to conduct serial conversations because they are viewed as an attempt to circumvent the requirement.

Commissioner Chilton asked about the Chairman's responsibilities to inform and coordinate with other commissioners without making decisions. Ms. Smock stated that if the Chair only provides information, it is all right. If the Chair is engaged in a discussion that leads to a consensus that results in a decision, it could be viewed as a scheme to avoid the law because the very discussions occurring with each board member should happen at a public meeting. Staff is available to provide support to the Commission. The law defines legal action as not just a motion and a vote, but any discussion or deliberation leading up to that motion and vote. The foundation of the Open Meeting Law is that the public has a right to observe and to listen.

Ms. Smock noted if information needed to be passed on, it should be put on the agenda for the next meeting. Staff people can create a problem by encouraging or facilitating a violation of the Open Meeting Law by the Commission. Any decision by the Commission needs to be done in a public meeting.

Commissioner Chilton noted the importance of a commissioner to be familiar with concerns in the part of the state he or she represents; each commissioner is familiar with different issues. It is helpful to get information from someone who knows what is occurring in an area. There were two concerns: the Commission wanted information to be able to function effectively without running afoul of the law but the Commission did not want to be blind-sided when it came time to make a decision because people were hampered in getting facts out. Ms. Smock stated the law does not prohibit commissioners from getting information, but it cannot be discussed outside the meeting as a group. If there was not enough information, the Commission should table an item in order to get it and have it presented in a public meeting.

Call to the public was reviewed. If it is an "open call to the public", any subject that is brought to the Commission's attention not on the agenda cannot be discussed in the public meeting. The Commission has the option of putting the subject on the next meeting's agenda or staff can be asked to assist the individual. The Commission has the right to set a time limit on each person speaking on an issue. The Commission also is permitted to regulate the manner, time and place that the discussion occurs, i.e., at the beginning or end of the meeting or to allow people to speak throughout. A member of the public should not be allowed to use derogatory language or abusively attack a Commission. The Commission can control behavior. With regard to a personal attack, a commissioner has the right to defend himself or herself at that moment. The Commission should avoid going into specifics during "open call to the public".

Attendance at social events was discussed. Ms. Smock stated that a social gathering is not a meeting unless Commission business is discussed. A meeting notice can be posted if members of the Commission are attending a social event and there will be no business discussion.

Executive sessions were reviewed. Minutes of executive sessions have to be more extensive than they were previously. Specific items must be summarized if instructions were given to other individuals. A decision cannot be made in an executive session; decision or direction must be given in the public session. The Commission cannot set the course of the future in the context of evaluating an employee in executive session. There are seven specific items that can be discussed in executive session:

1. Personnel issues
2. Real estate
3. Interstate, international or tribal matters with those entities
4. Negotiations with employee organizations
5. Confidential information
6. Pending or contemplated litigation
7. Legal advice

Chairman Golightly asked about dissemination of draft minutes of a public session. Ms. Smock stated they should be made available to the public prior to the Commission receiving them. Ms. Smock stated there were two choices. The meetings could have minutes or a recording that are

available to the public. A tape could be provided to the public. If minutes are available in draft form, the public is allowed to have the minutes even though they are in draft form and subject to change. The Commission has the right to amend written minutes in public session. The person responsible for doing the minutes must make them available to anyone who asks for them, with the caveat the minutes have not been formally approved by the Commission but will be approved at the next meeting. Executive session minutes cannot be released and should not be kept with or near regular session minutes, because if there is a public records request, the executive session minutes should not be released. Executive session minutes should not be faxed or emailed. She advised the Commission to look at the executive session minutes the day of the Commission meeting prior to approval of the minutes; they should be destroyed after approval.

An attorney must be present to give legal advice in executive session. A particular person must be discussed under personnel issues and general personnel topics cannot be discussed in executive session. The person must be informed 24 hours prior of the discussion and he or she has the right to have the discussion occur in public. Attendees in executive sessions are those persons who are reasonably necessary for the Commission to carry out business. A commissioner is entitled to see executive session minutes whether he or she was at the meeting or not. The person who is subject of a personnel discussion has the right to see the executive session minutes related to his or her personnel issue.

Ms. Smock stated it was important for the Commission to pay attention to little technicalities. The Open Meeting Law is a shield for the Commission against people who want to challenge the Commission's decisions.

Under ARS §38-431.03 (A)(1), the items that can be discussed regarding personnel are: employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation. This is limited to a public officer, appointee or employee and does not permit the Commission to discuss an individual commissioner.

Unless the reason for an executive session falls under one of the seven criteria listed above, there cannot be discussion in executive session.

Ms. Smock reviewed the financial responsibility and defense that someone would have for a violation. If there was a violation of the Open Meeting Law, a commissioner would have to engage his or her own counsel. The fine could be \$500 per occurrence and the commissioner can be removed from his or her position. If an action is taken in violation of the Open Meeting Law, it is null and void. There is a specific ratification process in the statute that would be used if the decision made had a time deadline associated with it. The process is cumbersome and requires a detailed written description of every discussion and deliberation that led up to that decision.

Ms. Smock noted the Commission has the ability to set its own future agenda items. Mr. Odenkirk noted the Commission has approved a practice regarding how items are placed on an agenda, which needs to be adhered to until it is changed. Future agenda items are open so that discussion can occur following the meeting. There is no vote on future agenda items; they are only discussed. If the Commission wants to vote on future agenda items, the procedure needed to be changed to reflect that. Ms. Smock stated the Commission could not have a long discussion regarding the merits of an item being on a future agenda because it would appear to the public that the Commission was taking a position on the item. It should be direction only to staff to put an item on the agenda.

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Meeting recessed at 10:19 a.m.

Meeting reconvened at 10:45 a.m.

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

Presenter: John Kennedy, Habitat Branch Chief

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

A recent update had been added on page 2 of the report regarding the Heber-Reno Sheep Driveway. Mr. Kennedy also noted there was additional information on two updates that could be provided through informational memorandums from the Director. One was regarding the Walnut Canyon National Monument proposal to clarify and ensure the Commission had copies of the letter Director Shroufe sent to the county and city for consideration during development of a resolution. Other information involved the U.S. Fish and Wildlife Service update and the work the Department has been doing on a national level. Copies of the Director's Order were available that were referenced in the update, as well as the state coordination language.

Chairman Golightly inquired about the Department working cooperatively with the Diablo Trust to cut small junipers on the Anderson Springs Allotment (page 3). He wanted to see those types of cooperative projects come through the Habitat Partnership Program. Monies could be appropriated through the Program.

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5. Request for the Commission to Approve the Renewal of a State Grazing Lease Acquired with the Purchase of the Ocote Ranch (Part of the Grasslands Wildlife Area) and to Approve the Renewal of the Associated Sub-lease for Grazing and Leased Lands as Identified in the Grasslands Wildlife Area Grazing Plan and Cooperative Agreement

Presenter: John Kennedy, Habitat Branch Chief

Four state grazing leases were purchased by the Commission with the acquisition of the Cross L and Ocote Ranches (Grasslands Wildlife Area [GWA]). These leases and their associated sub-leases expire on December 30, 2002, August 27, 2004, December 30, 2004, and September 8, 2005, respectively. In accordance with the Cooperative Agreement (2001) for grazing on the GWA, the grazing lease and sub-lease that expire in December 2002 should be renewed until at least September 2005. The Agreement between the Commission and the sub-lessees (livestock operators) describes the terms and conditions of the day-to-day operations of the grazing sub-lease through September 2005.

Motion: Chilton moved and Gilstrap seconded THAT THE COMMISSION VOTE TO APPROVE THE RENEWAL OF A STATE GRAZING LEASE ACQUIRED WITH THE PURCHASE OF THE OCOTE RANCH AND TO APPROVE THE RENEWAL OF THE ASSOCIATED SUB-LEASE FOR GRAZING THE LEASED LANDS.

Vote: Carter, Chilton, Gilstrap and Melton – Aye

Chair voted Nay

Motion passed 4 to 1

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6. Consent Agenda

- a. Request for the Commission to Approve a Master Memorandum of Understanding Between the U.S. Air Force-Luke Air Force Base, U.S. Marine Corps-Marine Corps Air Station, Yuma and the Commission for the Purpose of Guiding Cooperative Wildlife and Habitat Management Activities within the Barry M. Goldwater Range. Department recommendation: That the Commission vote to approve a Master Memorandum of Understanding between the U.S. Air Force-Luke Air Force Base, U.S. Marine Corps-Marine Corps Air Station, Yuma, and the Commission for the purpose of guiding cooperative wildlife and habitat management activities within the Barry M. Goldwater Range, and execute the agreement as attached or as recommended or approved by the Office of the Attorney General.
- b. Request for the Commission to Approve the Agreement with Maricopa County Parks and Recreation for the Purpose of Providing Funds for the Bureau of Land Management to Conduct a Cadastral Survey at the Utery Mountain Shooting Range in Maricopa County, Arizona. Department recommendation: That the Commission vote to approve the agreement with Maricopa County Parks and Recreation for the purpose of providing funds for the Bureau of Land Management to conduct a cadastral survey at the Utery Mountain Shooting Range in Maricopa County, Arizona, and execute the agreement as attached or as recommended or approved by the Office of the Attorney General.
- c. Request for the Commission to Approve the Cooperative Agreement with the City of Phoenix for the Purpose of Constructing a Public Access Road to the Hayfield Site Constructed Wetland Project Area along the Salt River for Recreational and Educational Purposes. Department recommendation: That the Commission vote to approve the Cooperative Agreement with the City of Phoenix for the purpose of constructing a public access road to the Hayfield site constructed wetland project area along the Salt River for recreational and educational purposes, and execute the agreement as attached or as recommended or approved by the Office of the Attorney General.
- d. Request for the Commission to Approve the Lease Agreement Between the Commission and the Federal Bureau of Investigation for the Purpose of Leasing a Building at the Pinetop Regional Office as Headquarters for the Fort Apache Safe Trails Task Force. Department recommendation: That the Commission vote to approve the lease agreement between the Commission and the Federal Bureau of Investigation for the purpose of leasing a building at the Pinetop Regional Office as headquarters for the Fort Apache Safe Trails Task Force, and execute the agreement as attached or as recommended or approved by the Office of the Attorney General.
- e. Request for the Commission to Approve the Special Use Permit with the Forest Service for the Purpose of Continuing Operation and Maintenance of the Canyon Creek Fish Hatchery Within the Tonto National Forest Service. Department recommendation: That the Commission vote to approve the Special Use Permit with the Forest Service for the

- purpose of continuing operation and maintenance of the Canyon Creek Fish Hatchery within the Tonto National Forest, and execute the permit as attached or as recommended or approved by the Office of the Attorney General.
- f. Request for the Commission to Approve the Special Use Permit with the Forest Service for the Purpose of Maintaining Three Wildlife Water Catchments within the Tonto National Forest. Department recommendation: That the Commission vote to approve the Special Use Permit with the Forest Service for the purpose of maintaining three wildlife water catchments within the Tonto National Forest, and execute the Special Use Permit as attached or as recommended or approved by the Office of the Attorney General.
 - g. Request for the Commission to Approve a Cooperative Agreement with the Department of Justice, U.S. Border Patrol. Department recommendation: That the Commission vote to authorize the Department to enter into an agreement with the Department of Justice, U.S. Border Patrol to provide a framework for increased cooperation on natural resources issues.
 - h. Request for the Commission to Authorize the Arizona Game and Fish Department to Enter into a Cooperative Agreement with Utah State University to Complete a Mapping Project of Mule Deer Habitat in North America. Department recommendation: That the Commission vote to authorize the Department to enter into a cooperative agreement with Utah State University to complete the mule deer mapping project.
 - i. Consideration of Collection Agreements with the City of Flagstaff and Coconino County for the Transfer of Heritage Carry-Forward Funds to the City of Flagstaff and Coconino County. Department recommendation: That the Commission vote to allow the Director to execute collection agreements with the City of Flagstaff and Coconino County.
 - j. Request to Approve a Memorandum of Understanding (MOU) with the Bureau of Land Management (BLM)-Lake Havasu Field Office. Department recommendation: That the Commission vote to approve the Memorandum of Understanding with the Bureau of Management, Lake Havasu Field Office, facilitating their participation in the Department's Boating Access Program and authorizing the Director to sign the Memorandum of Understanding.
 - k. Request for the Commission to Approve the Intergovernmental Agreement with the Town of Marana for the Purpose of Developing a Habitat Conservation Plan for the Tortolita Mountains Inclusive of the Full Boundaries of the Town of Marana. Department recommendation: That the Commission vote to approve the Intergovernmental Agreement with the Town of Marana for the purpose of developing a Habitat Conservation Plan for the Tortolita Mountains inclusive of the full boundaries of the Town of Marana, and execute the Agreement as attached or as recommended or approved by the Office of the Attorney General.

Commissioner Carter asked that the Department send out supporting documentation on items in a more timely manner. Even though supporting documentation was sent out on these items, the information was not received until a few days before the meeting.

Motion: Melton moved and Carter seconded THAT THE COMMISSION ADOPT THE CONSENT AGENDA ITEMS.

Vote: Unanimous

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7. Petition to Close a Road on State Trust Land Approximately Nine Miles West of Springerville on Antelope Mountain

Presenter: Fred Bloom, Development Branch Chief

Rex Maughan submitted a petition to close an unauthorized road located on State Trust land located approximately nine miles west of Springerville. The unnamed two-track road, 1684 feet in length, has been created through members of the public trying to climb a cinder knoll using four-wheel drive vehicles and ATVs.

The primary purpose of this proposed road closure is to prevent further resource damage to the soils and vegetation on the cinder knoll. A secondary purpose of the road closure is to prevent potential accidents and serious injury to the public who could easily lose control of their vehicles, resulting in a high probability for serious injuries and potentially fatal accidents.

The unauthorized road on the cinder knoll provides no safe access to any important destination for either grazing lessees or other legitimate public use. The road goes up the cinder knoll and intersects with the access road for the Antelope Peak television towers. The Antelope Peak television towers access road is a permitted road and is not intended for public use. Region I personnel and the Arizona State Land Department support the closure request.

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION APPROVE THE PETITION TO CLOSE THE UNAUTHORIZED ROAD ON STATE TRUST LAND THAT TRANSVERSES THE SIDE OF A LARGE CINDER CONE NAMED ANTELOPE MOUNTAIN.

Vote: Unanimous

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8. Landowner-Lessee/Sportsman Relations Committee Appointments

Presenter: Fred Bloom, Development Branch Chief

Three new members have been recommended by the Heritage Public Access Program to serve three-year terms on the Landowner-Lessee/Sportsman Relations Committee. They are: Philip Smith, Darcy Ely and John King, Jr.

Motion: Chilton moved and Carter seconded THAT THE COMMISSION APPROVE THE APPOINTMENTS OF MR. PHILIP SMITH, MRS. DARCY ELY, AND MR. JOHN KING, JR. TO THE LANDOWNER-LESSEE/SPORTSMAN RELATIONS COMMITTEE.

Vote: Unanimous

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9. Call to the Public

Steve Chevront, representing the Arizona Mule Deer Foundation (AMDA), commended Department personnel for assistance in the Unit 24A juniors deer hunt. He also thanked the water development team that was mapping and categorizing several catchments needing repair work. Vigilance was needed in this program. Chairman Golightly informed Mr. Chevront of the procedure wherein the Commission during public sessions at the Saturday Commission meetings recognizes Department employees for their work.

Alan C. Spencer, representing his father H. C. Spencer, explained that he lost his brother a short time ago. His brother was an amputee with a crossbow permit. His father has failing health and he was unable to pull a compound bow. A crossbow would provide a benefit while hunting. He asked if there was anything he could do. Chairman Golightly noted the Department would provide information on the CHAMP license and the process for his father to apply for one.

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10. Statewide Shooting Range Project Update

Presenter: Kerry Baldwin, Education Branch Chief

A written summary was provided to the Commission on major issues in the program prior to today's meeting.

Director Shroufe commented on direction given to him at the last meeting to discuss with Forest Service staff issues on the Tonto National Forest. He has had a meeting with the Regional Forester and two meetings with the Tonto supervisor. He reported on the progress being made on the Tonto where there would be a written resolution as to how recreational shooting would be addressed in an urban area. The Tonto will be doing some land plan changes for shooting ranges. During the next several months, the Department will be working with the Tonto to set a precedent in the state on handling recreational shooting. Commissioner Carter hoped the Department would stay aggressive in its efforts.

Mr. Baldwin clarified the city council voted to approve the general plan amendments that had been worked out with the City of Phoenix relative to Ben Avery. From a land use planning perspective, there is a one-mile buffer of "compatible uses" identified around Ben Avery by the city. There had been some discussion about part of the new area being proposed for annexation; there would be a new planning village created and Ben Avery was to be a part of the planned village. The existing village that Ben Avery currently borders (the Northwest Gateway Planning Village) requested that Ben Avery remain in its planning village because they have a strong interest in and want to support Ben Avery. The Department will be asked to be a part of and be involved in the new village that is being created because it deals with a buffer area to the north of the range. Commissioner Carter asked if there would be any value in doing a news article in *Arizona Wildlife Views* regarding the City of Phoenix's action and how it is consistent with the Department's long-term objectives for Ben Avery.

A letter was presented to the Commission from the Ben Avery User Group. At the last Commission meeting, the Group was encouraged to continue to look at activities related to Ben Avery. Shelley Sansom, a member of the User Group, stated the Group voted last night to come

under the umbrella of the Arizona State Rifle and Pistol Association. There will now only be one organization speaking for all of the user groups and archery at Ben Avery.

Mr. Baldwin stated the Department has been in contact with the Arizona Guard regarding the Douglas Shooting Range. The Guard is bringing to the forefront its request to transfer it to the City of Douglas. It is hoped people will contact Congressman Kolbe to ask him to introduce legislation in January and the Department has been asked to lend support. If the Guard does not have positive resolution, the range will be closed. Commissioner Carter asked if the Department could send a letter of support of the transfer to Congressman Kolbe. Director Shroufe stated a letter was sent to the delegation two years ago requesting legislation to help fix the Tucson Rod and Gun Range, Bellemont Shooting Range and Douglas Shooting Range. The Department received only one response, which was from Congressman Shadegg, who did provide a draft bill. The bill has been held in abeyance. Director Shroufe stated he would do a follow up and would ensure that Congressman Kolbe was made aware of Congressman Shadegg's draft bill. Congressman Shadegg should be aware this particular request was site-specific to Douglas.

Public comment

Charles Coons, representing self, attended several Phoenix City Council meetings of the planning commission regarding the upcoming annexation area. He was pleased the Department was working cooperatively with the city and the county to protect the Ben Avery Shooting Range. He was opposed to the RFI's for garnering information of leasing property on the Ben Avery facility. He understood the parcel of land was outside the City of Phoenix's infrastructure development zone and the city did not express an interest in extending to that area until the annexation process occurred; development was not expected in that area for at least 20-25 years. He thanked Department staff for producing the informal meeting at Ben Avery in November where there were 100-120 people in attendance.

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14. State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

The election results show there is a Republican majority in both the Arizona House (39/12) and Senate (17/13). The President of the Senate will be Ken Bennett and the House Speaker will be Jake Flake. The Senate has named committee members, along with the Chairs. Senator-elect Binder will chair the Senate Natural Resources and Transportation Committee and the Vice Chair will be Senator Guenther. The Appropriations Committee will be Burns and Waring. O'Halleran will chair the House Natural Resources, Agriculture, Water and Native American Affairs Committee. The Chair of the House Appropriations Committee will be Pearce.

The legislative session will start January 13. The Department has a sponsor (Senator Guenther) for its legislation. There was a lame duck special session that occurred during the week of Thanksgiving; the Department was not included in the budget cutting proposals.

Governor Hull signed the gaming compacts this week. It is not certain when the Department will see some money from Prop 202, but it could be as early as January or February.

The Legislative and Commission Day that was scheduled for January 16, 2003, was in conflict with another event (Tribal Day). It was suggested that the Department and Commission's function be moved to January 15. It was the consensus of the Commission to move the function to January 15.

An internal team has been formed in the Department to look at future legislation regarding Title 5 (Watercraft). Mr. Guiles asked the Commission to provide direction to the Department to further pursue certain items that may be contained in Title 5 and to come back to the Commission next summer with recommendations on possible legislative changes. Major issues involve looking at the titling of watercraft and licensing requirements to operate watercraft.

Motion: Carter moved and Golightly seconded THAT THE DEPARTMENT EXAMINE ISSUES AND BRING THEM TO THE COMMISSION WHICH WOULD BE IN A PUBLIC FORUM AND A SPECIFIC AGENDA ITEM, OR AT LEAST AN EXPANSION OF THIS AGENDA ITEM, WHICH WOULD AFFORD AN OPPORTUNITY FOR PUBLIC INPUT ON THE PROCESS.

Vote: Unanimous

Earlier, Mr. Guiles distributed copies of a working informational draft on the budget that would be used as a tool at the Legislature, which would be handed out to members of the Appropriations Committee and the Natural Resources Committees. He asked the Commission to inform him of any changes. The Department would be meeting with leadership (chairs/vice chairs of Appropriations Committees and Natural Resources Committees). Commissioners Carter and Gilstrap have offered to go to the Legislature to meet with people to explain issues the Department has on its budget package.

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17. Request for the Commission to Approve the Exchange Agreement Between the Commission and the U.S. Forest Service for the Bellemont Land Exchange

Presenter: John Kennedy, Habitat Branch Chief

This exchange will result in approximately 762 acres of national forest land near Bellemont changing to Arizona Game and Fish Commission ownership for the purpose of constructing and operating a public shooting facility. In exchange, lands (approximately 1159 acres) current owned by the Commission will become national forest system lands.

Motion: Carter moved and Chilton seconded THAT THE COMMISSION VOTE TO APPROVE THE EXCHANGE AGREEMENT BETWEEN THE COMMISSION AND THE U.S. FOREST SERVICE FOR THE BELLEMONT LAND EXCHANGE AND EXECUTE THE AGREEMENT AS ATTACHED OR AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

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18. Request for the Commission to Provide Direction to the Department for Completing the Commission's Letter to the Governor Regarding the 2001 Assessment of U.S. Forest Service Methods for Determining Livestock Grazing Capacity on National Forests in Arizona and Implications to Wildlife Resources on Forest Service Allotments

Presenter: John Kennedy, Habitat Branch Chief

Dave Stewart, Director of Rangeland Management in the U.S. Forest Service Regional Office-Albuquerque, was present at the meeting.

For additional background information, see Commission meeting minutes for October 18, 2002, pages 4-6 and October 19, 2002, page 39.

Mr. Kennedy noted the Commission was provided with and reviewed draft letters to the Governor. Comments resulted in the two different versions of the letter that needed to be discussed today. The Department was seeking direction to complete and finalize a letter.

Motion: Chilton moved THAT THE COMMISSION VOTE TO PROVIDE DIRECTION TO THE DEPARTMENT FOR COMPLETING THE COMMISSION'S LETTER TO THE GOVERNOR REGARDING THE 2001 ASSESSMENT OF U.S. FOREST SERVICE METHODS FOR DETERMINING LIVESTOCK GRAZING CAPACITY ON NATIONAL FORESTS IN ARIZONA AND IMPLICATIONS TO WILDLIFE RESOURCES ON FOREST SERVICE ALLOTMENTS.

Commissioner Chilton noted there should be a second motion describing the direction. She later rephrased the motion.

Motion: Chilton moved THAT THE COMMISSION DIRECT THE DEPARTMENT TO COMPLETE THE LETTER AS AMENDED. Commissioner Carter seconded for discussion purposes.

Director Shroufe clarified the direction was to take issues related to management of wildlife in Arizona in the report that were given in the presentation in October and put them in a letter describing how some of those same issues occur with the Department when dealing with the U.S. Forest Service (USFS).

Commissioner Chilton stated the USFS was very much involved in this process. The Department must rely on varying approaches of range monitoring by the USFS. The scientists who did the report looked at the systems for collecting monitoring data and for acquiring scientific information. The scientists recommended processes that were more uniform. The Department wanted comparable information collected in all of the forests in Arizona so it would be informed in making management decisions. The changes she suggested be made to the letter were strictly to make it more in accordance with what the scientists had found. Commissioner Carter agreed there was and continues to be a few major things. There is a lack of consistency in terms of how monitoring data is determined. There is data on hand that is either not used or modified with respect to the approach on the data. He wanted to move the process forward. The four steps outlined in the draft letter are consistent with issues the Department has and continues to deal on with the forests.

Commissioner Chilton suggested a copy of the letter go to Regional Forester Harv Forsgren.

Mr. Stewart stated the USFS did not totally disagree with things in the report and was in the process of providing written comments. With the advent of litigation and lawsuits the USFS has had on the grazing business of the national forest system, it has been found the traditional way of doing things are not meeting their needs. In order to meet the challenges associated with litigation and the future of public land livestock grazing, there are many statutory requirements the USFS has to meet. There can be no single way of data collection or analysis to meet the varying issues on the national forest system. The USFS has had to use the best innovation and skills in its agency and to look at available information outside the agency and to come up with analysis procedures that substantiate the types of decisions the USFS has to make relative livestock grazing and still comply with all the other multitudes of federal statutes. There were few specifics in the report regarding ways to meet recommendations made in it. There are two methods of determining grazing capacity: 1) through point-in-time forage analysis and 2) stalk and monitor. The USFS agrees with both methods. There needs to be a rationale for a starting point; there has to be reasonable expectations that when a grazing permit is issued, the level of grazing and requirements of the permit are going to meet the needs of the resource, including the wildlife resource. The National Environmental Policy Act comes into play in the analysis procedures; it is the rationale for the USFS to do what they are doing. There is never a single answer. A variety of analysis procedures must be factored into how the USFS does things. Mr. Stewart noted the USFS always incorporates long-term monitoring programs.

Commissioner Carter asked Mr. Stewart if he was speaking in an official capacity for every allotment determination made in Arizona. Mr. Stewart stated he could not say that but he was present in an official capacity; there were 1500 grazing allotments in the Southwestern Region and he could not speak for every allotment determination. When the regional office of the USFS receives the letter, it will take seriously everything in it and try to do the things that are asked.

Mr. Kennedy noted the second version of the draft letter reflected Commissioner Chilton's edits of the Commission's original draft. He explained the Department took an informal position in 2001 on the report, which is not completely consistent with what the Commission is saying now. The Department agreed more with the presentation Mr. Stewart just gave; the Department recognizes that the USFS has different methods for determining livestock grazing capacity. The Department also recognizes, at this point, the current method is the best one the USFS can use. There are serious concerns about monitoring or the lack of monitoring, and on some allotments in some forests, the lack of scientifically driven decisions. The Department followed direction and provided the Commission with what was asked for at the October Commission meeting.

Mr. Kennedy was not sure that the letter did not lead in a different direction in terms of policy. There was no Department policy specific to determining livestock grazing capacity on Forest Service allotments. There was a long-standing position and guidelines for how the Department deals with these types of allotment management planning processes based on wildlife needs. This was not to say the Department has not encountered the problems as documented in the assessment in 2001 on an allotment-by-allotment basis. It is difficult for the Department to take a position Arizona-wide (all forests on allotments) like the Commission was doing in the draft letter.

The Commission discussed edits to the letter.

Amended Motion: Carter moved and Golightly seconded THAT THE LETTER BE AMENDED ON THE SECOND PAGE, LAST LINE IN THE FIRST PARAGRAPH, AFTER THE WORD, "MONITORING", ADD THE FOLLOWING, "THAT FACILITATE DATA DRIVEN MANAGEMENT ACTIONS".

Mr. Kennedy recommended the Commission retain the words, "and interested parties" in the last sentence in the last paragraph on page 1, which could pertain to the Department's involvement.

Amended Motion: Golightly moved and Carter seconded THAT THE COMMISSION FURTHER AMEND ON PAGE 2, AFTER "ANALYSIS TO" TO REINSERT THE WORDS "TO DEVELOP AND ADJUST GRAZING CAPACITY ESTIMATES." FURTHER, TO AMEND AND REINSERT "AND INTERESTED PARTIES" PER THE DEPARTMENT'S ORIGINAL RECOMMENDATION.

The Commission requested wordsmithing to clarify the paragraph that began, "The Commission supports the Council's recommendations that apply to wildlife habitat on Forest Service allotments, ...".

Commissioner Chilton stated she could accept changes to her original motion as long as the second accepts those changes to the original motion. This would allow voting to occur without having a separate vote on each amendment. Commissioner Carter accepted.

Vote on Amended Motion: Unanimous

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Meeting recessed at 12:35 p.m.

Meeting reconvened at 1:32 p.m.

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11. 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 proceedings is maintained in a separate minutes book in the Director's Office.

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12. Rehearing Request Regarding Previous License Revocation/Civil Assessment Action by the Commission

Presenter: Leonard Ordway, Law Enforcement Branch Chief

For background information, see proceedings of August 9, 2002, pages 4-6 (Thomas G. Hulsebos). Mr. Hulsebos requested a rehearing in a letter dated September 19, 2002.

Mr. Hulsebos was not present at today's meeting. A rehearing was requested under R12-4-607.D.5 (excessive or insufficient penalties).

Motion: Gilstrap moved and Carter seconded THAT THE COMMISSION DENY THE REQUEST FOR A REHEARING.

Vote: Unanimous

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13. Rehearing Request Regarding Previous License Revocation/Civil Assessment Action by the Commission

Presenter: Leonard Ordway, Law Enforcement Branch Chief

For background information, see proceedings of August 9, 2002, pages 2-4 (Robert W. Stringfellow). Mr. Stringfellow requested a rehearing in a letter dated September 5, 2002.

Mr. Stringfellow was not present at today's meeting. A rehearing was requested under R12-4-607.D.5.

Motion: Gilstrap moved and Carter seconded THAT THE COMMISSION DENY THE REQUEST FOR A REHEARING.

Vote: Unanimous

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Meeting recessed at 2:52 p.m.

Meeting reconvened at 3:25 p.m.

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15. An Update on the Effects of Forest Management Activities in Reducing the Risk and Severity of Unnatural Wildfire

Presenters: Richard Remington, Region I (Pinetop) Supervisor
Lloyd Wilmes, Apache-Sitgreaves National Forests

During the post-fire analysis of the Rodeo-Chediski fire, the Apache-Sitgreaves National Forests (A-S) and the White Mountain Apache Tribe began to interpret the effects of previous forest management activities on fire behavior. Subsequently, the A-S produced the "Rodeo-Chediski Fire Effects Summary Report" August 2002. This report utilized four sets of comparative data in determining findings. The data analyzed included previous fuels treatments, including prescribed fire, pre-commercial thinning, commercial, and previous fire salvage treatments. In summary, the report finds "positive benefits can be attributed to forest management activities that reduce crown density, raise canopy heights and diminish surface fuel loadings. Forest management activities below the Mogollon Rim on White Mountain Apache Tribal lands also had a significant effect on moderating the fires' burning intensities, rates and direction of spread. Those activities were beneficial to Reservation and national forest lands.

Mr. Wilmes, A-S Assistant Fire Management Officer, specializing in fuels management, briefed the Commission on the results of investigations from the A-S and Fort Apache agency findings. A Powerpoint presentation was given. A written copy of the presentation was distributed to the Commission along with a CD. No action was taken. A question/answer period followed.

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16. Request from Mr. Donald J. Johnson for a Hearing to Issue Replacement Tags in the Fall 2003 Big Game Hunt Draw

Presenter: Richard Rico, Assistant Director, Special Services Division

Donald Johnson, Jr. sent a letter dated October 22, 2002, requesting a hearing before the Commission. He believed the Department was at fault for a mistake he made on his 2002 Unit 6A muzzleloader elk and Unit 12B muzzleloader deer applications. In the letter, Mr. Johnson stated he tried three times to change his residence to a nonresident status on his online application and the online system would not accept the new information. Mr. Johnson also stated he believed if an error occurred on the application, the Department would try three times to contact the applicant to correct the error. Mr. Johnson was drawn for a resident 6A muzzleloader elk tag and a resident 12B muzzleloader deer tag.

As background information, on August 31, Officer Garrett Fabian was patrolling an archery deer hunt on the Kaibab National Forest when he contacted Mr. Johnson. He asked Mr. Johnson to show him his license and tag. After checking the licenses, he conducted a brief survey of Mr. Johnson's thoughts about the Kaibab archery deer hunt. Later Mr. Johnson informed Officer Fabian that he had drawn two Arizona resident tags even though he was a nonresident and asked what he should do about it. Mr. Johnson was informed he should contact the Hunt/Draw Administrator and Officer Fabian would look into the issue.

On September 12, Mr. Johnson phoned the Department and explained his situation to a customer service representative in the Hunt/Draw Section. The representative called Systems Consultants, Inc. (SCI) and verified an applicant could change the residency field. SCI indicated there were no problems with changing the residency field or any other issues associated with the application process.

On September 23, Officer Fabian called Mr. Johnson to inform him of the findings. Mr. Johnson was unavailable, but Officer Fabian informed Mr. Johnson's wife of the findings. Mrs. Johnson told Officer Fabian she had filled out the application and did not recall seeing any opportunity to change the residency status. She asked Officer Fabian to call back on September 24 to speak directly with her husband; an attempt to contact Mr. Johnson on that date was unsuccessful.

On September 23, Mr. Johnson spoke with the Fiscal Unit Supervisor. He stated he was able to change his address but he had tried three times to change his residency status and was unsuccessful all three times. Several tests were performed to see if the residency status field could be changed. In each test, it was determined the residency status could be changed without any problem. SCI verified the residency field is pre-filled from an applicant's historical information and has always been available to correct if needed. SCI also reviewed their phone logs back to February 2002 and did not find any record of Mr. Johnson calling to report the problem. The only call they received was from Mrs. Johnson on September 23, which was listed as a miscellaneous call.

On October 9, the Flagstaff Regional Law Enforcement Program Manager sent a letter to Mr. Johnson advising him to return his tags to the Department because they were invalid. The Flagstaff Regional Office received the tags on October 24.

Mr. Rico noted the grace period referenced by Mr. Johnson was for manual applications. On-line applicants have to verify information before hitting the submit button.

Mr. Johnson questioned why the on-line application contained his old residency information and not his current Utah address. This is because the last time Mr. Johnson applied for a fall or spring big game permit was in 2000. Even though a person purchases a license every year, if the person is not going through either draw, the person's sportsman's database record will not be automatically updated. When he went on-line in 2002, his residency address showed to be what it was in 2000.

Mr. Johnson was present at today's meeting. He noted when he called the support center in Nevada, the representative told him there were some problems. He submitted the application with the hope that "red flags" would go up because he had a nonresident hunting license and nonresident address. His address had to be manually updated; the address field is not automatically updated when a person goes into the draw. He asked to have the tags restored to him for next year because there was definitely a computer error.

Motion: Gilstrap moved and Golightly seconded THAT THE COMMISSION VOTE TO DENY MR. DONALD J. JOHNSON JR'S REQUEST FOR A HEARING TO BE ISSUED REPLACEMENT TAGS FOR THE FALL 2003 BIG GAME HUNTS.

Vote: Gilstrap and Melton – Aye
Carter and Chilton – Nay
Chair voted Aye
Motion passed 3 to 2

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19. Call to the Public

Blaine Bickford, representing the Arizona Mule Deer Association, expressed appreciation to the Commission of the Region I staff who assisted in the Youth Camp for Unit 27.

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20. Director's and Chairman's Reports

Director Shroufe referenced Division updates were previously provided to the Commission for review.

Director Shroufe attended an OHV state workshop and a Growing Smarter Oversight Council meeting. The Department sponsored the Quail Symposium, which had good attendance.

Director Shroufe, Commissioner Gilstrap and members of the Wildlife Conservation Council attended a meeting with *The Arizona Republic* staff to try to work out a solution to the threat of losing the quantity and quality of the weekly outdoors page.

Director Shroufe spent time working with the U.S. Forest Service on shooting range issues in the state and working with the U.S. Fish and Wildlife Service and New Mexico Game and Fish on wolf issues.

Chairman Golightly took care of personal obligations.

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21. Commissioners' Reports

Commissioner Gilstrap attended the Quail Symposium and met with the State Land Department, Bureau of Land Management and City of Phoenix regarding the Ben Avery Shooting Facility. He and Commissioner Carter met with Department staff regarding the 03-04 and 04-05 budget.

Commissioner Chilton attended a two-day meeting in Show Low regarding the President's Forest Health Initiative. She attended a forest health seminar and worked on the Habitat Conservation Plan with the Altar Valley Conservation Alliance.

Commissioner Melton attended ethics training.

Commissioner Carter worked on 04-05 budget issues and met with legislators on the special budget session. He attended a meeting in Clifton with permittees on Mexican wolf issues. He met with Congressman-elect Renzi on Mount Graham red squirrel issues and the associated refugium. He attended a meeting of the Arizona Heritage Alliance.

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22. Approval of Minutes

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION APPROVE THE MINUTES FOR OCTOBER 2, 2002, AND OCTOBER 18-19, 2002.

Commissioner Gilstrap referenced the October 18-19 Commission meeting minutes. At the end of the meeting, a statement was made regarding a request for information. In the request was the term, "dispose of subject property." He did not intend for it to mean "eliminating" the property (Ben Avery Shooting Facility). The term should be in the document but did not want the public to misinterpret the meaning. Commissioner Chilton stated the word "dispose" has a primary meaning to the public to "get rid of". The second meaning is "to use". This is what Commissioner Gilstrap meant ("to use" and not to "get rid of").

Chairman Golightly asked the Department to discuss procedures for communicating the minutes (both public and executive session) with the Commission. He asked that information be given to the Commission regarding how it will be done in the future. Mr. Odenkirk stated it should be done administratively and to come back at another time. Chairman Golightly stated his concerns were regarding legality, security and misinterpretation.

Vote: Unanimous

The minutes for the telephone conference call on September 5, 2002, and meeting of September 13-14, 2002, were signed.

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1. Executive Session

- a. Legal Counsel. *Forest Guardians v. APHIS*, CIV 99-61-TUC-WDB; *State of Arizona v. Norton*, CIV 02-0402-PHX-FJM; *Montoya v. Manning*, 301. F.3d 985 (9th Cir. 2002); *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game and Fish Commission & Shroufe*, CIV 2000-020754; *Mary R. LLC, et al. v. Arizona Game and Fish Commission*, CIV 2001-015313.
- b. Purchase of Real Property and associated water rights

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

Vote: Unanimous

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Meeting recessed at 4:45 p.m.

Meeting reconvened at 5:22 p.m.

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1. Executive Session

- a. Legal Counsel. *Mary R. LLC, et al. v. Arizona Game and Fish Commission*, CIV 2001-015313.

Motion: Carter moved and Chilton seconded THAT THE COMMISSION APPROVE IN CONCEPT THE PROPOSED SETTLEMENT AGREEMENT CONCERNING THE LITIGATION OVER THE USE OF WATER FROM PAGE SPRINGS AND TO DIRECT THE ATTORNEY GENERAL’S OFFICE TO PURSUE MODIFICATIONS TO THE PROPOSED AGREEMENT AS DISCUSSED IN EXECUTIVE SESSION.

Vote: Unanimous

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

Vote: Unanimous

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Meeting adjourned at 5:23 p.m.

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Saturday, December 7, 2002 – 8:00 a.m.

Chairman Golightly called the meeting to order at 8:07 a.m. The commissioners introduced themselves and Chairman Golightly introduced Director’s staff. The meeting followed an addendum dated December 2, 2002.

Awards and Commissioning of Officers

Donald Newcomer, Hunter Education volunteer, was recognized for his 40 years of service. Mr. Newcomer has touched the lives of over 1000 students through the years and has willingly traveled to cities near and far to meet the needs of the community.

Chairman Golightly noted the Department received an award (2002 Governor's Award for Energy Efficiency) from the Arizona Department of Commerce Energy Office. The Department was recognized for its "Power Conservation through Efficiency Campaign," which resulted in improved energy efficiency at the headquarters complex through a combination of employee education, equipment replacement and preventative maintenance.

Larry Phoenix, Field Officer in Region II (Flagstaff), received the Law and Order Recognition Award from the Phoenix Elks Lodge #335 for outstanding law enforcement efforts.

Sheri Carson, Informix Database Administrator, received a certificate of appreciation from Bi-Tech National Users Group in gratitude for service and dedication to the Bi-Tech National Users Group Board of Directors and Bi-Tech National Users Group, Inc.

Dave deMedicis, Video Production Specialist, A-V Section, received an Award of Excellence from Media Communications Association International for the "I Got One!" 5th annual AGFD Challenged Kids Fishing Clinic. He also received a Special Achievement Award from Media Communications Association International, for the audio portion of "I Got One!" 5th annual AGFD Challenged Kids Fishing Clinic. He received an Award of Merit from Media Communications Association International for "The Wildlife Center", a story about Adobe Mountain.

Gary Schafer, Video Production Specialist, A-V Section, received an Award of Merit and Special Achievement Award from Media Communications Association International for videography for "100 Years of Conservation". Mr. Schafer and Chuck Emmert, A-V Supervisor, received an Award of Merit from Media Communications Association International for "2002 Heritage Promos" public service announcement.

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1. Presentation of the Draft Arizona Game and Fish Department Guidelines and Recommendations for the 2003-2004 Hunting Seasons for Commission Approval

Presenter: Vashti Supplee, Game Branch Chief

Upon approval of the guidelines by the Commission, the public will be informed of the recommendations. Public comments will be accepted until March 1, 2003. These comments will be sent to the Department's six regional offices for consideration in preparing the final hunt recommendation package for the fall 2003 hunts, which will be presented at the April 12, 2003, Commission meeting.

The Department's proposed changes and Commission directives for the 2003-2004 hunting seasons are as follows:

Commission Order 1: Population Management Hunts

A new hunting Commission Order is recommended for establishing population management hunts in accordance with new Commission rule. Population management hunts are recommended for the listed legal wildlife (elk, javelina, black bear, and buffalo), geographic areas, and times frames in recognition of the state management objectives with goals, recommendations, or guidelines in the associated change forms received from the Regions. Permit numbers by area will be established at the April Commission meeting.

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Commission Order 2: Deer

Two percent of the general deer permits will be juniors only.

Rotations for deer will be: Juniors-only deer in Units 20B, 36A, and 36C and muzzleloader deer in Unit 24B. All other Juniors-only and muzzleloader seasons remain the same.

The antlered mule deer hunt in Unit 27 will be combined into a single, 10-day hunt. Mule deer hunts are stratified to address hunter crowding issues. Permit numbers are at a level low enough to permit the combination of these two hunts.

Remove the December and January archery any antlered deer season in Unit 27.

Evaluate the biological and social acceptance of an antlerless general deer hunt in Unit 12AW. It is unknown at the current time as to whether or not those permits will be needed; data that will influence the package is winter browse use and return on hunt surveys.

During the January archery deer hunt, change legal wildlife in Units 28, 30B, 32, 33, 34A, 34B, 35A, 35B, 36A, 36B, 36C, 39, 40A, 40B, 41, 42, 43A, 43B, 44A and 44B from any deer to any antlered deer.

Commissioner Chilton asked for the percent hunt success for archery vs. rifle. Ms. Supplee stated archery deer hunt success is much lower. Currently, rifle is about 23% statewide; archery tends to run lower (3-8%). Commissioner Chilton asked if we were trying to increase the deer herds, why were archery permits being lowered. Ms. Supplee noted with deer, the Department has the ability to regulate the rifle hunter through the allocation of permits. Archers still can get over-the-counter non-permit tags. Reducing the rifle permits even more can mitigate the archery harvest. There has been a steady decline in rifle hunt opportunity in Unit 27. Commissioner Chilton referenced the mule deer herds in Units 36A, B and C. The deer are less spooked during the archery hunt.

Chairman Golightly wanted to see an analysis of the Kaibab archery deer hunt. Ms. Supplee noted the archery Kaibab stamp has been printed and will be available this next year. Individuals wishing to hunt Unit 12A with their over-the-counter tag will have to validate their hunting licenses with the stamp (\$5 fee). Chairman Golightly thought the fee had been raised to \$15. Ms. Supplee noted the proposed fee was tied up in the rulemaking package for Article 1. Chairman Golightly wanted to see the results of the Arizona Bowhunters Association's poll.

Commissioner Carter wanted to continue to set aside youth permits. He was concerned about removing the December-January archery hunt in Unit 27. Traditionally, the hunt occurred during the holiday school break and wanted the Department to think about ways to deal with the situation in Unit 27 without removing the opportunity for families to get out and participate in hunting recreation.

Public comment

Dick King, Arizona Bowhunters Association (ABA), was concerned about the archery hunt and losing the opportunities for the doe harvest. Archers were also losing opportunities in Unit 27. If it is done biologically, he had no problem with it. The archery deer hunt used to open in November and that has been proposed to move the date forward. If other opportunities are relinquished, the hunt could be moved back to the last weekend in November. Two weeks of hunting bucks would not impact the herd that much and would give archers more opportunities.

Ray Dean, representing ABA, was concerned that if tags were taken away from rifle hunters, they will find other ways to harvest the deer. He did not want "new" archery hunters to go out unprepared.

Steve Chevront, representing the Arizona Mule Deer Association (AMDA), referenced the doe hunt on the North Kaibab. He believed in junior hunts; but the doe hunt needed to be eliminated or reduced on the Kaibab. If there was a juniors hunt, the number of permits should be in the 50s or 100s, not the thousands.

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Commission Order 3: Pronghorn Antelope

Two and a half percent of the general and muzzleloader permits will be juniors-only.

Change all general, juniors-only, and muzzleloader pronghorn hunts from 4-day to 6-day hunts, except in Units 15A and 15B, 19B and 30A, where issues with landowners and limited public access exist.

Change the dates of the Unit 8 muzzleloader pronghorn hunt from September 19-24 to September 26-October 1.

Commissioner Melton referenced the low recruitment in the antelope populations this year. Ms. Supplee noted there was a poor survey return this year in important units and the Department was re-flying some of those units this winter to get an absolute count. Permit recommendations will have a bearing based on the results from that effort.

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Commission Order 4: Elk

Five percent of the total elk permits will be juniors-only.

Rotations for elk this year will be: early general bull in Units 4A, 7, 23S, and 27; muzzleloader early bull in Units 1, 3A/3C, 5A and 22S and archery bull in Unit 21.

Remove the second late bull elk hunt in Unit 10.

Combine areas within the Unit 5BN general elk antlerless season (Marshall Lake, Twin Arrows, Two Guns and Grapevine) into a single late November hunt (Nov. 28-Dec. 4).

Change dates of the late Unit 27 antlerless elk hunt from Nov. 28-Dec. 1 to Nov. 7-10. This would be implemented only if the Unit 27 stratified any antlered deer hunts are combined.

Remove the Oct. 3-8 antlerless hunt in the Bill Williams hunt area in Unit 8, while continuing the Nov. 28-Dec. 4 antlerless elk hunt in Unit 8. This decision would be based on harvest and hunt success data in March. Also remove the Sept. 12-17 Garland Prairie hunt area in Unit 8 muzzleloader hunt and establish a unit-wide muzzleloader elk hunt in Unit 8, with dates of Sept. 26-Oct. 1. Extend the archery bull elk hunt in the Bill Williams area to unit wide, with dates of Sept. 12-25.

Establish a CHAMP season in Unit 3B for antlerless elk with dates of Oct. 17-22.

Change legal wildlife in the Oct. 3-8 limited opportunity elk hunt in East Sunset, West Sunset, and Meteor Crater hunt areas in Units 5A and 5B from antlerless to any elk.

Split the Oct. 3-8 limited opportunity elk hunt in Unit 5B into a Twin Arrow and Two Guns hunt, and a Grapevine hunt, and change legal wildlife from antlerless to any elk.

Remove the limited opportunity hunts for any elk in Units 5A and 5B for hunt areas East Sunset, West Sunset, Meteor Crater, Grapevine, Twin Arrows and Two Guns during September and October.

Remove limited opportunity elk hunts in Unit 27S for antlerless elk during August and October.

Move the dates for the late limited opportunity elk hunt in Units 12A and 12B from Dec. 12-28 to Dec. 5-21.

Combine areas within the Unit 5BN archery elk bull and antlerless season (Marshall Lake and Grapevine) into a single September hunt (Sept. 12-25).

A lot of the changes are a direct result of Commission Order 1. A big portion of the elk package is to continue meetings with land agency partners and with landowner/lessee partners through the partner committee programs. The population management package for elk is dynamic and may change as the Department gets current year information and as any issues, concerns or needs are identified.

Commissioner Carter asked if Commission Order 1 would give the regions flexibility throughout the season. Brian Wakeling, Big Game Supervisor, stated a broad range of dates has been proposed for the various elk hunts and a series of the units for which those hunts may be offered. A series of elk hunts would be recommended that would basically run from June 1 to July 31, 2003. At the April meeting, the Commission would establish the maximum number of permits that would be authorized for that Order. The Department was proposing a recommendation to establish a series of designated elk hunts that would run from August 1 through January 31. Again, within the range of season dates and units mentioned within the Commission Order, the regions could initiate a hunt if management objectives were not being met with the regular season. Commissioner Carter stated the best way to get the elk herds down to management

objectives is to insure the greatest flexibility to manage them at those levels with sportsmen rather than by using other methods.

Chairman Golightly asked about combining areas in Unit 5BN. Ms. Supplee noted it would result in a more traditional hunt. The Department was discovering an effect on year round elk because there was a decline in hunt success in sub units. The Department was working with smaller populations of elk that have some mobility; the hunters have to have a larger area to find the elk and not be stuck in an area where there were no elk. There was another advantage to having these population management hunts in that the hunters can be provided with a challenging and unique opportunity to assist the Department without sacrificing bonus points.

Chairman Golightly asked the Department to consider special hunts for Pioneer License holders. He asked that the Department offer the suggestion at the public meetings. Ms. Supplee noted the reason why the CHAMP was available was because the season was offered through Rule R12-4-318 a number of years ago. Chairman Golightly's suggestion would have to go through the rules process (Article 3). Chairman Golightly asked if the rule could be all-encompassing so if the Commission were to have one diversity, it would be applicable to others. Ms. Supplee noted the rule was very defined for qualifiers. Mark Naugle, Rules and Risk Manager, stated Article 3 was currently open now for review.

Mr. Odenkirk noted the process was flexible. The Department gets comments from different sources at different times through the rulemaking process. Those comments are evaluated when the article is open. As an individual commissioner, Chairman Golightly could request that it be evaluated in the process. Full Commission support was not needed. If the Commission was to take a formal position, the issue should be on the agenda for a later date. Chairman Golightly asked the Department to evaluate the issue. Mr. Naugle noted there were already comments in the file waiting for evaluation. Mr. Odenkirk elaborated why this needed to be in a rule. The Commission's ability to take an action outside of a rule was limited by Title 41. The Commission can only set a season, bag limits, season dates, by Order. When a season is established for a special group, it is outside the Commission's authority to establish an Order so it needs to be promulgated by rule. The Commission could then issue it as a season by Order. The Order sets the season; the rules define different types of seasons.

Public comment

Ken Patrick, representing various sporting groups, asked if there was significant elk harvest on the Kaibab. Ms. Supplee noted that Units 12A/B were in the elk population management package; there was no capability to index how many elk were there. The December hunt would be retained.

Steve Chevront, representing AMDA, hoped there would be a reduction in the junior permits for deer on the Kaibab. A scenario should be established in advance. If the junior doe tags are reduced on the Kaibab, the number has to come up somewhere to give other opportunities. If the number of doe tags were reduced, the Department should plan in advance the units where the difference in tags was to be made up. Ms. Supplee clarified because the Department has been managing the deer herd with antlerless removal, the Commission had decided to give the opportunity to juniors. The Department was in excess of the directive. There was some cushion here should permits be reduced for juniors on the Kaibab. It would not be a direct off-load to the other units at the level Mr. Chevront suggested. The Department could demonstrate how this

would work at the public hunt meetings because the units being proposed for juniors would be where the objective would be met. The general permits in those units would be reduced in order to increase the junior permits, i.e., a 1:1 exchange. The Kaibab hunt has allowed a junior opportunity without cutting directly at that level to the general statewide buck hunt opportunity. The general season hunters would experience the impact of the junior opportunity more directly. Information needed to be collected to determine if the juniors hunt on the North Kaibab accomplished the habitat objectives for the Kaibab. She encouraged the AMDA to work cooperatively with the Department rather than collecting independent information that may or may not be in concert with what the Department was collecting.

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Meeting recessed at 9:18 a.m.

Meeting reconvened at 9:40 a.m.

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Dick King, representing ABA, noted that eliminating the archery doe harvest because of the drought would be something that could be reimplemented if the deer herd responded to more favorable conditions. He asked if it would be possible to note the archery doe harvest was in moratorium because of that reason.

Ms. Suplee gave a recap of the ideas brought forth.

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Commission Order 5: Turkey

Juniors-only hunting opportunities will be offered at levels comparable to previous years. Season dates will coincide with the general fall and spring seasons.

Close the fall season in Unit 7.

Commission Order 6: Javelina

Juniors-only hunting opportunities will be offered at levels comparable to previous years.

Public comment

Kevin Curran, representing ABA, stated currently there were no juniors only archery opportunities. There were three metropolitan units (39, 42 and 37M) that could allow for this hunt during the last two weeks in December when school is out. The combination hunting education course should be mandatory for juniors on this hunts.

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Commission Order 7: Bighorn Sheep

Boundaries of Unit 41E have been increased to include Saddle Mountain. Area description would read: East of Dateland-Palomas-Harquahala Road (Clanton Hills Road).

Units 16B, 44BS, and 44BN offered only a single bighorn sheep tag last year. These units may be removed from those that offer bighorn sheep hunting in 2003 if survey and monitoring efforts do not document sufficient numbers to warrant a hunt.

The general permit hunters in 2003 for Units 31/32 will be limited to that portion of Unit 32 north of Township 8 South, although the Special License-Tag holder will not be. This restriction rotates each year between the Special License-Tag hunter and General season permit when the hunt is offered.

Chairman Golightly asked about the hunt structure in Units 12B and 13A that allowed the season to begin in October because in December there was a good likelihood of snow and ice. If a hunter pursued sheep, there could be a chance for a sheep to fall off a ledge; also hunter access to some of the ledges with inclement weather would create a safety hazard for the hunter. He asked why the hunt was moved from October back to December. Ms. Supplee stated the Region found some of the concerns to be unjustified. During the public hunt meetings, he wanted an evaluation of the season dates in these units. Ms. Supplee pointed out that extension of the dates with that proposal would definitely make the hunt overlap with the deer hunts in that area. Commissioner Gilstrap did not want to start a trend of having hunts correspond with weather forecasts. Chairman Golightly noted hunting in those units was not like hunting any other units in the state. The sheep hang on the cliffs around Kanab Creek and the Vermilion Cliffs; the hunt seasons should be established with safety of the sheep in mind.

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Commission Order 9: Bear

Change season dates in Unit 19A to align with adjacent Unit 21, with dates of Sept. 5-Oct. 23.

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Commission Order 10: Mountain Lion

Add portion of Unit 37B north of the Gila River as a hunt area with multiple bag limit for lion that will close when the harvest objective is met. The harvest objective will be based on lion density maps.

Commissioner Chilton suggested adding Units 36B and 36C because lions were heavily preying upon deer and antelope herds in those areas. She also noted the drought conditions made conditions difficult.

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Commission Order 16: Quail

The Department recently hosted a Quail Symposium and may introduce changes if Department analysis of information suggests such a change may be prudent.

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Commission Order 29: Special Big Game License-Tag Hunts

The Special License-Tag bighorn sheep hunter in 2004 for Units 31/32 will be limited to the portion of Unit 32 north of Township 8 South. This restriction rotates each year between the Special License-Tag hunter and the general season permit when the hunt is offered.

There were no changes in the following Commission Orders: 8, Buffalo; 11, Squirrel; 12, Cottontail Rabbit; 13, Predatory and Fur-bearing Mammals; 14, Other Birds and Mammals; 15, Pheasant; 17, Chukar Partridge; 18, Blue Grouse; 19, Doves; 20, Band-tailed Pigeon; 21, Waterfowl; 22, Common Snipe; 23, Trapping and 24, Sandhill Crane.

Ms. Supplee recapped the suggestions offered today.

1. Other hunting options should be explored for Unit 27 for archers; related to that, a season could be offered in the last weekend in November rather than completely deleting the season.
2. The analysis of the Kaibab archery deer hunt from this past year should be included in the hunt package, including information from Region 2 and the ABA collected from the hunters.
3. Junior hunt permits to achieve the 2% will be met in management units that are in the guidelines and any reductions in the antlerless hunts on the Kaibab would be shifted to offering juniors-only buck hunt opportunities in other units to make the 2%.
4. Population management hunts should have long enough dates to give hunters fair opportunity.
5. Public input should be considered regarding offering juniors archery hunts in the three metropolitan units in Phoenix and Tucson.
6. For bighorn sheep, a 90-day season should be evaluated for Units 12A/B and 13A/B. Chairman Golightly stated he had asked for only an October season. He asked for an evaluation of 90-day, as well as an evaluation of 30-day in October.
7. A multiple bag limit proposal for lion should be considered for Units 36B and 36C and to look into other areas. Ms. Supplee noted the current season structure has resulted in an increase in the harvest of mountain lions statewide. Ms. Supplee noted current statute allows for addressing livestock depredation in a much more direct fashion outside of the hunt structure.

Commissioner Carter asked if the Commission wanted to identify units in Commission Order 1 where there needs to be management of lions in terms of population management through sportsmen. There were investments in areas for other species and there were areas where there was disagreement regarding populations and their impact. Ms. Supplee noted Commission Order 1 was focused on the idea of adding a season date for species that have limited season. Lion was year round statewide. Mr. Wakeling noted Commission Order 1 does not change the bag limit. If the Department issued a population management hunt for an area with mountain lions, it basically would not change anything. If an animal were harvested, it would contribute to a hunter's bag limit for the year.

Commissioner Carter asked to have a schedule of the public hunt meetings. Commissioner Chilton wanted to see more meetings in rural areas. Ms. Supplee noted the Department would

look into accommodating her suggestion and would look at extending its public outreach to include more than Game Branch personnel.

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION VOTE TO APPROVE THE DRAFT ARIZONA GAME AND FISH DEPARTMENT GUIDELINES AND MANAGEMENT OBJECTIVES WITH GOALS, RECOMMENDATIONS OR GUIDELINES FOR THE 2003-2004 HUNTING SEASONS WITH THE ADDITIONS BROUGHT FORWARD TODAY.

Vote: Unanimous

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2. Presentation by Chuck Kangas from the Sonoran Audubon Society

3. Presentation by John Caid from the White Mountain Apache Tribe Wildlife and Outdoor Recreation Division

Presenter: Bruce Taubert, Assistant Director, Wildlife Management Division

Mr. Kangas described the formation of the new chapter of The Audubon Society and its accomplishments in the past three years. These accomplishments include adoption of the Agua Fria National Monument and development of a bird checklist for the monument and being a stakeholder on the Tres Rios and Arizona Riparian Council. A bird checklist has been developed for Arcosanti and there should soon be a bird checklist for Thunderbird Park. The Christmas Bird Count has been reinitiated in the west valley at Tres Rios. A pollination garden has been developed at Lake Pleasant; the group is assisting other entities in developing pollination gardens.

Mr. Caid gave a brief personal background. The White Mountain Apache Tribe Wildlife and Outdoor Recreation Division's responsibilities and duties were briefly described. Commissioner Carter hoped the Tribe would work with the Department's Region 1 Office on elk management. Mr. Caid noted the working relationship between the Tribe and the Department has been very good. It would be good to work out a Memorandum of Understanding between the two agencies.

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Meeting recessed at 10:43 a.m.

Meeting reconvened at 10:52 a.m.

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7. Update on Commission Direction Given to the Department at the September 14, 2002, Commission Meeting Regarding Wolf Management in Arizona

Presenter: Richard Remington, Region I (Pinetop) Supervisor

For additional background, see Commission meeting minutes for September 14, 2002, pages 26-34.

An update was given regarding the restructure of the wolf management project to ensure increased state responsibility; to ensure stakeholder participation; to ensure immediate response

capability and resolution of issues, such as depredation incidents; to ensure the outreach program is restructured accordingly and to ensure the project review process is improved for the 5-year review. The Commission took no action on this item. A Powerpoint presentation was given. An informational packet was distributed to the Commission.

The Commission gave direction to the Department to have the following three items addressed by December 1, 2002:

Primary Cooperator Status: roles and functions of the primary cooperators must be restructured to ensure state participation, authorities, and responsibilities as reflected in today's discussion.

Both Arizona and New Mexico State Game and Fish Departments have met with the U.S. Fish and Wildlife Service (FWS). A summary of the primary cooperator status, as approved by the two state directors and regional FWS director, was given:

The FWS is responsible for providing guidance and coordinated information to all interested parties relative to recovery of the Mexican wolf.

The states and Tribes are responsible and accountable for conducting reintroduction efforts in such a manner that they contribute directly to recovery.

The intent of the current primary cooperators is to realign the recovery and reintroduction component so they are fully integrated, coordinated and effective.

This begins, but does not complete, direction given to the two state wildlife agencies by their Commissions.

It is planned to take the agreement between the primary cooperators and share it with other jurisdictions and authorities to collectively involve them in drafting, management priorities and planning.

Stakeholder Participation: Administrative and adaptive management processes must be restructured to ensure opportunities for, and participation by, the full spectrum of stakeholders.

The states, in collaboration with FWS, will discuss and resolve with the current IMAG and other interested and affected parties how best to structure and conduct the adaptive management process.

The primary cooperators will use this adaptive management group as a sounding board for discussions of issues pertaining to the reintroduction project but shall remain responsible for making decisions or recommendations to the recovery program.

A representative from each state wildlife agency and the FWS reintroduction coordinator shall be the leads in adaptive management.

The field team will draft work plans, performance reports, protocols, and procedures that will be discussed with the adaptive management group concurred on by the primary cooperators and forward to the FWS for approval.

There are three ways the FWS can effectively and legally take input without violating the Federal Advisory Committee Act (FACA):

Participation on recovery teams

Through an unfunded mandate amendment with FACA by allowing local and state governments to provide input to the FWS

State-led conservation management groups

Approved Protocols: The Interagency Field Team (IFT) response protocols must be restructured and staff capacity must be enhanced to ensure immediate response capability to, and resolution of, urgent operational issues, such as depredation incidents.

The following Standard Operating Protocols (SOP) have been developed and signed by the IFT:

SOP #5 Incident Reporting ensures that all agencies associated with the Mexican Wolf Recovery Program transmit to the appropriate personnel reports that they may receive related to wolves and provides a stepwise process for those agencies and individuals not directly involved in Mexican wolf recovery how to receive and transmit a report of a possible wolf-related incident.

SOP #31 Wolf Depredation describes operating procedures related to when livestock or pets are discovered dead or injured by field personnel and/or reported to any member of the IFT or FWS personnel.

SOP #32 Wolf Control describes the investigative procedures following a reported depredation; lists criteria for determining status of problem and nuisance wolves and provides guidelines for conducting wolf control and/or removal actions.

An Incident Response Process Map was described.

There are additional protocols ranging in various stages of review. All of these will be basically extracted from the 1998 Service approved management plan. Those that are appropriate protocols will be moved into a series of protocols rather than maintained in the annual report or in the Service approved plan. This should streamline which reports and planning would go to the FWS to implement a Service approved management plan.

The Commission gave direction to the Department to have the following three items completed by April 1, 2003:

Project outreach must be restructured as necessary to address Commission, Department and public concerns.

All actions in the wolf project must be in strict compliance with any applicable, approved special rules, policies, protocols, management plans and interagency agreements.

The project's review protocols and procedures must be restructured and improved to ensure that the 5-year review is effective and efficient, and an improvement over the 3-year review.

Commissioner Carter asked questions regarding the supporting documentation provided at today's meeting. One of the issues was the response and the effectiveness of the response on the ground when an incident occurs. The current plans calls for all wolves to be captured and collared. Mr. Remington stated it was the desire to do that and it has been effective in terms of the amount of resources the field team has available to them. This year the effort has been more aggressive in terms of capturing, collaring and documenting pups within the packs than it has been in the past. To capture and collar every wolf pup recruited into the population may be impossible. The field team has been asked to ensure in next year's annual work plan ways it will derive population estimates on those packs for distribution and density of wolves.

Mr. Remington agreed it was the desire of the FWS to move towards downlisting criteria.

Commissioner Carter was concerned about the lack of aggressiveness in collaring wolves. There have been recent on-the-ground wolf conflicts that were largely due to the lack of collaring by the FWS. The problem wolves are hard to find. He asked how over 100 wolves would be managed. Mr. Remington stated provisions within the 10 j. rule for control of wolves are the same as for other predators. Wildlife Services would respond, identify the depredating animal and move toward removal and control of the target animal. Managing 100 wolves would take experience and differs from removal of depredating bears or lions. Commissioner Carter stated as we move toward implementation of various protocols and other revisions, it was important to remember as we move toward 100 (uncollared) wolves that 1) how are we going to manage the population of 100 wolves and what kind of survey protocols would be used for an elusive animal; 2) how are we going to respond to and resolve incidents in a responsible timely manner and 3) how are going to convince people interested in the wolf program (proponents v. those with losses because of the program) of the issues to enable them to understand there are two sides. We should insure that we do not require as a provision of implementing the program a change in the management plan of existing land use protocols without the consent of the agency and/or the appropriate other parties (permittees). If we do not collectively have the resources and expertise to make it function on the ground and in a timely manner to reduce impacts on individuals, the Department should be aggressive on the issue.

Mr. Remington noted there were 33 wolves in Arizona; 7 in New Mexico and there were 15-20 uncollared wolves within both states.

Commissioner Carter wished to express appreciation to FWS Regional Director Dale Hall in his willingness to work with the states to ensure the program:

1. Meets objectives
2. To do it in a manner that involves the stakeholders in a responsible way

It was critical for people to have the facts. There has been a lack of information and misinformation.

Commissioner Chilton pointed out the difference between depredations caused by bears and lions vs. depredations confirmed by wolves. The Commission was not an accomplice in the introduction or sponsoring the introduction of lions and bears as they are already there. The Commission has a higher level of responsibility in terms of response to landowners. She asked about the resources that would be involved in justly compensating a person whose livelihood was being impacted. Hunters' dogs and horses were being attacked. These incidents go unpublished

in the newspapers. She asked the Department to facilitate getting the information out to the public; urban people need to be aware of the impacts on rural peoples' lives.

Mr. Remington noted compensation should be part of, and is effectively managed as part of, the program. Stakeholders and cooperators should be providing input to the FWS for further implementations to the project. These parties should be represented at the decision-making process for their involvement in the project.

Commissioner Gilstrap was heartened by the objective to focus on recovery. Conflicts need to be dealt with from a media communication standpoint and an actual standpoint of the impact it has on individuals. These impede the potential for recovery. Every time a conflict that is not responded to appropriately and timely has a restriction on the potential of recovery. If the focus is to recover a species, there must be a reduction in conflicts. Mr. Remington stated the project as envisioned provided a sliding scale for management to be reactive to the wolf population as it moved from the initial reintroduction stage to meet reintroduction goals. The project had to begin with an individual wolf management mentality so that each animal involved in the reintroduction program had to be individually and specifically evaluated for its value to the project. As we reach reintroduction goals, there will be shortened steps in decision making and there will be opportunities for individual livestock producers to manage wolves in terms of how it interfaces with livestock production and control. Management emphasis and directions need to change as the wolf populations fill some voids and begin to reach reintroduction goals.

Commissioner Melton noted communication has improved. He described efforts involved in trapping offending predators. There was a problem with Wildlife Services retaining these animals for a short time. He asked if lethal control might be a viable step in the future. Mr. Remington believed that some measures could be put in effect with the cooperation of livestock producers that would allow quicker location of depredation incidents and that would allow Wildlife Services to identify and remove the offending animal. In terms of control, SOP #32 outlines the range of control allowed within the existing rule and the FWS approved management plan, which does include lethal control. If the field team has met the conditions of the protocol, with a decision that they have been ineffective in removing the offending wolf through non-lethal means, then lethal removal could be used.

Public comment

Will Holder, representing the Eagle Creek Watershed Partnership, has been involved in the wolf reintroduction process from the start. One of the issues not addressed was participation in the planning process. Ranchers are always put into a reactive mode. It will take time for ranchers to learn to coexist with wolves. He hoped this plan would more involve people who were on the ground.

Halina Szyposzynski, representing self, had read the minutes from the September Commission meeting and thought the meeting then focused on social and political aspects of the wolf reintroduction program. The plan presented today was more focused on science. She noted one of the recommendations in a report was to move away from collaring as the only method of tracking wolf populations. Commissioner Carter clarified that what he meant was the federal management plan called for the wolves to be collared. Federal personnel have failed to do that and this has led to the problems we have today in locating those wolves we have conflict with. Most of the direction given at the September meeting was based on concerns of the Arizona and

New Mexico game and fish agencies in terms of relationships, roles and responsibilities. It was not in conflict with the Department leadership or management. Ms. Szyposzynski was troubled that the difficulties the Commission has had with the process of reintroduction seem to be focused so much more on the social and political aspects and not on requiring the federal government to follow the Department's recommendations. Commissioner Carter stated had the Commission played a greater role from the beginning, the process would not have been so social and emotional. The Commission has a management responsibility for wolves on the ground and was trying to resolve conflicts. If resources and efforts were going to be invested, they should be done in a manner that leads to a completion of a reintroduction and a delisting or downlisting process with a management program just like there is for any kind of wildlife. This was an issue of the Commission's trust responsibility with respect to wildlife; in this case, wolves. To date, the Commission has not had authority to make decisions and that was what it was trying to gain through this process. Ms. Szyposzynski would support the Commission efforts to have the authority it needed and the representation Arizonans need in this process. She was concerned that all of the specifics entail predator control, compensation and political issues; she has never heard the insertion of any scientific issues or any changes to be made in the program, e.g., initially releasing the wolves in other than the current primary release area, or modifying the 1992 plan. Commissioner Melton pointed out the problems occurring in the small area in which the wolves have been reintroduced and if they were in an area with more people, there would be more of a problem. Also, more than \$7 million has been spent on the 35 wolves currently on the ground. There has to be a balance in justifying to other people in the state the amount of dollars spent on the wolf program. The quicker we move out of the reintroduction phase and into a management phase the better off the Commission and the financial structure will be. There would be more options to deal with wolves in a management phase. Right now the only options are removal by helicopter or capture. It is difficult to remove offending animals. Once the recovery level is attained, the problems are not going to go away, but a decision will have to be made about how the problems will be solved in an expedient way.

Darcy Ely, permittee on the East Eagle Allotment, distributed packets and described what she did since the September Commission meeting. She brought a letter from the district ranger in cooperation with them and other field people. A list of recommendations was developed as to what they would like to see go forward in the process. Another issue was that the wolves have been on the San Carlos Reservation. She has attended meeting with regard to the wolves being on the Reservation. A resolution states the San Carlos Tribe has not, and does not, want to be a part of the wolf reintroduction program. There were problems with the program; the process has to be kept open. Because of the financial burden her family has had to bear, the issue of costs must be addressed. Her family has not been paid in 2002; they have spent their own money. Everyone must stay open and have patience with this program. There has been a lot of blaming associated with the program, from the FWS to the Commission to the environmentalists. She was concerned with the media and stated there needed to be more work on the protocol on communications.

Don Steuter, representing self, stated wolves have depredated not just on livestock but on pets as well. We have all suffered problems caused by predators; it was not just limited to the livestock industry.

Sandy Bahr, representing the Grand Canyon Chapter of the Sierra Club, reiterated that at the September meeting she urged the Commission to look at the biology and the facts and a little less

at the emotions. This issue emphasizes the need to take aggressive action early with species that are in trouble. She urged the Commission to stay committed. There was a need for better communication.

Bobbie Holaday, representing the wolves, has been involved with the Mexican wolf program and she thought about how far we have come since 1987. We have come to realize that there is a full complement of wildlife. It is important to have human understanding and cooperation; we need to work together to resolve problems.

Jim Solomon, representing self, stated he was not pro or con reintroduction. He agreed when a predator was reintroduced into an area there would be depredation problems. Reintroducing a major predator such as a wolf does impact somebody who makes a living as a rancher. He sympathized with the ranchers.

Commissioner Gilstrap was heartened by Ms. Holaday's observations. Commissioner Carter stated the problems we were having with communication impede the ability to resolve issues. The Department will need to resolve communication issues. Unless these issues are resolved, roadblocks will exist no matter what is done on any other front.

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8. Call to the Public

Dick King, representing the Arizona Bowhunters Association, requested information from Department staff regarding the bonus point rule.

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Meeting recessed at 12:28 p.m.

Meeting reconvened at 1:38 p.m.

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Commissioner Chilton arrived at the meeting at 1:42 p.m.

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4. Request to Approve the Notice of Proposed Rulemaking Package for Watercraft Registration, Agents and Towing Rules R12-4-504, R12-4-507, R12-4-509 and R12-4-527

Presenter: Mark Naugle, Rules & Risk Manager

For additional background information, see Commission meeting minutes for October 18, 2002, pages 12-14.

Motion: Carter moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE THE NOTICE OF PROPOSED RULEMAKING AND THE ECONOMIC, SMALL BUSINESS AND CONSUMER IMPACT STATEMENTS FOR R12-4-504, R12-4-507, R12-4-509, AND R12-4-527 TO BE FILED WITH THE SECRETARY OF STATE.

Vote: Carter, Gilstrap and Melton - Aye
Chair voted Aye
Chilton – Absent
Motion carried

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5. Request to Close the Rulemaking Record for Docket Q, Elk Harvest Management Strategy Rulemaking and to Approve the Final Rulemaking Package for R12-4-101, R12-4-102, R12-4-104, R12-4-107, R12-4-114, R12-4-115 and R12-4-609

Presenter: Mark Naugle, Rules & Risk Manager

For additional background information, see Commission meeting minutes for August 9, 2002, pages 11-12; March 15, 2002, pages 10-14; January 18, 2002, pages 34-37; August 11, 2001, pages 20-22 and March 24, 2001, pages 24-32.

If approved by the Commission, the Notice of Final Rulemaking and the Economic, Small Business and Consumer Impact Statements will be filed with the Governor's Regulatory Review Council for consideration at its February 4, 2003, meeting. The anticipated effective date for the rule amendments is April 7, 2003.

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION VOTE TO CLOSE THE RULEMAKING RECORD FOR DOCKET Q AND TO APPROVE THE NOTICE OF FINAL RULEMAKING AND THE ECONOMIC, SMALL BUSINESS AND CONSUMER IMPACT STATEMENTS FOR R12-4-101, R12-4-102, R12-4-104, R12-4-107, R12-4-114, R12-4-115 AND R12-4-609 FOR FILING WITH THE GOVERNOR'S REGULATORY REVIEW COUNCIL.

Vote: Carter, Gilstrap and Melton - Aye
Chair voted Aye
Chilton – Absent
Motion carried

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6. Annual Commission Awards Selection and Saturday Afternoon Program for the January 18, 2003, "Meet the Commission" Event

Presenter: Dana Yost, Executive Staff Assistant

Mr. Yost noted there were 48 nominees in the nine award categories and about \$1800 were received in fundraising commitments. He also asked for direction from the Commission regarding the afternoon portion ("Meet the Commission").

The Commission made selections in a number of categories for the annual "Meet the Commission" awards banquet to be held January 18, 2003.

Motion: Chilton moved and Carter seconded THAT DUNCAN AND SUSAN BLAIR, OF TRES ALAMOS RANCH BE SELECTED FOR THE WILDLIFE HABITAT STEWARDSHIP AWARD.

Vote: Unanimous

Motion: Chilton moved and Carter seconded THAT THE YOUTH ENVIRONMENTALIST OF THE YEAR AWARD GO TO DAVID CATHCART.

Vote: Unanimous

Motion: Melton moved and Chilton seconded THAT ROGER "BUCK" APPLEBY BE SELECTED FOR VOLUNTEER OF THE YEAR.

Vote: Unanimous

Motion: Chilton moved and Carter seconded THAT ROBERT AND VENITA YOUNG BE SELECTED FOR ENVIRONMENTALISTS OF THE YEAR.

Vote: Unanimous

Motion: Melton moved and Carter seconded THAT JOHN MORGART BE SELECTED FOR CONSERVATIONIST OF THE YEAR.

Vote: Unanimous

Motion: Gilstrap moved and Carter seconded THAT WILLIAM A. (BILL) KEEBLER BE SELECTED FOR CONSERVATIONIST OF THE YEAR.

Vote: Unanimous

Motion: Melton moved and Chilton seconded THAT THE MOHAVE SPORTSMANS CLUB BE NOMINATED FOR CONSERVATION ORGANIZATION OF THE YEAR.

Vote: Unanimous

Motion: Melton moved and Gilstrap seconded THAT THE ARIZONA SPORTSMAN'S JOURNAL TELEVISION SHOW BE SELECTED FOR MEDIA OF THE YEAR.

Vote: Unanimous

Motion: Gilstrap moved and Melton seconded THAT JERRY LANGE, ARIZONA HUNTER AND ANGLER MAGAZINE BE SELECTED FOR OUTDOOR WRITER OF THE YEAR.

Vote: Unanimous

Motion: Chilton moved and Carter seconded THAT JOSIAH AUSTIN BE SELECTED FOR AN AWARD OF EXCELLENCE.

Vote: Unanimous

Motion: Golightly moved and Carter seconded THAT DR. OLE ALCUMBRAC AND JUDGE IDA BLACK BE SELECTED FOR AWARDS OF EXCELLENCE.

Vote: Unanimous

Motion: Chilton moved and Gilstrap seconded THAT VALER AUSTIN BE ADDED FOR AN AWARD OF EXCELLENCE.

Vote: Unanimous

Motion: Carter moved and Golightly seconded THAT TUCSON ELECTRIC POWER COMPANY BE NOMINATED FOR AN AWARD OF EXCELLENCE.

Vote: Unanimous

Motion: Carter moved and Gilstrap seconded THAT THE ARIZONA RATTLERS ARENA FOOTBALL TEAM BE NOMINATED FOR AN AWARD OF EXCELLENCE.

Vote: Unanimous

Motion: Carter moved and Melton seconded THAT ROXANNE COLEMAN, MARKETING MANAGER, SHAKESPEARE TACKLE COMPANY BE NOMINATED FOR AN AWARD OF EXCELLENCE.

Vote: Unanimous

The Commission gave direction on "Meet the Commission". Commissioner Carter did not want the Commission sitting on a stage above the public. Chairman Golightly wanted to see some historical videos or slides. Director Shroufe stated he did not want to dilute the purpose of "Meet the Commission"; it was for the public to meet the Commission and not the Department. Commissioner Melton suggested using footage of the Rodeo-Chediski fire or other incidents to show their effects on wildlife and habitat. Director Shroufe suggested using the highlights of the year report that is given at the Western Association of Fish and Wildlife Agencies meeting and putting them into a pictorial or video form. This would show issues and successes during the past year. Commissioner Carter did not want something like that to dominate the program but it could be used for 15-20 minutes at the start of the program. Chairman Golightly suggested giving each commissioner a script to follow after introductions were made. Commissioner Carter preferred to do an audio/video format that showed highlights of Commission issues this year. He did not want to talk about what he personally did, but rather what the Commission did as a body. The program only needed to be 1-1/2 hours long.

Mr. Yost recapped the format for "Meet the Commission": 1) Personal introduction of each commissioner; 2) audio/video presentation that mirrors the Western that highlights the past year and then opening it up to public comment. Director Shroufe suggested that the Commission

agenda and view the presentation prior to the event. It was the consensus of the Commission to do this after the legislative reception on Wednesday at the Wildlife Building.

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9. Future Agenda Items

Director Shroufe noted if the Commission wanted a monthly wolf update, it should be put on the agenda up front and not on an addendum. He asked for Commission direction. In April, the Department would give an overall presentation in public session on the Mexican wolf reintroduction. Commissioner Carter stated unless there was a genuine need to do something in a regular meeting beforehand, he looked forward to the wolf progress report being on the April agenda. He wanted to continue to receive progress reports from the Department.

Commissioner Chilton referenced the letter that was to be sent to the Governor regarding the Governor's Rangeland Task Force. She requested a copy be sent to Harv Forsgren, Regional Forester. Director Shroufe stated the Department would fax the letter to the Commission on Monday with a request for approval to sign for each commissioner.

A future agenda item called for review of the Department protocol for the manner in which draft public meeting minutes and executive session minutes are disseminated. The Commission would review the draft protocol and may vote on its adoption at the next Commission meeting. The Commission would list what it was doing now and examine alternatives to the existing practice. Director Shroufe noted there would be several recommendations for changes. The protocol has to be in agreement with the Open Meeting Law.

There will be a future agenda item separate from the monthly legislative update to discuss proposed changes to ARS Title 5 regarding watercraft titling and watercraft operator licensing.

Commissioner Chilton requested that the Department, with assistance from Richard Remington, put together a highlight summary of the presentation received on the effects of the fire in areas that had been pre-treated. The presentation could be followed up with a *Wildlife News* article or some other media format to inform the public. Director Shroufe noted the Department would work with the U.S. Forest Service and Tribe to do a co-release. If this were done, the Department would have some ownership and could disseminate the information. This information would be provided to the Commission before the next Commission meeting.

Chairman Golightly requested that the Commission consider taking a rule change for the North Kaibab Special Deer hunting permit fee increase from \$5 to \$15 out of cycle and adding to the existing opened rule package to expedite the process. This should be a future agenda item for Commission discussion.

Chairman Golightly noted Commissioners Carter and Chilton asked the Department to copy the Commission with hunt guidelines public hunt guideline meeting schedule and to evaluate adding Green Valley as a public meeting site.

Chairman Golightly stated the Commission (Carter in particular) wanted the Department to create an article for *Wildlife Views Magazine* describing the history of BASF management and recent efforts to protect BASF, including zoning issues, by working with the city and the State Land Department. The draft article would be shared with Commissioner Gilstrap.

Commissioner Carter asked if the Commission would be interested in having a presentation on a project called POWERR (Protecting Our Water, Energy and Recreational Resources). All of these issues are important to the Commission. The POWERR was looking for agencies to endorse the concept of the organization. The Department will coordinate with Commissioner Carter regarding placement of this item on the January agenda.

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10. Executive Session

a. Personnel Matters – Director’s Goals and Objectives

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

Vote: Carter, Chilton and Melton – Aye
Chair voted Aye
Gilstrap – Absent for vote
Motion carried

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Meeting recessed at 2:45 p.m.
Meeting reconvened at 2:55 p.m.

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

Vote: Carter and Gilstrap – Aye
Chair voted Aye
Chilton and Melton – Absent
Motion carried

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Meeting adjourned at 4:15 p.m.

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