

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, August 8, 2003 – 8:00 a.m.
Saturday, August 9, 2003 – 8:00 a.m.
Radisson Woodlands Hotel
1175 W. Route 66, Flagstaff, Arizona

PRESENT: (Commission)

(Director's Staff)

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

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

Chairman Carter called the meeting to order at 8:15 a.m.

1. Executive Session

- a. Purchase of real property and associated water rights
- b. Legal Counsel. *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; *Ameduri and Yee et al. v. U.S. Forest Service et al.*, U.S. District Court No. CIV 02-2495 PCT FJM; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; in the matter of *Search Warrant No. CR 2002-2395SW*; *The Fund for Animals et al. v. Norton et al.*; USDC D.C. 1:30-CV-00892 (RJL); and *Phelps Dodge v. Arizona Dept. of Water Resources*, LC2003-000243-001DT.
- c. Personnel Matters. Director's goals and objectives and to consider the reappointment of Director Shroufe when his current contract expires January 21, 2004.

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

Vote: Unanimous

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Meeting recessed at 8:16 a.m.

Meeting reconvened at 9:30 a.m.

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Chairman Carter called the meeting to order at 9:30 a.m. The commissioners introduced themselves and Chairman Carter introduced Director's staff. The meeting followed a revision dated August 4, 2003.

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1. Executive Session

- c. Personnel Matters. Director's goals and objectives and to consider the reappointment of Director Shroufe when his current contract expires January 21, 2004.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION FURTHER DIRECTOR SHROUFE'S CONTRACT FOR AN ADDITIONAL FIVE YEARS.

Chairman Carter offered an amendment for clarification to the motion THAT THE CHAIRMAN BE AUTHORIZED TO EXECUTE RENEWAL OF THE CONTRACT UPON EXPIRATION OF THE CURRENT CONTRACT FOR ANOTHER FIVE YEARS ON JANUARY 21, 2004. Commissioners Gilstrap and Melton agreed to the amendment.

Each member of the Commission made comment; all of them were positive on the Director's performance.

Summaries of some of the comments follow: Commissioner Chilton stressed the importance of continuing to build relationships with rural communities so that access, habitat for wildlife and opportunities for recreation are not lost because of the inability of the rural communities to support actions of the Game and Fish Department that they perceive to be contrary to their interests. Commissioner Melton stated the Director has done a good job on the national level of drafting policies dealing with Arizona's federal lands and the Department's role in managing wildlife.

Vote on amended motion: Unanimous
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Director Shroufe noted action on Item #2 would be postponed until after the issue was discussed in executive session.

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10. An Update on the Sonoran Desert Conservation Plan and Multi-Species Habitat Conservation Plan for Pima County

This item was deleted. Chairman Carter remarked the Commission has not had a briefing on development of the Plan for several years. Many stakeholders have been involved in preparation of the Plan. It is a complex document. It was felt the Commission should have some dialog with the key cooperators who will be implementing the Plan at some time in the future. It was intended to have a brief introduction of the Plan itself at this meeting, as well as the relationships between the jurisdictional agencies. It was important to hear from senior management in Pima County and elected officials. There was a scheduling conflict with one of the principals whose presence was critical for part of the presentation. This issue will be rescheduled for the September Commission meeting in Yuma.

Chairman Carter expected this to be a two-part process. The first will be on the narrow scope of who the players will be, jurisdictional authorities, and dialog. Copies of the Plan

would be distributed to the Commission; the Commission would have from September until March to read and digest the contents of the document. The Plan would be then discussed in March and how it provides benefits and/or impacts and recourses associated with benefits.

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3. 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.

Mr. Kennedy provided an update regarding the proposed annexation, commercial lease and proposed sale of Arizona State Trust lands in Apache County near the Commission's Grasslands Wildlife Area. (See Commission meeting minutes for June 20, 2003, page 2.) Since the last meeting, the State Land Department (SLD) received a letter from Mr. Johnson of Johnson International withdrawing the long-term lease application. The only thing pending with SLD is the application for sale.

Commissioner Chilton would like to see more references to the cooperative habitat improvement projects involving various ranchers and sportsmen's groups working together. This kind of cooperation leads to hunting opportunities, habitat for wildlife and access.

Commissioner Golightly referenced the Sonoran Desert National Monument wildlife water catchment issue. He asked Mr. Kennedy to explain what the courts will allow the Department to do now with regard to maintaining water catchments. Mr. Kennedy explained the issues in the update involve BLM and the Department corresponding with the IBLA involving two issues. One was routine maintenance; the other was waiting for a decision from IBLA on the actual appeal. The IBLA agrees with BLM and the Department that the Department can perform minor maintenance activities to keep catchments functioning. The Department cannot do complete reconstruction to make the catchments more efficient. According to the IBLA a decision will not be made on the appeal at this time and the agencies should proceed with negotiating this case out of IBLA with the appellants. Director Shroufe added the Commission directed him to work with the State BLM Director to move jurisdiction from IBLA to the Secretary of the Interior. The Department has re-entered negotiations with the State BLM Office. An effort will be coordinated to take the request to the Secretary to take jurisdiction. Chairman Carter noted that jurisdiction has to be moved in lieu of the deterioration of the present catchments. This should be a high priority. Commissioner Golightly explained further to the public and gave background on this issue. He felt the Department should do what's best for wildlife, even if it meant being challenged in court.

Commissioner Chilton stated the funds for addressing proactive fire issues (forest restoration) in the West have been pretty much exhausted. She understood the U.S. Forest Chief and President may be in Arizona on Monday regarding the Forest Health Initiative. It should be reiterated to them there should be ecosystem-wide forest health,

and pro-active measures taken to address the issue. Director Shroufe verbally passed on to the Regional Forester the Department's and Commission's concerns with regard to forest health issues in the state. He would get written material to the Forest Service Chief as soon as possible.

Chairman Carter stated the briefing documents should be maintained and updated on each of the areas of major concern and keep them in the forefront at various levels, as well as working with the Governor and congressional delegation.

Commissioner Melton referenced National Wildlife Refuge policies and the Department's work in the process of drafting them, as well as for the Barry M. Goldwater Range. Mr. Kennedy elaborated further on the importance of Department efforts at the national level to maintain water and conserve wildlife on refuges and monuments.

Chairman Carter referenced page 2 of the update dealing with the Rodeo-Chediski fire. He hoped the Department would have an opportunity in the legislative agenda to ask for broader definitions with more flexibility to address some of the challenges.

Chairman Carter referenced the Frye Mesa access project and the importance of the Department's efforts to get the right-of-way completed.

Chairman Carter referenced page 15 dealing with the Lake Mead Recreational Area. He was pleased with the Department's aggressive efforts to obtain more ADOT monies to assist us in planning efforts dealing with wildlife resources.

Chairman Carter referenced the Fort Bowie Historical National Site project. As required legislation is introduced to expand it through acquisition of both public and private lands, he wanted to see the Department involved to ensure that in legislation public access to and through for both roads and trails was a part of the congressional act and not left to the discretion of some management agency in the future. He wanted to be directly involved to ensure these requirements were addressed. He wanted to work with Department staff and monitor what occurred on behalf of the Commission. Commissioner Gilstrap noted Congressman Kolbe contacted the Department and Commission for input; that in itself was a positive. Chairman Carter stated it did not mean taking away the authority of the agency to modify a road or trail, but required going through a public process to justify efforts and required finding alternative access into the same areas as opposed to just locking out the public. Commissioner Chilton stated that beyond finding alternative access, it should be equally convenient access.

Referencing the wildlife water catchment issue, Commissioner Golightly wanted to know if the Department felt the health and welfare of wildlife were being compromised. Director Shroufe stated the Department has worked with BLM on plans, but was restricted on forwarding the plan as related to redevelopment of some of the catchments. Mr. Kennedy added the appeal was specific to 16 existing wildlife water catchments. Director Shroufe continued with the fact that the Department could do required maintenance to maintain the status quo. The status quo was not satisfactory to the Department because the catchments were old and not efficient. New designs were

needed. Wildlife was not suffering to the point where they were not getting water or the Department not being able to maintain a catchment.

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4. An Update on the Land Acquisition Process, Impediments to Acquisition, and Recommendations to Streamline and Expedite the Acquisition Process

Presenter: John Kennedy, Habitat Branch Chief

For additional background information, see Commission meeting minutes for June 20, 2003, pages 4-8.

A document dated August 8, 2003, was distributed to the Commission. (Challenges to Acquisition and Recommendations to Streamline the Acquisition Process)

Strategies and opportunities were presented for the Commission's approval.

1. Acquisition Priorities

Strategy-Incorporate aggressive prioritization process into the Land Acquisition Program.

2. Partnerships

Strategy-Work with the Conservation Fund and/or the Trust for Public Land, when appropriate, to expedite the Commission's acquisition of high-priority properties. Requires Commission approval to move forward with potential partnerships.

3. Process Ownership, Accountability and Oversight

Strategy-Under land acquisition process improvement, work unit coordinators and their responsibilities in the land acquisition process would be identified; track work unit assignments to ensure acquisition assignments are completed on time. The Habitat Branch Chief will present timelines for each acquisition assignment to Executive Staff each month and the Deputy Director will issue an assignment memo to the appropriate work unit(s).

4. Time required to complete the biological surveys and report

Strategy-Contract-out biological survey work when necessary and appropriate
Process Owner-Field Operations (Regions), in cooperation with Habitat Branch

5. Time required to complete the Feasibility Report and associated actions

Strategy-Contract-out biological survey work when necessary and appropriate
Process Owner-Development Branch, in cooperation with the Regions and Habitat Branch

6. Site design/management plan; future operations and maintenance of the property

Strategy-Under land acquisition process improvement, incorporate this recommendation into the land acquisition process.

7. Management Plan; operations and maintenance (Comprehensive Management Plan CMP)

Strategy-Under land acquisition process improvement, CMP will be completed by Field Operations (Regions) outside of the land acquisition process

8. Negotiations with the landowner

Strategy-Under land acquisition process improvement, incorporate this recommendation into the land acquisition process

9. Commission involvement in the land acquisition process

Strategy-Under land acquisition process improvement, incorporate this recommendation into the land acquisition process

There were two issues discussed in June dealing with Commission direction that the Department brought forth today.

1. Requirement to have support from the local government prior to acquisition (process challenge)
2. The Department cannot pursue an acquisition unless a landowner approaches the agency with an offer to sell (reactive vs. proactive work on acquisition)

Department Recommendations

To address challenges to land acquisitions as identified by the Commission, Department and through the Heritage Fund audit, the Department recommended:

1. Work to streamline the current land acquisition process

Target date for completion-Work to streamline the land acquisition process (streamlined policy and process map) completed by the end of September 2003.

2. Modify (expand/improve) Commission Policy 2.23 through development of a Substantive Policy Statement on Heritage Fund Acquisitions to define the criteria a property must meet to be considered for purchase by the Commission with Heritage Fund monies.

Target date for completion-Commission and public review in October 2003 and December 2003; filed with Secretary of State in December 2003.

3. The Department will develop a map showing high-value sensitive habitats in the state. The use of this map and the list of “Wildlife of Greatest Conservation need in Arizona”, early in the acquisition process, will enable the Department to better evaluate whether a proposed Heritage Fund acquisition maintains the criteria a property must meet to be considered for acquisition. This map will also be used to establish acquisition priorities.

Target date for completion-Develop preliminary map by the end of September 2003.

Commissioner Chilton had a problem with the concept of postponing the management plan and operations and maintenance of extensive pieces of land required for wildlife. The rationale makes the Department sound like it was a major land management agency. She was not in favor of moving forward with this today and she wanted time to look at the document.

Mr. Kennedy clarified the management planning issue. What the Department proposed with regard to development of a management plan was to not postpone important decisions regarding what needed to happen on property management and operations and how it was going to fund those activities to manage the property consistent with the purposes for which it was purchased. The Department wanted to go to the highest priority questions it had regarding the value of a property as opposed to focusing on a much larger management plan early in the acquisition process. A shorter document could address resource management goals and objectives and potential funding sources to retain goals and objectives. The Regions would be responsible for this step in the acquisition process. The Department did not want to postpone important decisions, but rather, through the recommendations, expedite discussion of those particular issues early in the process, which will help with prioritization on a larger scale.

Commissioner Chilton stated the document should reiterate the Department’s guiding principles: 1) the Department was not a land management agency; 2) the Department would maintain great diligence in purchase of properties and 3) every effort would be made to maintain current productive uses on these lands so they are not taken off the tax roles wherever those uses were compatible with the purpose for which the lands were acquired. She did not see the words, “conservation easements” or “purchase of development rights” in the strategies. She asked to have the documents prefaced with words that would not cause the public to feel the Commission has embarked on a real estate mission.

Mr. Kennedy stated this would be done, although “conservation easements” may not be used in this document. The Department wanted to have the focus of this document solely on the land acquisition process and not on land conservation tools. What was being discussed was not a new process.

Commissioner Golightly noted the document title should state “Heritage Fund Acquisition process.” We are, in fact, a land management agency. We use a portion of \$10 million to acquire land for sensitive and endangered species. The Department does purchase and manage land. A potential acquisition comes to the Commission twice.

There were specific guidelines in the initiative regarding what the Department was to do with the acquisition money. This was the guiding document; the people of Arizona expected us to follow the guidelines.

Commissioner Gilstrap thought the last page of the document would be of great help in the process. If high value sensitive habitats in the state were developed in advance, most of the problems being discussed would be taken care of and the map would change accordingly. He saw this document as allowing for a more expedient, efficient process in carrying out the Commission's responsibilities. Mr. Kennedy noted the Department had been trying to streamline the acquisition process for over two years.

Chairman Carter wanted the Commission to have until September to digest the information. At that time, the Commission could hopefully endorse the document as a whole so that the public process could begin. He agreed that there was a process in place, but there were obligations and priorities that exceeded available revenues. Unfortunately, the Commission was caught in a "time warp" and became a victim as a result.

Commissioner Golightly thought the process was right but impediments needed to be looked at. There would be a legislative session starting soon. If the Department knows it has high priority property that has gone through the Commission's process and is ready for purchase, it should be purchased. The Commission and Department needed to move through the process more quickly. The Department needed Commission direction on the two "other challenges to acquisition" noted above.

Chairman Carter thought there should be as many willing partners and endorsements involved as possible on acquisitions. With the map concept, the information could be put out more rapidly than before. If the value was so significant with regard to our responsibilities and the partners don't buy in, at least they were given the opportunity. There was a mechanism where monies could be formally encumbered. Chairman Carter and Commission Golightly thought the challenge associated with obligating funds (escrow) should be added to the recommendations.

With regard to the requirement to have support from the local government prior to acquisition, Commissioner Golightly felt the Commission in the past directed the Department to receive permission from the governmental agencies and organizations. He believed the Commission never voted on this to be a policy. It was an unwritten policy that the Department must have permission from local governmental bodies and representatives to acquire property. Commissioner Gilstrap agreed and added the Commission cannot delegate authority of acquisition to a local governmental agency. Chairman Carter noted letters of support for a property acquisition were received, but this was never mandated prior to acquisition. Commissioner Golightly thought that now it was mandated to have local support before acquiring property.

Commissioner Chilton stated the Commission would be more in favor of property purchases that met both the mapped identified needs of the Department and have local support. Local support would advance the standing of a particular property purchase over another that did not. Chairman Carter added it might give more political standing with legislators and their constituents. He suggested that the commissioners convey to Mr.

Kennedy their thoughts before the next meeting as there needed to be something formally underway by September. Given anticipated income, there are already properties identified that exceeded expected available funds.

Commissioner Golightly noted Commission Chilton's previous statement regarding having to gain local support. He disagreed for several reasons. One was that when people were notified about the Department's intention to look at a potential piece of land, there was the potential of all other people thinking all the other surrounding property would be bought. The surrounding property becomes valuable to someone. He felt obtaining mandatory support was an impediment. Local governments may or may not want the Commission to purchase properties in their counties. This, however, was not the intent of the Heritage Fund land acquisition program; yet, local governments should be involved in the process. To what extent and the timing of that extent would be important.

Commissioner Melton noted Department's recommendations (1-3) were discussed and the Commission agreed they were vital except additional information would be provided at the September meeting. He wanted to move forward with these three items.

Motion: Melton moved THE COMMISSION APPROVE THE DEPARTMENT'S THREE RECOMMENDATIONS.

Chairman Carter asked if the Commission were to take action today to bring this back for formal vote on the specifics in September, would that include the debate on the two items, plus the third item added which addresses how monies would be obligated or to explore how monies could be more formally obligated. Mr. Kennedy stated clarification of the two issues would be very helpful to the Department in its efforts to bring recommendations before the Commission in September. In the recommendations, the target date for completing this was the end of September. The current land acquisition process was not being replaced. We were trying to discuss ways, if appropriate and necessary, how we might be able to expedite certain parts of the acquisition process.

Chairman Carter noted most of the wildlife management activities are located in rural Arizona in terms of resources and habitats. Forest lands constitute a large part of Arizona and the health of those forests are having a negative impact on wildlife and the sustaining of wildlife populations. He did not want the Commission perceived as carrying a big stick and buying property without some dialog and opportunity for input. He felt the Department's current public outreach tools would enhance and build partnerships and help gain needed endorsements.

Mr. Kennedy noted it would be helpful to have Commission direction today on the Department's three recommendations. It would also be helpful to have clarification on the two issues, but they were not important process changes.

Commissioner Gilstrap seconded Commissioner Melton's motion.

Vote: Unanimous

Commissioner Gilstrap did not support delegating or relegating the Commission's acquisition authority to someone else. He asked Mr. Kennedy to clarify actions previous Commissions put in place that confused the issue. It was the Commission consensus to gain support from local governments and communities to be in concert with Commission acquisitions. He thought that implementing the third recommendation to develop a map that shows high-value sensitive habitats in the state would be a huge step in accomplishing #2 (the Department cannot pursue acquisition unless the landowner approaches the agency with an offer to sell). Mr. Kennedy stated the map would be a great tool. Reactively it will tell the Department when it gets an offer, where the property is in the state and whether or not it is located within high-value, high-priority habitat. Proactively the map could be used to seek acquisition of properties. The map may be confidential depending on the extent of sensitive species information.

Commissioner Chilton wanted to see the document prefaced with statements of priority and philosophy that would include higher priority being placed on potential acquisitions on which current productive uses can be maintained and would not remove the property from tax roles of the local entity, i.e., conservation easements, purchase of development rights, or other tools that would advance the mission of the Department without becoming a land management agency. This was not the mission of the Department and she did not encourage this philosophy. Local communities would be respected and higher priority would be placed on property for which there was local support for the projected use offered by the Department as rationale for purchasing the property.

Commissioner Golightly did not support Commissioner Chilton's statement. He added the Commission still needed to give clear direction to the Department. In the past, there needed to be a willing seller and a willing buyer; he wanted to know if this was in a policy or if it was something the Commission traditionally asked the Department to do and it became a requirement. Director Shroufe stated the Department assumption was to be approached by a willing seller. The Department was bound by previous Commission direction until changed by a current Commission. Commissioner Golightly did not think this Commission was bound by anything except what it acts on and he wanted to remove the willing seller/willing buyer provision as it no longer applied. The Department wanted to know if it should continue not being proactive with Heritage monies for land acquisitions. He wanted to be more proactive so Game and Fish does not lose the money because it was not used. If the Department could have been more proactive and had gone through the priority schedule that will be provided, the landowner could have been asked if he wanted to sell his property because the Department knows the property is sensitive and has endangered species associated with it and needed to be conserved or protected. Mr. Kennedy agreed that right now, this could not be done.

Commissioner Gilstrap agreed with Commissioner Golightly's concept but did not see an inconsistency between an unwilling buyer and the Department being proactive. The Department could be proactive but he was concerned about getting rid of the willing buyer/willing seller provision as it would imply condemnation authority.

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Meeting recessed at 11:25 a.m.

Meeting reconvened at 11:40 a.m.

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Chairman Carter noted Mr. Kennedy had a recommendation for this item.

Mr. Kennedy noted the Department would be willing to come back to the Commission at the September meeting with recommendations on the three issues discussed today:

1. Coordination with local governments with respect to potential acquisitions
2. Approaching landowners to see if they are willing sellers or would entertain an easement purchase.
3. Where in the land acquisition process could the Commission or Department obligate dollars earlier if it could be done.

Information could be given to the Commission two weeks prior the meeting. Chairman Carter asked to have the information in a draft form so individual feedback could be obtained from the commissioners to allow consensus for a final product in September.

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Chairman Carter left the meeting at 11:44 a.m. Commissioner Chilton assumed duties of the Chair for the remainder of today's meeting.

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5. Rocky Mountain Research Station Update on Fishery and Riparian Research on the Upper Verde River (1993-2003)

Presenter: John Kennedy, Habitat Branch Chief

In 1993, the Rocky Mountain Research Station (RMRS) was asked by the Prescott National Forest (PNF) to provide technical assistance in defining the factors associated with potential decline of spikedeace in the Upper Verde River. A series of diagnostic research projects were initiated to identify factors that might be operative, including monitoring fish populations, fish habitat, identification of riparian and channel habitats, water quality, historical river changes (1947-1997), historical photographic descriptions of riparian conditions, and monitoring grazed (livestock) and ungrazed habitats.

Mr. Kennedy introduced Alvin Medina, Research Ecologist for the Rocky Mountain Research Station, who gave a Powerpoint presentation focusing on the results and status of the 1993-2003 studies with emphasis on fish-grazing relationships of the research (the purpose of the technical assistance to the U.S. Forest Service).

One of the key partnerships developed in 1998 was the Upper Verde River Adaptive Management Partnership (UVRAMP). This is a citizen-driven group that facilitates work between the PNF and the RMRS in terms of addressing the issues and what needs to be done on the ground. The group has been instrumental in finding monies and in-kind contributions to see the work has been done.

The nature of the hydrological studies was summarized as related to defining channel types and riparian habitats. Water quality studies and vegetation monitoring studies were described.

Change in fish species composition was described. There has been a decline in native fish and an increase in non-natives. In the last five years, spokedace have not been found. River habitat has vastly improved; now it is narrower but deeper.

Thirteen criteria of the U.S. Fish and Wildlife Service's designation for critical habitat was a concern by the PNF and permittees on the Upper Verde. All but one of the criteria was being met (habitat was not devoid of exotic aquatic species).

Preliminary conclusions of vegetation studies show 1) controlled grazing can maintain and enhance riparian habitats, 2) absence of grazing can change species composition, 3) a decrease in sedge vegetation and 4) an increase of the cover of invasive and non-native species.

Preliminary findings are that exotic fauna primarily affect native fish populations and there was no evidence to link grazing to loss of fish or habitat.

Future research will be focused on the restoration of riparian and aquatic habitats with the emphasis on wetland meadows, riparian buffers (sedges and rushes) and fish populations. Much of the research will be done on private lands.

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9. Call to the Public

There were no comments.

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Meeting recessed at 12:32 p.m.

Meeting reconvened at 12:45 p.m.

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6. 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.

Additional information was provided. Mr. Baldwin, Director Shroufe and Commissioner Gilstrap met with the Bureau of Land Management and State Land Commissioner to look at issues related to lands west and north of the Ben Avery Shooting Facility (BASF). There was a recommitment by all parties to look at issues and the State Land Department would get back to the Department regarding the potential of costs of an access lease so the trail on the west boundary of BASF might be moved further west and eliminate potential safety issues.

A meeting was held with the Mayor of Tucson and a Council Member Fred Ronstadt with regard to shooting range issues. The City of Tucson is somewhat interested in looking at the long-term possibility of acquiring a shooting range that is currently in private ownership but is for sale.

The Phoenix Trap and Skeet Club is interested in looking at the potential of locating a clay target facility as part of the Buckeye Hills facility.

The Department was contacted by a landowner in the Flagstaff area who owns a portion of residentially-zoned property (40 acres) $\frac{3}{4}$ mile to the west of the Bellemont proposed site. The land was in the development process and gray water/waste water may be created and the landowner wanted to know if the Department was interested in using that water for landscaping purposes. The landowner was supportive of the shooting range; the Department would be working with the developer and disseminating information to potential homeowners if there is a positive resolution to the federal court case.

Commissioner Golightly reiterated for the record that the Commission does not see Buckeye Hills as a replacement for the Ben Avery Shooting Facility but offered new shooting opportunities in another part of the Valley.

Public comment

Steven Carothers, representing self, supported the Department's efforts with regard to shooting ranges. He reviewed the NEPA documents for the Bellemont Shooting Range. He thought the NEPA document was totally inadequate as it related to assessing the impact of the human environment and proximity to residences. He did not think the county was adequately surveyed to see whether or not they were knowledgeable. He requested that there be more community meetings and discussions as to whether or not the shooting range was appropriately located.

Commissioner Gilstrap noted at the Western Association of Fish and Wildlife Agencies Conference he and Commissioner Golightly met with Dr. Tom Arvas, Chair of the New Mexico Game and Fish Commission and Vice President of the National Rifle Association (NRA), regarding the communication process. Commissioner Golightly described the contents of the draft letter to Dr. Arvas. He noted that in the letter it was stated "there is no intent on our part to eliminate the Ben Avery Shooting Facility. Any rumors that continue to surface to the contrary are false. We also have no intent to sell parcels of the Range to eventually make the range unusable." Dr. Arvas has agreed to facilitate a meeting with members of the Commission and the NRA to discuss items contained in the letter to improve communication.

Motion: Melton moved and Gilstrap seconded THAT THE DIRECTOR SIGN AND SEND THE LETTER.

Vote: Unanimous

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Meeting recessed at 1:05 p.m.

Meeting reconvened at 1:30 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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13. Rehearing Request Regarding Previous License Revocation/Civil Assessment

Presenter: Leonard Ordway, Law Enforcement Branch Chief

Billie K. Hill requested a rehearing be scheduled regarding action taken on June 20, 2003, because she was not notified of the first hearing (R12-4-607.D.1.) (See proceedings for June 20, 2003, pages 3-4.) Mr. Ordway noted if the request was granted, Ms. Hill was present at today's meeting so the Commission could proceed with the rehearing. Mr. Ordway noted Ms. Hill had a matter to tend to in the Valley and was away from home when the notice was originally served; there could be an issue with the way the notice was served.

Ms. Hill apologized for what she did and letting Mr. Redfoot pick up the turkey for her after she shot it.

Motion: Gilstrap moved and Golightly seconded BASED ON THE CONCLUSION THAT THE RESPONDENT DID NOT RECEIVE THE ORIGINAL HEARING NOTICE, THE COMMISSION SET ASIDE ITS ORIGINAL DECISION AND GRANT A REHEARING.

Vote: Unanimous

The Commission proceeded to hear Mr. Redfoot's case. Action was taken (see License Revocation/Civil Assessment proceedings, page 6.)

Motion: Melton moved and Gilstrap seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF BILLIE K. HILL TO HUNT, FISH, TRAP AND GUIDE IN THE STATE OF ARIZONA BE REVOKED AND SHE BE DENIED ANOTHER FOR A PERIOD OF THREE YEARS; THAT THE CURRENT LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT IT BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT SHE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE AND PROVIDE PROOF TO THE DEPARTMENT BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION TO COLLECT THE AMOUNT OF \$222.65 FOR HER PART IN THE LOSS OF ONE (1) TURKEY. FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Gilstrap and Melton – Aye
Golightly – Nay
Chair voted Aye
Motion carried 3 to 1

12. Rehearing Request for License Revocation/Civil Assessment

Presenter: Leonard Ordway, Law Enforcement Branch Chief

Wayne Emmett Howell requested a rehearing be scheduled regarding action taken on April 11, 2003, because of excessive or insufficient penalties (R12-4-607.D.5.) (For additional information, see proceedings for April 11, 2003, page 4.)

Howell was not present at today's meeting.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION NOT GRANT A REHEARING.

Vote: Unanimous

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Meeting recessed at 3:40 p.m.

Meeting reconvened at 3:50 p.m.

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8. Commission Briefing on Arizona Residents' Attitudes Towards Nongame Wildlife, the Economic Analysis of Non-Consumptive Wildlife-Related Recreation and the Economic Importance of Off-Highway Vehicle Recreation in Arizona

Presenter: Ty Gray, Responsive Management Coordinator

For additional information, see Commission meeting minutes for March 21, 2003, pages 2-3.

A Powerpoint summary briefing was presented. Three studies were combined and a summary was given of each one. The first was Arizona residents' attitude towards nongame wildlife followed by the economic impacts of wildlife watching and recreation in Arizona. Responsive Management did the survey for the Department with 1500 residents in Arizona being interviewed and asked 310 questions.

As part of the study an economic impact analysis of wildlife watching was included. This is done by the National Hunting, Fishing and Wildlife Recreation Association for each state. Wildlife watching and off-highway vehicle (OHV) recreation generated \$820 million and \$3.1 billion, respectively, in retail sales during 2001. The 2001 multiplier impacts of the initial retail sales in each Arizona county were reported. Overall, the impact of the \$820 million in spending wildlife watchers in Arizona during 2001 created a statewide economic impact of \$1.5 billion, supported over 15,000 jobs, created \$430 million in household income and added nearly \$58 million to annual state tax revenues. The OHV expenditures of \$3.1 billion created a statewide economic impact of \$4.2 billion, supported over 36,000 jobs, created \$1.1 billion in salaries and wages and generated \$187 million in state tax revenues.

Mr. Gray described dissemination and utilization of the data. It is planned to combine this with hunting and fishing economic impact studies. Thirty-one chambers of commerce have been identified as well as county boards of supervisors that will receive a packet of

information with an invitation for the Department to meet with them and present information in a formal manner. The Commission wanted to be kept apprised of progress made in this endeavor.

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14. State and Federal Legislation
and
15. Proposed Legislation for 2004

Presenter: Anthony Guiles, Legislative Liaison

Documents were provided to the Commission. The first (Effectiveness of Communication with the Legislature) was reviewed. He noted page 9 has the average scores of the House and Senate. Average score of communication for the House was 81%; for the Senate, 91%. Included in the document was a summary of key legislation.

Direction was received from the Governor's Office to have recommendations of proposed legislation from state agencies to them by August 15, 2003. The Department has taken a position of not running legislation unless the Commission would like to see that done. The Department preferred to be on the defensive rather than the offensive next year since it was another budget year for General Fund agencies.

Per Commission direction in June, Mr. Guiles had a rough outline regarding the bonding levels and creative financing options in terms of a new headquarters facility.

The first recommendation was to change the amount of the Commission's bonding authority from \$7.5 million to \$15 million. More time will probably be needed to lay out the pros and cons of each financing option; in the meantime, the Governor's Office would be informed the Department was contemplating the proposal of this legislation.

Motion: Gilstrap moved and Melton seconded THAT IN THE 04 LEGISLATIVE YEAR, WE PURSUE THE INCREASE IN BONDING AS AN OPTION AND LOOK AT OTHER STATUTORY CHANGES THAT MAY HAVE TO BE MADE AND OTHER FINANCING OPTIONS.

Commissioner Golightly had mixed feelings about increasing bonding authority in 2004. Commissioner Gilstrap thought it was important to bring the authority up to '04 specifications.

Vote: Unanimous

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1. Executive Session

- a. Purchase of real property and associated water rights

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

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Meeting recessed at 4:37 p.m.

Meeting reconvened at 4:45 p.m.

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2. Request for the Commission to Approve the Acquisition by Donation of the Fort Mohave Farms Property Located along the Colorado River in Mohave County, Arizona

Presenter: John Kennedy, Habitat Branch Chief

The Commission owns approximately 140 acres along the Colorado River near Bullhead City (referred to as the Section 10 property) that is managed as part of the 500-acre Colorado River Nature Center. Through a Cooperative Management Agreement, the Department, Bureau of Land Management (BLM), and the City of Bullhead cooperatively manage this area for fish and wildlife conservation purposes and related recreational opportunities.

The Commission was offered a donation of approximately two acres adjacent to the Section 10 property. The property consists of upland and Colorado River habitat. If approved by the Commission, the Fort Mohave Farms property will be incorporated into the Commission’s Section 10 property and managed as part of the Colorado River Nature Center.

Motion: Gilstrap moved and Golightly seconded THAT THE COMMISSION VOTE TO APPROVE THE ACQUISITION BY DONATION OF THE FORT MOHAVE FARMS PROPERTY CONSISTENT WITH THE PURCHASE AGREEMENT. AS RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL AND IN ACCORDANCE WITH ARS 17-241.A., THIS ACQUISITION IS SUBJECT TO THE APPROVAL OF THE GOVERNOR.

Vote: Unanimous

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16. Call to the Public

There were no comments.

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17. Director’s and Chairman’s Reports

Director Shroufe noted Division reports were previously provided to the Commission. He attended meetings for the following: Invasive Species Advisory Council, North American Wetlands Conservation Council; Western Association of Fish and Wildlife Agencies (WAFWA); Pacific Flyway Council and Sonoran Joint Venture. A meeting was held with the Bureau of Land Management and State Land Department regarding the Middle Gila Conservation Partnership, along with private landowners. Also attended were two meetings of the Governor’s Cabinet and Wildlife for Tomorrow board meeting.

Chair pro tem Chilton attended the following meetings: Sonoran Desert Conservation Plan; with Pima County Supervisor Bronson; Landowner-Lessee/Sportsman’s Relations

Committee; National Cattle Growers and Public Lands Council (Texas); and Arizona Cattle Growers Game Committee.

18. Commissioners' Reports

Commissioner Melton attended a Yuma Valley Rod and Gun Club meeting and attended a trappers' convention in Globe.

Commissioner Gilstrap attended the State Habitat Partnership Committee meeting. He will prepare a formal report including actions taken. One of the things that will be pursued is additional sources of funding other than from big game tags. He attended the WAFWA meeting and the Jaguar Conservation Team meeting. He attended the meeting with the State Land Department regarding the potential of an initiative with the Land Department's future. A meeting was held with Phoenix Trap and Skeet.

Commissioner Golightly attended the WAFWA meeting and meetings dealing with the northern Arizona shooting range. He attended the depredation buffalo hunt at Raymond Ranch.

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20. Approval of Minutes

Motion: Golightly moved and Melton seconded THAT THE MINUTES FOR JUNE 20-21, 2003 BE APPROVED.

Vote: Unanimous

The minutes for May 16, 2003 were signed.

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Items 7 and 19 were postponed until tomorrow's meeting after executive session. Executive session would start tomorrow at 7:00 a.m.

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

Vote: Unanimous

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Meeting recessed at 5:00 p.m.

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Saturday, August 9, 2003 – 8:00 a.m.

Chair pro tem Chilton called the meeting to order at 8:06 a.m. Commissioner Carter was absent due to recuperation from recent surgery. The commissioners introduced themselves and Chair pro tem Chilton introduced Director's staff. The meeting followed a revision dated August 4, 2003.

1. Executive Session

- b. Legal Counsel. *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; *Ameduri and Yee et al. v. U.S. Forest Service et al.*, U.S. District Court No. CIV 02-2495 PCT FJM; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; in the matter of *Search Warrant No. CR 2002-2395SW*; *The Fund for Animals et al. v. Norton et al.*; USDC D.C. 1:30-CV-00892 (RJL); and *Phelps Dodge v. Arizona Dept. of Water Resources*, LC2003-000243-001DT.

Mr. Odenkirk stated the water rights settlement agreement with the Gila River Indian Community and resolution of the agreement were discussed with the Commission in executive session. He read a recommendation for the Commission to consider using in the form of a motion.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION VOTE TO APPROVE THE GILA RIVER INDIAN COMMUNITY WATER RIGHTS SETTLEMENT AGREEMENT AND AUTHORIZE THE DIRECTOR ON BEHALF OF THE COMMISSION TO SIGN AND EXECUTE THE AGREEMENT AND ANY NECESSARY DOCUMENTS REQUIRED BY THE AGREEMENT CONTINGENT UPON REVIEW AND APPROVAL OF THE WATER EXCHANGE AGREEMENT REFERRED TO IN THE SETTLEMENT AGREEMENT.

Mr. Odenkirk made a modification. It should be CONTINGENT UPON REVIEW AND APPROVAL OF THE ATTORNEY GENERAL'S OFFICE OF THE WATER EXCHANGE AGREEMENT REFERRED TO IN THE SETTLEMENT AGREEMENT.

The maker and second of the motion agreed to the modification.

Vote on amended motion: Unanimous

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7. Litigation Report

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; *Ameduri and Yee et al. v. U.S. Forest Service et al.*, U.S. District Court No. CIV 02-2495 PCT FJM; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; in the matter of *Search Warrant No. CR 2002-2395SW*; *The Fund for Animals et al. v. Norton et al.*; USDC D.C. 1:30-CV-00892 (RJL); and *Phelps Dodge v. Arizona Dept. of Water Resources*, LC2003-000243-001DT.

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 comments or questions.

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1. Request to Adopt Commission Order 5: Spring Turkey; Commission Order 6: Javelina; Commission Order 8: Spring Buffalo and Commission Order 9: Spring Black Bear

Presenter: Brian Wakeling, Big Game Supervisor

A Powerpoint presentation was given. A copy of the final proposals for Items 1 and 2 was distributed to each commissioner.

Commission Order 5: Spring Turkey

The 2004 spring turkey season is recommended to run April 23-May 20. Stratified seasons are implemented in units that can support higher harvests, but where hunter density may be higher than desired. The Department recommended maintaining the stratified season structure adopted last year. The dates for the first stratified hunt in 2004 would be April 23-29 and May 7-20; the dates for the second stratified hunt would be April 30-May 20.

The recommendation showed an increase of 61 permits and offered 5,142 permits in the Limited Weapon-Shotgun Shooting Shot-Only Season. A total of 150 permits were recommended for the spring juniors-only turkey season.

The Department also recommended two permits for Gould's turkey in Unit 35A. Two additional permits will also be recommended at the October Commission meeting to be eligible as Special License-Tags.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 5, SPRING TURKEY, AS PRESENTED.

Vote: Unanimous

Commission Order 6: Javelina

The Department recommended 11,280 general firearms permits (a decrease of 600 permits from last year); 9,415 archery permits (a decrease of 200 from last year) and 6,500 HAM permits (a decrease of 500 from last year).

Proposed javelina season dates for 2004 are January 1-31 for archery; February 13-19 for HAM, and either February 13-19 or February 20-26 for general. One HAM season has been stratified in Unit 20C and the second season was proposed to run from February 20-26.

The Department also recommended 485 juniors-only javelina permits, which was an increase of 25 permits from 2003. The proposed season would run February 6-12.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 6, JAVELINA, AS PRESENTED.

Vote: Unanimous

Commission Order 8: Spring Buffalo

A single season of March 12-April 11, 2004, with four any buffalo permits was recommended for the House Rock herd in Units 12A and 12B. Several spring hunts were recommended for Raymond Ranch in Unit 5B. Two seasons for two adult bulls each were recommended for March 12-18 and March 19-25. Four separate hunts for four yearling buffalo each were recommended during January 2-8; January 9-15; January 16-22 and January 23-29.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 8, SPRING BUFFALO, AS PRESENTED.

Vote: Unanimous

Commission Order 9: Spring Bear

The Department recommended a March 19-April 27 general season that would close the first Wednesday after the female harvest objective was reached. The 25 permit hunt in Unit 24A and 50 permit hunt in Unit 27 would continue with a female harvest objective of 1 each. A 75 permit hunt in Unit 29/30A and a 150 permit hunt in Unit 31, with a female harvest objective of 1 and 2, respectively, was recommended again. Unit 32 was again recommended for a 50 permits and Unit 34A was recommended for 15 permits, each with a female harvest objective of 1. Unit 35B was recommended to be opened this year in conjunction with Unit 35A, with 20 permits and a female harvest objective of 2. Fort Huachuca was recommended to be open for a limited harvest, with the harvest objective in conjunction with Unit 35A/35B.

A March 19-April 18 archery-only spring bear season was recommended in Unit 22, with 50 permits and a harvest objective of 1 female bear. An April 28-September 27 archery-only spring bear season was recommended for Unit 34A with 10 permits and a harvest objective of 1 female bear. Unit 35B was recommended to be added to the Unit 35A hunt, with 20 permits and a harvest objective of 3 female bears. Fort Huachuca was recommended to be open with a harvest objective established in conjunction with Unit 35A/35B. The Department recommended 50 archery-only permits in Unit 3B and 3C, with a female harvest objective of 2 and 10 archery-only permits in Unit 6B with a female harvest objective of 1 during April 23-May 20, which would coincide with the spring turkey seasons.

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

Vote: Unanimous

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2. Request to Adopt Commission Order 21-Waterfowl and Commission Order 22-Snipe

Presenter: Sam Lawry, Migratory Game Bird Supervisor

A Powerpoint presentation was given. An amendment had been provided to the Commission in a memo dated August 4, 2003, for Commission Order 21: Waterfowl. The Pacific Flyway Council met the last week of July and the Service Regulations Committee met the following week to approve the frameworks in the Flyway.

Commission Order 21: Waterfowl

Final results of the U.S. Fish and Wildlife Services (FWS) May Canadian pond counts and mid-continent breeding mallard indices allow for the Liberal 107 day duck season as prescribed by the Adaptive Harvest Management criteria. Arizona's 2003-04 duck season was recommended to open October 17, 2003, and close on January 25, 2004.

The 2003-04 Federal Frameworks will allow for a 60-day canvasback season within the general duck season. The Department recommended harvest of canvasbacks in Arizona from November 27, 2003, to January 25, 2004. This season recommendation provided harvest opportunities of canvasbacks during the same recommended season for pintail, which is also limited to a 60-day season.

The FWS 2003 breeding population estimate of 2.5 million pintail increased from the all time low of 1.7 million in 2002. This increase is due largely because of Canadian and northern U.S. habitat conditions being much better. However, because of the long-term decline for this species, the Service Regulations Committee approved a restrictive package, 60 days for pintail with a 1-bird bag per day. The Department recommended a pintail season within the general duck season beginning November 27, 2003, through January 25, 2004, with a bag and possession limit of 1 and 2 respectively.

Recommended 2003-2004 season dates for general waterfowl, youth-only waterfowl, falconry-only and restricted goose seasons are:

	<u>Mountain Zone</u>	<u>Desert Zone</u>
Juniors-Only	Oct. 11, 2003	Jan. 31, 2004
Falconry-Only	Oct. 12-16, 2003	Jan. 30-Feb. 3, 2004
General Duck	Oct. 17, 2003-Jan. 25, 2004	Oct. 17, 2003-Jan. 25, 2004
General Goose	Oct. 17, 2003-Jan. 25, 2004	Oct. 17, 2003-Jan. 25, 2004
Pintail & Canvasbacks	Nov. 27, 2003-Jan. 25, 2004	Nov. 27, 2003-Jan. 25, 2004

Restricted Goose Hunts: Dec. 1, 2003-Jan. 25, 2004 (GMU 1 and 27)
Nov. 15, 2003-Jan. 25, 2004 (GMU 22 and 23)

The Department recommended adoption of the federal bag limit of seven ducks per day, of which no more than two may be female mallards, two redheads, one pintail, one canvasback and four scaup. The bag limit on geese is 3 white and 3 dark.

Commission Order 21 includes bag limit and season structures for coots and common moorhens within the general duck season frameworks. The Department recommended the full federal framework on bag limit and possession limits on coots and moorhens, which are 25.

One of the endorsements passed at the Pacific Flyway Council meeting this year was for the U.S. Waterbird Plan. The second version of the draft Plan will include non-colonial species, such as coots and moorhens. This could possibly result in the reduction of the bag limit for these species.

Commission Order 22: Snipe

The Department recommended the Commission approve a general snipe season consistent with the total allowable season days and bag and possession limits allowed by the FWS for Pacific Flyway states. This season would run October 17, 2003-January 25, 2004, with a bag limit of 8 and possession limit of 16.

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

Vote: Unanimous

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3.a. Request to Approve a Second Notice of Rulemaking Docket Opening, Retroactive to May 16, 2003, for Article 3, Taking and Handling Wildlife

Presenter: Carlos Ramirez, Rulewriter

The Commission was asked to approve a Second Notice of Rulemaking Docket Opening, retroactive to May 16, 2003, to re-open the expired rulemaking docket for the amendment of the Article 3 rules related to the taking and handling of wildlife identified in the Five-Year Rules Review report approved by the Commission at the December 8, 2001, Commission meeting.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE A SECOND NOTICE OF RULEMAKING DOCKET OPENING RETROACTIVE TO MAY 16, 2003, TO AMEND THE ARTICLE 3 RULES.

Vote: Unanimous

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3.b. Request to Approve the Notice of Proposed Rulemaking and the Preliminary Economic, Small Business and Consumer Impact Statements for R12-4-301, R12-4-302, R12-4-303, R12-4-304, R12-4-305, R12-4-306, R12-4-307, R12-4-308, R12-4-310, R12-4-311, R12-4-312, R12-4-313, R12-4-314, R12-4-315, R12-4-316, R12-4-318 and R12-4-319; and New Rules R12-4-317 and R12-4-320

Presenter: Carlos Ramirez, Rulewriter.

For additional background information, see Commission meeting minutes for June 22, 2002, pages 30-31. Due to the complexity of the rulemaking, the regular rulemaking process took longer than anticipated, and the Department filed a second identical Notice of Docket Opening with the Secretary of State on May 16, 2003, to facilitate the completion of the regular rulemaking.

If approved by the Commission, the Notice of Proposed Rulemaking and the preliminary Economic, Small Business, and Consumer Impact Statements will be filed with the Secretary of State by August 15, 2003, for publication in the Arizona Administrative Register on September 5, 2003. Written public comments will be accepted until October 6, 2003, and the notice of Final Rulemaking will be presented to the Commission for final action at the December 2003 Commission meeting. The final rulemaking package will be submitted to the Governor's Regulatory Review Council for the February 2004 meeting with an anticipated effective date of April 2004.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE THE NOTICE OF PROPOSED RULEMAKING AND THE PRELIMINARY ECONOMIC, SMALL BUSINESS AND CONSUMER IMPACT STATEMENTS FOR R12-4-301, R12-4-302, R12-4-303, R12-4-304, R12-4-305, R12-4-306, R12-4-307, R12-4-308, R12-4-310, R12-4-311, R12-4-312, R12-4-313, R12-4-314, R12-4-315, R12-4-316, R12-4-318 AND R12-4-319; AND NEW RULES R12-4-317 AND R12-4-320 FOR FILING WITH THE SECRETARY OF STATE.

Vote: Unanimous

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4. Call to the Public

There were no comments.

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5. Future Agenda Items

The draft agenda was already out for the September meeting. Chair pro tem Chilton asked for a report on the status of forest health issues.

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Meeting recessed at 9:05 a.m.

Meeting reconvened at 9:14 a.m.

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1. Executive Session

c. Personnel Matters. Director's goals and objectives

Motion: Gilstrap moved and Melton seconded TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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Meeting recessed at 9:15 a.m.

Meeting reconvened at 10:13 a.m.

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

Vote: Unanimous

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Meeting adjourned 10:14 a.m.

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