

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, June 24, 2005 – 8:00 a.m.
Saturday, June 25, 2005 – 8:00 a.m.
Best Western Inn
801 N. Beeline Highway
Payson, Arizona 85547

PRESENT: (Commission)

(Director's Staff)

Chairman W. Hays Gilstrap
Commissioner Joe Melton
Commissioner Michael M. Golightly
Commissioner William H. McLean
Commissioner Robert Hernbrode

Director Duane L. Shroufe
Deputy Director Steve K. Ferrell
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Shelley Cutts

Chairman Gilstrap called the meeting to order at 8:00 a.m. The Commissioners introduced themselves and Chairman Gilstrap introduced Commissioner Hernbrode as this was his first Commission meeting, and then he introduced the Director and the Director's staff. This meeting followed an agenda revision dated June 20, 2005.

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Public Comment

Greg Barcum with the Mogollon Sporting Association addressed the Commission and welcomed them to the Rim Country. The Rim Country has a great outdoor heritage and those outdoor activities are a major contributor to Payson's economy. A lot of those activities fall under the jurisdiction of the Arizona Game and Fish Department, as in hunting, fishing, watercraft, OHV activities, etc. Mr. Barcum thanked the Department for their time and energy invested in protecting this heritage for present and future generations. The Mogollon Sporting Association has in the past and will continue to support the Department's efforts in the Rim Country. Mr. Barcum further briefed the Commission on the Mogollon Sporting Association's efforts to support wildlife and outdoor activities through projects and fund raising activities.

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Rod Lucas, Region VI Supervisor, briefed the Commission on the wildfire activity. The main focus has been the Cave Creek Complex fire, north of the valley. Another fire started around the Three Bar Wildlife Area. It's understood that the Department's cabin there is still standing although it has burnt all around it. The size of the fire there is probably over 10,000 acres at this time and is burning in all directions on that side of the lake. There is a deer enclosure there and the crews are now starting to lay down the enclosure fence to allow those deer to leave the enclosure. Another small fire has started west of the Tonto Creek Fish Hatchery and they have been put on a pre-evacuation notice; however, the fires in the higher elevations have not generated that much energy because the conditions are different than the lower desert, so hopefully the firefighters will be able to get that under control.

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

Presenter: Bob Broscheid, Habitat Branch Chief

A copy of the Lands Update report was provided to the Commission prior to today's meeting and is included as part of these minutes. The update addresses decisions or activities since the May 2005 Commission meeting. This update is in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding decisions and actions on all state and federal lands in Arizona.

Mr. Broscheid addressed the Commission and reported on new information, as well as the Department's progress towards resolving ongoing issues and concerns.

The Arizona Elk Society, Apache-Sitgreaves National Forests, and several grazing permittees recently signed a Memorandum of Understanding (MOU) that will implement grazing solutions to improve and sustain watershed and ecosystem health in the Burro Creek Allotment (Norm Brown, permittee). The goal of the MOU is to improve, restore and conserve Forest Service lands, wildlife habitat and recreational use by eliminating grazing in certain pastures that conflict with these uses or contain land features that make grazing challenging (e.g., dense forests, rugged terrain, endangered species), and reconfigure grazing in pastures that contain high production of herbaceous forage and low maintenance costs. The Arizona Elk Society purchased the grazing interests from Mr. Brown, which under the terms of the agreement will waive back the permit for the Burro Creek allotment to the Forest Service. This agreement will be effective until the terms and conditions can be incorporated into the Forest Land Management Plan following the upcoming plan revision process.

Mr. Broscheid introduced Ron Eichelberger from the Arizona Elk Society and John MacIvor, Springerville District Ranger with the Apache-Sitgreaves National Forests, who were present to provide more information on this item.

Mr. Eichelberger briefed the Commission and provided a slide presentation on the Arizona Elk Society's activities in regards to this allotment. Handouts were provided to the Commission, which included maps and pictures.

Early in 2005, the Arizona Elk Society approached the U.S. Forest Service and the Brown family with an offer of cooperation. A small group of individuals representing an array of interests wanted to discuss how they could make some meaningful impacts on the environment. This meeting had sportsmen, ranchers, the local U.S. Forest Service District, Arizona Game and Fish personnel and the Arizona Elk Society Projects Committee members. From the beginning it was evident that everyone believed in the concept of multiple use, but it was also evident that everything on every acre is only a concept, and not a practical application. The Arizona Elk Society viewed the area as habitat for elk; the Arizona Game and Fish Department included antelope, deer, cold water fisheries and the Apache Trout recovery program; the ranchers saw the land as livestock pastures, but some with too many trees or environmental conflicts such as the threatened and endangered species problems. There were also problems with elk fencing or elk utilization conflicts. John MacIvor and the Forest Service saw several conflicts with all of these

uses. The potential solution that MacIvor and the U.S. Forest Service came up with involved getting the surrounding permittees to participate in a restructuring of their own allotments, and the sharing of the Burro Creek allotment. The reconfiguration proposal included four additional allotments. This new area of consideration allowed for the conflicts identified by this diverse group to be resolved on a larger scale. After some lengthy discussions, the end result was a cooperative agreement signed May 13, 2005 by the Arizona Elk Society, six ranching permittees and the U.S. Forest Service. The bottom line is that over 24,000 acres (17 pastures) are excluded from livestock grazing; the livestock operations acquired 5 pastures to offset the loss. There can be winning solutions when there is an understanding of the diversity of the uses on our National Forests. The beauty of this piece of land will remain as it has for years, it will be utilized in a manner that is sound, and to everyone's benefit. Mr. Eichelberger further briefed the Commission on several other projects and accomplishments of the Arizona Elk Society.

Mr. MacIvor addressed the Commission stating that this was not the first time the Forest Service did something like this, but it was certainly the most successful. This effort will provide some real habitat preservation and Mr. MacIvor thanked the Arizona Elk Society and the Game and Fish Department for their participation.

Commissioner Golightly asked Mr. MacIvor if the same number of cattle have been condensed into a smaller area and what type of monitoring for problems was going to take place.

Mr. MacIvor stated that there was no loss of Animal Units per Month (AUM) from the surrounding permittees or the ones that got those pastures and he further explained the addition and reduction of some other AUM's as well as how the cattle were moved around for better utilization. In the total picture, there is 600 less cow/calf pair on the mountain. Also, the cows were moved into the open country on top where the production is 2500 pounds of grass per acre as opposed to 250 pounds per acre. It was a matter of taking a lot more acres out of production, but moving the cows into highly productive flat country, where basically the cows have it easier, the maintenance is easier, and the forage production is higher. The Livestock Association had the same concern as Commissioner Golightly, but they agreed and supported this MOU.

Chairman Gilstrap suggested that Mr. MacIvor and Mr. Eichelberger take this presentation to one of the Trout Unlimited meetings and show how different organizations can compliment each other in accomplishing what is good for wildlife.

Mr. Broscheid offered to answer any questions from the Commission on any other items in the Lands Update.

Commissioner McLean requested the Department keep to an eye on the situation near Laos Ranch, where the feed lots at Red Rock are about to be sold. That will open up 1100 more acres to development.

Commissioner Hernbrode requested to see a presentation by the Forest Service regarding their proposal to use domestic goats to forage areas as a means of reducing the risk of wildfires.

Mr. Broscheid commented that at the May Commission meeting, the Commission directed the Department to draft an analysis of the use of goats in chaparral conversion and we are working on that now. That will mesh perfectly with a presentation by the Forest Service.

Commissioner Golightly commented on the issues in the past related to the Big A allotment in terms of the reluctance of the BLM to coordinate with the Department and provide a schedule for review of the Big A allotment as it affects bighorn sheep in the Black Mountains, and asked if any progress has been made on that.

Mr. Broscheid stated that Mike Taylor with BLM called and assured that they will have the evaluation, the analysis, and the decision done by December 30 of this year, and we are just waiting on the documentation.

Commissioner Golightly stated that it would be prudent of the Department to do some monitoring so that in case something happens to that sheep herd, we would be able to jump on it and take care of it in an emergency situation.

Director Shroufe added that we will not only be monitoring what happens on the ground, but we will be monitoring their progress and working on this. We will be in contact with them, through both the Regional Office and with the BLM State Office.

Commissioner Golightly requested to be kept in the loop and wants to know if any deadlines are missed.

Commissioner Melton thanked the Department for all their efforts on the refuges, on the Monuments; the Goldwater Range, Cabeza, Agua Fria. It appears that we are going to come out with some good plans that the Department and the Commission are going to be very happy with.

Mr. Broscheid further briefed the Commission regarding a letter from Senator McCain in response to our concerns of the Tumacacori Highlands. His letter was specific in requesting information that he will use to evaluate whether to move the Tumacacori Wilderness proposal forward. We are putting our response letter together now and will be sending that letter back for the Senator's review.

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2. Impacts of Local Government Annexations on Fish and Wildlife Resources and Potential Strategies for Addressing these Impacts.

Presenter: Bob Broscheid, Habitat Branch Chief

Mr. Broscheid briefed the Commission on the impacts of local government annexations on fish and wildlife resources and on potential strategies for addressing these impacts. As Arizona's population continues to grow, cities and towns have been annexing large tracts of unincorporated land to accommodate future human development. As a result, fish and wildlife resources become displaced through the direct loss of habitat, movement corridors are eliminated, and opportunities for Arizona's public to view wildlife and participate in wildlife related recreation are diminished.

In the past, the Arizona Game and Fish Department has expressed a willingness to work with various cities, towns, county municipalities and state agencies to incorporate the needs of fish

and wildlife resources and wildlife related recreation into short and long range plans for future development and associated infrastructure projects. These efforts have been relatively ineffective in securing open space and connectivity corridors for wildlife, and maintaining appropriate areas to provide for limited wildlife related recreation opportunities (e.g., hunting).

Mr. Broscheid presented the Department's proposed strategy by which the needs of fish and wildlife resources can be incorporated into the short and long-range development plans related to future annexations. Effective strategy should incorporate coordination activities with multiple, regional and political levels, across state, federal and local jurisdictions, and on some policy level or legislative action. Recommendations from the Department include: the review of existing land and water laws on state, county and municipal lands and to incorporate specific requirements for consideration and preservation of fish and wildlife resources into those new amendments; develop a clear and consistent definition and application of open space in land use planning; local governments, towns, cities and counties need to be educated on the benefits of incorporating the needs of fish and wildlife resources and clearly recognize the economic benefits of wildlife related recreation in their respective planning efforts; they need to improve the use of biological information in land use planning and zoning; require the development of innovation outreach programs in coordination with the Department. Currently our information is routinely used in the review of site specific development projects as opposed to long-range planning. Incremental decisions about land is developed may have a greater impact on biodiversity than any other type of land use decision; therefore statewide and regional efforts to identify key habitats and links between habitats should be available to help guide this local decision making. Certainly, the Department's Comprehensive Wildlife Conservation Strategy falls into that. The Department should play a lead role in encouraging local developments to move beyond the site base focus of analysis to the landscape scale by helping these municipalities coordinate with one another, and by providing them with an analysis and maps on key areas of biodiversity conservation in the State. We need to encourage compatible recreation activities within designated open space and conservation areas. We also need to encourage participation in the habitat conservation planning process.

Commissioner Melton raised concerns regarding the increase of open space and wildlife corridors throughout communities, specifically human/wildlife conflicts, such as coyotes attacking pets, and asked how the Department will address these issues.

Commissioner McLean agreed with Commissioner Melton, but stated that the issue he raised pertained more to micro-wildlife corridors. Commissioner McLean stated that he sees wildlife corridors as substantial areas of open space, that are connecting wild areas that are not cut off and made into islands by haphazard and half thought through planning, done primarily by the developer. In most cases there is no common definition among the 15 counties as to what open space is. What we need to do is be a part of a more comprehensive legislative and planning process on a statewide basis, so that we get some commonality on what were talking about. Then we need to be an equal and aggressive part of the monitoring to make sure that the rules are being followed, and if they are not doing what the statutes minimally provide for wildlife purposes then we need to be calling them to the carpet. We need to get involved in that process.

Chairman Gilstrap invited Mr. Broscheid to be at the next Trust for Public Land meeting and address this subject.

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3. Draft Letter to President Bush and the Arizona Congressional Delegation Expressing Concerns Regarding the Extent that Undocumented Alien Traffic is Impacting Fish and Wildlife Resources in Arizona.

Presenter: Bob Broscheid, Habitat Branch Chief

At the May 20, 2005 meeting, the Commission requested that the Department draft a letter to President George W. Bush and the Congressional Delegation expressing concerns regarding the negative impacts that undocumented alien traffic is having on Arizona's fish and wildlife resources. These impacts include litter, impacts to natural water sources and man-made wildlife water developments, and impacts from Border Patrol activities. The draft letter has been prepared for discussion and Commission approval, and was provided to the Commission prior to this meeting. Included with the letter are pictures for documentation of the impacts.

Chairman Gilstrap requested that the last line in the letter include a sentence that says something to the effect that we look forward to you or your designee to follow up with this request and please contact Director Shroufe.

Motion: Hernbrode moved and McLean and Melton seconded THAT THE COMMISSION VOTE TO APPROVE THE DRAFT LETTER, WITH THE REQUESTED CHANGE BY CHAIRMAN GILSTRAP, TO PRESIDENT BUSH AND THE ARIZONA CONGRESSIONAL DELEGATION EXPRESSING CONCERNS REGARDING THE EXTENT THAT UNDOCUMENTED ALIEN TRAFFIC IS IMPACTING FISH AND WILDLIFE RESOURCES IN ARIZONA.

Vote: Unanimous
Golightly was absent for this vote

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4. Consent Agenda

The following items were grouped together and noticed as consent agenda items to expedite action on routine matters. These items were provided to the Commission prior to this meeting and the Department request that the Commission approve these matters as presented, subject to approval or recommendations of the Office of the Attorney General. All items were presented to the Commission and none were deemed necessary to remove for further public input or discussion.

Director Shroufe noted that item 4.f should read in the last sentence, 'The purpose of the agreement is to allow the Department to provide educational materials -and funding- for Arizona wildlife at a wildlife festival that will take place in the City's Rio Salado Project.

4.a. Request for the Commission to Approve a Modification to an Existing Agreement with U.S. Bureau of Reclamation Regarding the Roosevelt Lake Goose Forage Enhancement Project.

Presenter: Bob Broscheid, Habitat Branch Chief

For the past several years, the Department and U.S. Bureau of Reclamation (Bureau) have been working cooperatively to develop a viable project to mitigate losses to winter Canada goose habitat at Roosevelt Lake as described in the Amended Fish and Wildlife Coordination Act Report on Plan 6 (dated May 4, 1989). In 1997, an agreement was reached between the Department and the Bureau to implement forage production along the north shores of Roosevelt Lake. However, the Tonto National Forest rejected implementation of that project. Since that time, other alternatives have been investigated, and a proposal has been developed as the best option to provide value to wintering Canada geese.

The agencies have recently reached a consensus on a viable option to provide forage for geese at the Bureau's property at the Rock House Farm. Site visits have confirmed that the farm property has water and soil conditions suitable for forage production, and the former owner and current operator of the property, Mr. Bill Mercer, is available and willing to act as contractor to accomplish the planting and maintenance needs of the goose forage crop production.

In August 1996, the Bureau of Reclamation purchased the formerly private farm and rangelands west of state route 288 behind the Rock House Farm. A portion of these lands have been dedicated to implementing aspects of the Roosevelt Lake Habitat Conservation Plan, which is to create and restore riparian habitat for the Southwest willow flycatcher and Yuma clapper rail. About 20 acres of the purchased property remains under irrigated pasture production by the original owner, Mr. Bill Mercer. Mr. Mercer has an agreement with the Bureau to continue to use these lands through 2006. Although water availability is somewhat limited, it is considered to be sufficient in the short term to produce forage crops for geese in the pastures. The 20 acres of irrigable land are separated into 3 individually fenced pastures with several borders per pasture. Water is applied through flood irrigation from a ditch along the east side of the fields.

The Department is recommending that the Agreement (1425-97-FG-32-00540) be revised to specify that annual plantings of suitable goose forage crop be accomplished on the Bureau's 20-acre Rock House Farm property, and that planting, irrigating and maintenance of a goose forage crop during winter months will be accomplished by contract services for the duration of the project agreement.

The Department recommends that the Commission VOTE TO APPROVE AN AMENDMENT TO THE AGREEMENT (1425-97-FG-32-00540) WITH THE U.S. BUREAU OF RECLAMATION TO DEVELOP A GOOSE FORAGE PROJECT AT THE BUREAU'S PROPERTY AT ROCK HOUSE FARM, AND AUTHORIZE THE DIRECTOR TO EXECUTE THE AGREEMENT AS ATTACHED OR AS RECOMMENDED OR APPROVED BY OFFICE OF THE ATTORNEY GENERAL.

4.b. Request for the Commission to Approve an Agreement with the Federal Aviation Administration for Continued Access, Electrical Power, and Maintenance of Aircraft Landing Equipment Located on the Three Points Shooting Range.

Presenter: Bob Broscheid, Habitat Branch Chief

Since 1980 the Arizona Game and Fish Commission (Commission) has leased a small portion (approx 1/3 acre) of the Three Points Shooting Facility to the Federal Aviation Administration

(FAA) for the purpose of developing and maintaining a Non-Directional Beacon necessary to assist in the safe landing of airplanes at Ryan Field. The current Agreement expires September 30, 2005 and the FAA has requested that the agreement be renewed. The Commission received the land from the Bureau of Land Management (BLM) under Recreation and Public Purposes Patents Number 02-69-0001 and Number 02-69-0060.

The Department has prepared the attached Agreement that would extend their current operations for five more years with an option to continue for five years after that, at the discretion of the Commission. Rental fees of \$2,400.00 per year are recommended, as derived from fee schedules developed and used by the Arizona State Land Department for similar type uses.

The Department has reviewed the potential impacts of the proposed uses and has determined that the terms of this Agreement will not negatively impact nor change the original uses of the Three Points Shooting Facility. Furthermore, the Department has determined that the purposes and terms of the attached Agreement to be in the best interest of the Commission's resource values, goals and mission, and of the State of Arizona. This agreement is subject to concurrence from the BLM.

THE DEPARTMENT RECOMMENDS THAT THE COMMISSION VOTE TO APPROVE AN AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR CONTINUED ACCESS, ELECTRICAL POWER, AND MAINTENANCE OF AIRCRAFT LANDING EQUIPMENT LOCATED ON THE THREE POINTS SHOOTING RANGE, AND EXECUTE THE AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

4.c. Request for the Commission to Authorize the Department to Renew a Road Right-of Way for Public Recreational Access Across State Trust Land into the Coronado National Forest in Santa Cruz County, AZ.

Presenter: Bob Broscheid, Habitat Branch Chief

In 1994 the Commission authorized the Department to acquire Road Rights-of-Way in Cochise and Santa Cruz Counties. In 1995 the Arizona State Land Department approved a 10-year Right-of-Way for public recreational access into the Coronado National Forest from the I-19 frontage road at the Chavez interchange (near Sopori Ranch). There is no other legal access to the Tumacacori Mountains.

Although the Department would prefer to obtain the Right-of-Way in perpetuity, the ASLD has advised us at this time, to wait until a new 10-year Right-of-Way is approved before applying for access in perpetuity.

The Department recommends that the Commission VOTE TO AUTHORIZE THE DEPARTMENT TO RENEW A ROAD RIGHT-OF WAY FOR PUBLIC RECREATIONAL ACCESS ACROSS STATE TRUST LAND INTO THE CORONADO NATIONAL FOREST IN SANTA CRUZ COUNTY, AZ AND TO EXECUTE THE AGREEMENT AS ATTACHED OR AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

4.d. Request for the Commission to Approve the Cooperative Agreement with the Malpai Borderlands Group for the Purpose of Developing a Habitat Conservation Plan for the Malpai Borderlands Area in Southeastern Arizona.

Presenter: Bob Broscheid, Habitat Branch Chief

The Arizona Game and Fish Commission and the Malpai Borderlands Group (Malpai) applied for and received approval of an Assistance Grant from the U.S. Fish and Wildlife Service Section 6 Cooperative Endangered Species Conservation Fund for Habitat Conservation Planning. This Cooperative Agreement formalizes a partnership to develop a Habitat Conservation Plan (HCP) for the Malpai Borderlands area.

Malpai desires to develop a long-range conservation program by creating a watershed-scale plan in the form of a draft HCP that will focus on an area covering approximately 800,000 acres of the Malpai Borderlands region in southeastern Arizona and southwestern New Mexico to improve the condition of fish and wildlife habitats within this area. The HCP will provide a framework for cooperation among participating organizations, agencies, and landowners to guide restoration and management activities for listed and sensitive species in Malpai Borderlands region. In accordance with the agreement, Malpai will develop a Draft Habitat Conservation Plan, a Draft Implementing Agreement, and provide the Department with invoices for expenses incurred during the development of these documents. The Department will provide advice and technical assistance during the planning process, and will reimburse Malpai for eligible expenses not to exceed \$75,000.

The Department recommends that the Commission VOTE TO APPROVE THE COOPERATIVE AGREEMENT WITH THE MALPAI BORDERLANDS GROUP FOR THE PURPOSE OF DEVELOPING A HABITAT CONSERVATION PLAN FOR THE MALPAI BORDERLANDS AREA IN SOUTHEASTERN ARIZONA, AND EXECUTE THE AGREEMENT AS ATTACHED OR AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

4.e. Intergovernmental Agreement (IGA) between the Commission and the City of Show Low.

Presenter: Jon Cooley, Pinetop Regional Supervisor

The City of Show Low has requested that the Department enter into an Intergovernmental Agreement (IGA) that will allow the discharge of firearms by the public while legally hunting in portions of the Show Low city limits. The lands affected by and addressed in this agreement are primarily Sitgreaves National Forest and Arizona Game and Fish Commission lands.

The City of Show Low has previously annexed Sitgreaves National Forest Lands where hunting with firearms would not conflict with other land uses, but where it was illegal to discharge firearms. Comments from the hunting public and the Department were presented to the City of Show Low recommending the use of firearms on some incorporated National Forest Lands. City of Show Low and Department representatives met to identify opportunities for designating hunting areas within City limits and the subject IGA reflects the agreement to allow the discharge of firearms while hunting on affected National Forest and Commission Lands. This agreement will make it legal for hunters to discharge firearms within portions of the Show Low City Limits.

The Department recommends that the Commission VOTE TO APPROVE THIS INTERGOVERNMENTAL AGREEMENT BETWEEN THE DEPARTMENT AND THE CITY OF SHOW LOW.

Commissioner McLean asked if this was the typical way we do these agreements to allow hunting in a municipal area that has a municipal prohibition against the discharge of firearms.

Mr. Odenkirk stated that this is the common approach. There have not been many agreements of this kind. In Title 13, under the provisions regarding prohibited use of firearms, there are provisions that allow for agreements with the Chief of Police of the community and the Game and Fish Commission to allow for hunting in a municipality that would otherwise be prohibited.

Commissioner Hernbrode asked if there was a provision in this agreement for signs to keep hunters out of trouble.

Mr. Cooley replied that in discussions with the City in constructing this agreement, the City was very direct about not having any active promotion of the hunting that was allowed in the City. They wanted to grant access to the extent of the people who were interested in accessing those areas, but they don't want to actively promote that these areas are open to hunting. We will be doing some signage to prevent hunters from getting into trouble, but in a manner of not actively promoting that these are hunting areas.

Commissioner Melton commented that the City of Yuma has the same situation, they annexed a lot of property and they put out a map showing the locations that are legal to hunt within city limits.

Mr. Cooley stated that the map in the IGA will be made available to the public who is interested in having that information.

4.f. Rio Salado Cooperative Agreement with the City of Phoenix

Presenter: Marty Macurak, Assistant Director, Information and Education Division.

This Cooperative Agreement between the Arizona Game and Fish Commission and the City of Phoenix will allow the Department to provide educational materials and funding for Arizona wildlife and its habitats at a wildlife education festival that will take place in the city's Rio Salado Project.

The Department will contribute \$16,000 to be used for the planning of the festival and to help Audubon Arizona develop curriculum to be disseminated at the festival and elsewhere throughout the state. The Department logo will be included in any displays or printed materials created, and information about the Heritage Fund will be included in promotional materials associated with the festival and with curriculum materials.

A primary goal of this agreement is to help the Department, the City and Audubon Arizona provide wildlife education to economically- and ethnically-diverse residents of the City's South Mountain and Central City South neighborhoods.

The Department recommends that the Commission VOTE TO APPROVE A COOPERATIVE AGREEMENT BETWEEN THE COMMISSION AND THE CITY OF PHOENIX FOR THE PURPOSE OF ALLOWING THE DEPARTMENT TO PROVIDE EDUCATIONAL MATERIALS AND FUNDING FOR ARIZONA WILDLIFE AT A WILDLIFE FESTIVAL THAT WILL TAKE PLACE IN THE CITY'S RIO SALADO PROJECT.

Motion: McLean moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE THE DEPARTMENT RECOMMENDATIONS ON THE CONSENT AGENDA ITEMS AS PRESENTED.

Vote: Unanimous

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5. State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles provided the Commission with the year-end summary, the Legislative Communication Effectiveness Evaluation, that the Department does on an annual basis on the bills that the Commission took a formal position on. The summary gives a good overview of where the Department stood with legislators and judges how effectively the Department communicated the Commission's positions.

There is really no break after the session is over. We've already had meetings about legislation for next year. We recently had a meeting, which Chairman Gilstrap and Commissioner McLean attended with Representative Weiers, in regards to a proposal brought to him by a constituent regarding penalties for game violations. We are working with him and the constituent to draft language and bring that to the Commission in August.

We have sent out internally, the form that we send out on an annual basis for proposed legislation and we will be bringing those to the Commission in August, on what we may or may not go for with the next legislative agenda.

We've had some field tours with legislators and as the weather warms up in Phoenix, they are a little more apt to want to go out with us and experience some of the things in the high country. Just last weekend, we had Senator Gray and Representative Weirs go up to Lake Meade and do a wolf pack OUI patrol. They had a good time and we hope to have a few more of these tours lined up for the summer.

We are monitoring some federal legislation. State Wildlife Grants went through the Senate, we are trying to get those funding levels to where they were last year and we are trying to increase them if we can. Also, we are working on the re-authorization of the Transportation Bill; there's a provision in there for the Wallop-Breaux re-authorization, and we're working on capturing the full amount of the Restoration Aquatic Fund; that's in the Conference Committee now. The bigger issue is that the President may or may not veto that bill when it gets to his desk if the money amount isn't in line with his philosophy.

Commissioner Melton thanked Mr. Guiles and the others involved for a job well done during this past legislative session.

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Director Shroufe announced that this would be Don Winslow's last Commission meeting. He has resigned/retired and will be going back to South Carolina to work for their Natural Resources Department. Director Shroufe offered congratulations and thanked him for the years he has given the Arizona Game and Fish Department.

6. Statewide Shooting Range Briefing

Presenter: Don Winslow, Education Branch Chief

Mr. Winslow gave an update to the Commission on Department activities related to shooting range support and development statewide. The update covered activities that have occurred since the May 2005 Commission meeting.

Department Owned Ranges

Ben Avery Shooting Facility in Phoenix - Work continues on the Hunter Education Range, and improvements continue on procedures and staffing. One of the permanent Range Coordinators has returned from leave and the Department is using a new temporary services vendor for short-term needs. Meantime, the Department has posted the position of Range Manager. Ten new Line Safety Officers were trained in May, and two more trainings are planned for June and July. Improvements in office management continue at the range; one of the administrative assistants in the Education Branch has been assigned to help organize files and help with improvements. The process has begun that will lead to securing a vendor to assist with facility maintenance.

Sierra Vista Shooting Range - The State Land Department has put the right-of-way out for appraisal. The agreement with the Sierra Vista Rod and Gun Club approved by the Commission in April has been sent to the Bureau of Land Management.

Three Points Shooting Range in Tucson - Governor Napolitano has signed the agreement to permit the continued Department of Public Safety (DPS) operation of the range.

Usery Mountain Shooting Range in Mesa - The Rio Salado Gun Club has hired a contractor to draw up plans for a new septic system. The Department will assist the club throughout the process and will ensure that the new system meets specifications.

Shooting Programs and Other Activities

Northern Arizona Shooting Range - The Department has hired Logan Simpson Design to help develop a range in Northern Arizona; Logan Simpson staff understands that the Commission has placed a priority on this project. With that group, we met with the Forest Service on June 1. That was a very positive meeting in that they have assured us that if the shooting range is going to be on public lands or Forest Service lands that they would cooperate with us. However, they did have a request for us. They wanted us to engage in extensive public input prior to the

selection and starting the NEPA process. So that's what we have done; we are trying to get that done before we get into the formal process. We have had two meetings with different groups of stakeholders and they are interested in the completion of this particular range. We took a look with Logan Simpson of some possible areas where we can shoot and we are now looking at about eight different locations and will continue the process of narrowing that down and being able to select a site, and then get more of the larger public involved in this process. We should have a site selection within the next three months. The vendor has submitted a proposal for a phased NEPA process lasting up to three years. In year one, the vendor will conduct scoping and complete site selection. In years two and three, the vendor will prepare the NEPA document (anticipated to be an Environmental Impact Statement) and will conduct the required resource surveys and reports associated with that document; the deliverable is the completed impact statement. Because the NEPA process is one of discovery and because the vendor cannot anticipate all issues, the vendor cannot make a commitment on which the U.S. Forest Service would be able to sign a Record of Decision.

Commissioner Golightly commented that without a shooting range in Northern Arizona, people are going out and trying to find places to shoot, which are hard to find and are getting farther and farther out. One of the best places is the cinder pits; however, the cinder pits are being closed by the Forest Service. Commissioner Golightly asked Mr. MacIvor to comment on what the Forest Service plans are in regards to the cinder pits.

Mr. MacIvor addressed the Commission stating that the Forest Service has been referring shooters to the cinder pits, but about eight months ago they were notified by OSHA that the cinder and the gravel pits were considered as open mines and that they had to be gated with no access for the public. Probably by next year all the pits will be fenced and entry will be restricted to those that are properly licensed for mine safety. We questioned OSHA about this and they took a pretty hard stand on it, but there are some questions as to whether the pits should be considered as open mines. The concerns are with safety and we are going to have to make these pits very safe if we are going to let the public in them. Right now there are some pretty steep slopes (in regards to OHV recreation) and we are going to have to knock them down to about a 45% slope. We are still fencing them, but I think once they are deemed safe, we can leave the gate open; however, I'm afraid you're going to see gates.

Commissioner Golightly expressed concern that with no place to shoot, shooters will diminish and he re-emphasized the need for a shooting range in the very near future. Comments to Mr. Winslow were that we need to select a site immediately and that he was not satisfied to wait three months. A site needs to be selected, then we get public input and see what the issues are. We need to look at the locations biologically, socially, and legally, and narrow these places down quickly.

Commissioner McLean expressed concern, in light of Mr. Winslow's retirement, that this project doesn't get stalled in the transfer of responsibilities.

Director Shroufe stated that this project has already been transferred to Mr. Broscheid and that the Habitat Branch has been closely involved in working on this project.

Mr. Winslow commented on one other idea that he has investigated and that is small unmanned ranges. They are safe and fairly inexpensive to build, and you could put one of these ranges in a

cinder pit. This needs to be looked at closely and may answer problems of where to shoot in a safe location. This information will be relayed to Mr. Broscheid for further review.

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Meeting recessed for a break at 9:55 a.m.

Meeting reconvened at 10:10 a.m.

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(Statewide Shooting Range Briefing – continued)

Chairman Gilstrap asked about the status of the administrative issues at Ben Avery.

Director Shroufe stated that irregularities were discovered in the administration of the Ben Avery Shooting Range. The issues were looked at internally and then the Attorney General decided that we needed to investigate further. Director Shroufe met with the DPS criminal investigation unit, an outside source as suggested by the Attorney General, and they agreed to start an investigation next week.

Chairman Gilstrap had another comment in regards to Andrew Campos, who is running for City Council, and who has perpetuated a rumor that the Ben Avery Shooting Facility is going to be closed. Chairman Gilstrap requested that a letter be drafted to the editor providing the fact that the Ben Avery Shooting Facility is not going to be closed, and that he classifies these as perpetuated rumors in the political arena for personal and political gain, and would appreciate it if they are not done on the backs of the Ben Avery Shooting Facility, the Arizona Game and Fish Department, or the Arizona Game and Fish Commission.

Motion: Golightly moved and Melton seconded THAT THE DEPARTMENT DRAFT A LETTER FROM THE COMMISSION TO THE EDITOR PROVIDING THE FACTS THAT THE BEN AVERY SHOOTING FACILITY IS NOT GOING TO BE CLOSED, AND THAT THESE ARE PERPETUATED RUMORS FOR PERSONAL AND POLITICAL GAIN, AND IT IS NOT APPRECIATED THAT THEY ARE DONE ON THE BACKS OF THE BEN AVERY SHOOTING FACILITY, THE ARIZONA GAME AND FISH DEPARTMENT, OR THE ARIZONA GAME AND FISH COMMISSION.

Vote: Unanimous

Public Comment

Shelley Sansom, Secretary for the Arizona State Rifle and Pistol Association (ASRPA), addressed the Commission and stated that the Rifle and Pistol Association was contacted by this individual and was informed that the issue was dead, resolved a year and a half ago, and we asked him to please not use that as a political tool for his candidacy. We also told him that Game and Fish and the Shooting community were working together and that whatever he is hearing and whoever he is hearing it from, it was simply not true.

Chairman Gilstrap asked Ms. Sansom if her comments could be used in the letter to the editor, to which Ms. Sansom replied, yes.

Scholastic Clay Target Program (SCTP) - The SCTP Commissioners' Cup events were completed in May. In June, the champions in each of the three disciplines were invited to pose for a picture with the Governor. The next stop for our champions is national competition in Michigan and Ohio.

Shooting Range Partnerships

St. John, Arizona - The Department is continuing discussions with the Northeastern Arizona Sportsmen's Association concerning private lands located next to the proposed range. Since the last update, vandals destroyed a structure that had been used to store equipment on their property and high winds destroyed some of the covers on the existing shooting ranges.

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7. Briefing on the Ben Avery Clay Target Center

Presenter: Don Winslow, Education Branch Chief

Mr. Winslow introduced Assistant Director Marty Macurak, who briefed the Commission on a consultant's assessment of the Clay Target Center at the Ben Avery Shooting Facility. The assessment was conducted to provide information to the Commission as it considers whether to issue a request for proposals for a vendor to operate the center.

The Department's contract with the vendor now operating the Ben Avery Clay Target Center will expire on Sept. 17, 2006. The Department is exploring the merits of issuing a request for proposals to invite the current vendor and any other interested parties to compete for a contract to operate the center for the next ten years. Alternately, or in the event the Department fails to receive attractive responses to a request for proposals, the Commission may wish to consider having the Department itself run the Clay Target Center.

The Department hired an expert to conduct a physical and operational assessment of the Clay Target Center. Bill Bacon, President and General Manager of American Shooting Centers, 16500 Westheimer Parkway, in Houston, Texas, made a site visit May 24-26; during the visit, Mr. Bacon inspected the facility and looked over business records, and held discussions with the current vendor and with Department staff.

Ms. Macurak briefed the Commission on Mr. Bacon's assessment. Mr. Bacon was specifically charged with offering the Department an assessment of the Clay Target Center's current operation, improvements that might be needed, and what the potential cost and profits might be. Mr. Bacon was asked, if the Department took over the Clay Target Center or if we decided to use a vendor, how much money would the Department have to invest to make sure that the facility was operable or attractive for potential vendors. Mr. Bacon recommended about \$380,000 in immediate improvements and then in order for that to be an attractive business opportunity for a vendor, we would need to invest another \$350,000. Regarding income potential, with improvements, Mr. Bacon thought that \$850,000 gross (27-28% net) could be generated, and after about five years the gross could be around 1.8 million; that's assuming assertive marketing. Other suggestions included an immediate 10% price increase at the Clay Target Center, building another sporting clay course for maximum revenue, and building a conference center. Another

idea that was discussed was the possibility of a vendor arrangement related to the entire shooting range, not just the Clay Target Center.

Commissioner Golightly commented that the more we turn over to a vendor, the higher the cost to the public. Recruiting corporate is definitely profitable, but then we get down to the young kids and the people we really want to recruit and we don't want to price them out of the market. The Department can do a better job of managing their own shooting ranges; we do a better job of it, we offer more instruction and hands on, and we're interested in the low dollar as well as the high dollar stuff. It is going to be a big decision that this Commission is faced with, beginning with the renewal or non-renewal of the shotgun events at Ben Avery. What we've been dealing with lately with the Ben Avery has been a big headache, but we need to not let the current affairs affect the long-range decisions on shooting sports.

Commissioner McLean stated that he didn't have enough information to make a decision, but that his thoughts were that the government is not equipped to run a business. Running a business under the rules, regulations and restrictions that government entities have is not feasible. We can build restrictions and price into an RFP to cover some of the concerns like pricing people out. Commissioner McLean would like to see a more comprehensive analysis of the advantages and disadvantages of running it ourselves versus hiring a vendor.

Motion: Hernbrode moved THAT THE COMMISSION DIRECT THE DEPARTMENT TO DRAFT A REQUEST FOR AN RFP FOR A PRIVATE CONTRACTOR TO LOOK AT THE SPORTING CLAY PORTION OF THE RANGE.

Motion died for lack of second.

Chairman Gilstrap suggested that instead of an RFP (Request for Proposal), maybe it should be an RFI (Request for Information).

Commissioner Golightly asked if we had a legal obligation to give the current vendor an 'Intention to Vacate.' Doing an RFP would basically be telling them that their lease would not be renewed.

Mr. Odenkirk stated that he would have to review the contract, but believes that the current vendor would be eligible to submit a bid for any new contract that might be available.

Commissioner McLean reiterated that he wanted to see more information on both, using a vendor and if it were operated by the Department.

Chairman Gilstrap added that all the options needed to be included; running the Clay Target Center only, the Clay Target Center and the rest of the range, and request, in essence, that the Game and Fish Department respond to the RFP.

Commissioner Melton stated that he was not ready to make a decision without a lot more information.

After further discussion, Commissioner McLean offered a new motion.

Motion: McLean moved and Golightly seconded THAT THE COMMISSION DIRECT THE DEPARTMENT TO PREPARE A BROAD OUTLINE OF AN RFI THAT WOULD PROPOSE THE OUTLINE FOR THE WHOLE SHOOTING RANGE AND THE SEPARATE COMPONENTS OF IT AND TO INCLUDE THE GOVERNMENT ASPECT AND BRING THAT BACK TO THE COMMISSION.

Vote: Unanimous

Public Comment

Shelley Sansom with ASRPA addressed the Commission stating that this whole idea is very exciting for her organization. The Commission has other options besides commercial. They have combinations like at Rio Salado where they have not only ASRPA, but gun clubs that can form committees and they have leases and subleases; you can go into all kinds of agreements. Ms. Sansom requested that the Commission let them help and give input. The only thing is that where you have someone who is running a business and is attempting to plan his calendar for the next year, it's going to be very difficult for him to get events set when he doesn't know whether he is going to be in business or not and whether he is going to be able to bid on the facility that he is presently doing business, so somehow you've got to consider him.

During Saturday's agenda item number 7, the Commission further discussed an RFI versus an RFP in providing the Commission with all the necessary information; thereby the previous motion was amended by the Commission as follows:

Motion Amended: Hernbrode moved and McLean seconded THAT THE COMMISSION DIRECT THE DEPARTMENT TO PROVIDE A COMPREHENSIVE REPORT THAT WOULD OUTLINE THE DEPARTMENT RUNNING THE BEN AVERY SHOOTING FACILITY IN TOTAL, AND ALSO DRAFT A REQUEST FOR PROPOSAL (RFP) FOR PERSPECTIVE VENDORS FOR TWO SEPARATE PROPOSALS; ONE, MANAGING THE WHOLE FACILITY; AND TWO, MANAGING ONLY THE SHOTGUN PORTION. THE RFP IS TO BE PROVIDED TO THE COMMISSION FOR APPROVAL BEFORE GOING OUT ON THE STREET.

Vote: Unanimous

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8. Statewide Shooting Range Grant Requests FY 2006

Presenter: Don Winslow, Education Branch Chief

The Commission directed the Department to pursue the development, and facilitate the maintenance and operation, of shooting ranges to serve the public. The Shooting Range Grant Program provides funds to community groups as authorized by the legislature; granting or denying a grant application is at the discretion of the Commission. The Department received seven applications for FY 2006 as follows:

Pima County Southeast Regional Park shooting sports education building project. The county requests \$50,000 to buy a metal building for a multi-purpose meeting / classroom facility. Construction, engineering and other improvements will be made at the expense of the Pima County Natural Resources Parks and Recreation Department. Recommended for funding.

Pima County Backstop/Berm Project. The county requests \$50,000 to purchase materials and build range backstop and side berms. This range would be used for safety education classes and proficiency training. Although this request has merit, there is not enough funding available to fund both Pima County requests. The county has been invited to submit this request for the FY2007 cycle.

Rio Salado Sportsman's Club pistol range. The club seeks \$20,527 for the Utery Mountain Shooting Range to build two, ten-position pistol ranges. They seek funding for materials and construction; the ranges would be used for police agencies and concealed carry classes. Staff has invited the club to submit this request for FY2007, preferring instead to fund the club's second grant request for berm improvements.

Rio Salado Sportsman's Club pole crib berm. The club seeks \$8,250 for the Utery Mountain Shooting Range to add four feet to the 8-foot pole crib berm to mitigate safety concerns and to reduce the possibility of errant shots leaving the range. Recommended for funding.

Town of Gila Bend. The town requests \$34,500 to purchase materials and construct shade covers on five ranges, erect security fencing, install gates and build a picnic ramada. Recommended for funding.

Tucson Trap & Skeet Club. The club requests \$9,225 to build an International Skeet range and buy two new international skeet machines. Although this request has merit, limited funding prompts staff to give priority this year to safety and education related requests from other ranges.

Mohave Sportsman Club. The club requests \$10,925 for the Seven Hill Range in order to upgrade lighting on their trap and skeet ranges. They would use the funds to add eight new poles and upgrade electrical panels. If the Commission awards the grants recommended by the Department, there would not be enough funding to cover this request and maintain the Commission-directed 10% reserve for this grant cycle. Higher priority has been given to safety and education related improvements at other ranges.

Motion: Golightly moved and McLean seconded THE COMMISSION APPROVE THE FISCAL YEAR 2006 GRANT PROPOSALS FOR THE PIMA COUNTY SE REGIONAL PARK, RIO SALADO SPORTSMEN'S CLUB POLE CRIB REQUEST AND GILA BEND SHOOTING RANGE FOR A TOTAL OF \$92,350.

Vote: Unanimous

Chairman Gilstap asked how the Department can get more money from these grant opportunities.

Director Shroufe stated that this \$100,000 is a line item in our budget that we take to the legislature and that these are Game and Fish funds that have to be appropriated by the legislature, but the Commission has the ability with the WCF money to supplement this grant money. The

other way to do it is through the general Game and Fish fund is to request more than \$100,000 from the legislature.

Commissioner Hernbrode requested that the Department review the backlog of projects that are under this annual grants program and look at the status of those and see if there are some funds that need to be re-prioritized, and report back to the Commission.

Mr. Winslow agreed that this will be done.

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9. Request for the Commission to Authorize the Department to Initiate New Research Projects Pertaining to Management of the Mule Deer Herd on the Kaibab Plateau and Monitoring Telemetered Pronghorn Near Flagstaff, Arizona.

Presenter: Jim deVos, Research Branch Chief

Using a slide presentation, Mr. deVos briefed the Commission on the Departments request to do specific research projects. Regarding mule deer research, considerable controversy has developed over the management of the Kaibab mule deer herd. At the Commission's direction, the Department has been working with several entities to develop an approach that focuses on evaluation of the impact of the deer herd on the winter range and in turn, the condition of the deer themselves. Key elements of the project are 1) Conduct condition measurements of harvested female deer in both fall and spring; 2) Run large numbers of transects to measure key forage species in fall and spring. This would entail measuring use and age structure for key plant species; 3) Work with researchers at Arizona State University to conduct assessments of diet and diet quality using fecal indices; 4) Establish and fly stratified randomly located transects to assess deer distribution on the winter range. These would be done in mid-winter, likely concurrent with annual winter big game surveys; and 5) Assess the status of the deer herd and recommend the appropriate population trajectory in relationship to the observed habitat conditions, diets and diet quality, and physical condition of the deer themselves.

In regards to pronghorn movements, the Department currently has collared pronghorn that have been collared using funding sources such as IIPAM to address specific questions such as habitat use patterns on Anderson Mesa. These collars have been instrumental in aiding Region II to develop restoration plans for this important pronghorn herd. These collars are spread-spectrum GPS units that require the data be downloaded at regular intervals. If this is not done, eventually, the data will be lost. Further, one of the useful aspects of these collars is that we are able to provide the region with current time data that aids in assess the effectiveness of various treatments as well as continuing to guide restoration efforts. Without this job, it will be difficult to recover the needed data.

Motion: Melton moved and Hernbrode seconded THAT THE COMMISSION VOTE TO AUTHORIZE THE DEPARTMENT TO CONDUCT THESE RESEARCH PROJECTS.

Commissioner Melton asked if this research included predation or just habitat improvement.

Mr. deVos responded that this is almost entirely focused on habitat and pronghorn use on the habitat; however, with the information that we have on effects of predators, coupled with what we are learning on habitat, we can better manage pronghorn.

Public Comment

Pete Cimellaro, Board Member and Projects Chairman with the Arizona Deer Association (ADA), addressed the Commission in support of the project as it relates to the Kaibab. The ADA has been working vigorously behind the scenes and in the field with the Department and believe that Mr. deVos' research plan can get us where we need to be with the information. It is thorough, it looks at the habitat, it looks at the animal, and it encompasses additional habitat improvements. One caution is that with all this good data, we still have to implement it and utilize it. Another caution is that we believe better decisions could have been made on the recommendations this year. One of the task we would like the Kaibab working group to take up is anticipation of where we are going to be next April. This needs to be an active discussion of the working group, so that when recommendations are put forward, it will be something we can embrace rather than something that causes us to back up in this process.

Steve Chevront, a sportsman with ADA, addressed the Commission in support of the research projects and is looking forward to what we can do.

Commissioner McLean asked Mr. deVos about part of his presentation regarding using hunter collected data on hunter harvested deer, both spring and fall, and does thing mean he will be proposing a spring deer hunt on the Kaibab.

Mr. deVos stated that was correct and that he has met with Region II and plans are being developed. A 75 permit youth participation hunt, on the west winter range of the Kaibab for the spring, will be brought before the Commission for approval.

Vote: Unanimous

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13. Call to the Public

Dave Holaway, an avid fly fisherman, addressed the Commission regarding getting Becker Lake back to a quality fishing lake. It's a future agenda item and there is a lot of support for that. Currently, a lot of fish are being lost to bait fisherman who catch and kill fish to get to their limit. Another subject is in managing wildlife. Last winter in Eager, there was a depredation hunt that was supposedly ordered by the Mayor, and surely with all this research, the Mayor cannot be the one to decide how many extra elk are going to be killed because they are eating the rose bushes. It's disconcerting to sit on out on your deck in the middle of town and hear high powered rifle shots because people are hunting elk within the town limits. Hopefully, this is rumor and not true, but it needed to be brought to the Commission's attention.

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10. A Presentation on Ongoing Research Projects Being Conducted by the Department in the Payson, Arizona, Area Including Urban-Mountain Lion Studies, Assessment of Deer and Elk Movements in Relationship with Highway 260 and Mule Deer Survival on the Three-Bar Wildlife Area.

Presenter: Jim deVos, Research Branch Chief

Using a slide presentation, Mr. deVos briefed the Commission on the Department's process of completing research on three primary projects in proximity to Payson, Arizona including the following:

Deer/elk movements and use of passage features associated with Highway 260 redevelopment - The Department, in cooperation with several state and federal agencies are developing much needed information on methods to maintain permeability across the newly redeveloped Highway 260 between Payson and Heber. This project entails using GPS collars on deer and elk to develop an understanding of how these species use habitat in relationship to the new highway and how different passage designs aid in allowing effective movements across the highway. This will ensure connectivity between important winter and summer use areas. The Commission is scheduled for a field trip tomorrow immediately following the Commission meeting to view the underpasses in regards to this project.

Three-Bar mule deer study - The Department has been conducting research on mule deer that have been contained in a 700-acre enclosure in the Three-Bar Wildlife Area in central Arizona. Prior to the fire and having to lay down the fence, we believe we had 87 mule deer, not counting any fawns that have been born to date. The status as of today is that we hear the entire enclosure has burned except for some patches of unburned areas. The good news is that the deer have been seen alive this morning, including one of our collared animals. The impact of the fire is yet to be determined. We have 18 collared does in there and part of this study is to determine why we've been seeing substantially less fawn production outside the enclosure compared to inside the enclosure; we're looking at physical condition and habitat condition, in the absence of predators (inside the enclosure and outside the enclosure where predators are present), to see what differences occur.

Urban-dwelling mountain lions - Developing a better understanding of various life history, survivorship, and habitat use patterns in an urban area is an area where the Department needs additional information to aid in managing both mountain lion populations and human-mountain lion conflicts in the urban-wildland interface. This project will entail placing up to 20 GPS collars within approximately 30 miles of Payson and monitoring movements, habitat use, and survivorship in this urban area.

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Meeting recessed for lunch at 12:30 p.m.

Meeting reconvened at 1:30 p.m.

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14. Executive Session

a. Legal Counsel. Discussion and consultation with legal counsel in order to consider its

position and to instruct legal counsel regarding the Commission's position on *Montoya v. Manning*, CIV98-0239 PHX RCB; *Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game & Fish Commission & Shroufe*, CIV2000-020754; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; *Phelps Dodge Corp. v. Arizona Dept. of Water Resources*, LC2003-000243-001DT; *Arizona Zoological Society, et. al. v. BLM, IBLA appeal no. 2002-412*; *Audubon Society of Portland v. USFWS*, CV04-670-KI; and *State of Arizona v. George H. Johnson*, CV2005-002692.

b. Legal Counsel Regarding Recent Federal Legislation Renouncing Interest in Regulating Hunting and Fishing Permits Under the Commerce Clause. Discussion and consultation with legal counsel in order to consider its position and instruct legal counsel regarding the Commission's position on regulating nonresident hunting and fishing permits in light of recent federal legislation renouncing interest in regulating hunting and fishing permits under the Commerce Clause.

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

Vote: Unanimous

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15. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife at Time Certain 2:00 p.m.

Presenter: Ron Day, Law Enforcement Branch Chief.

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

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Meeting recessed for a break at 3:45 p.m.

Meeting reconvened at 4:00 p.m.

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16. Presentation to Update the Commission on the Department's efforts with the Arizona Off-Highway Vehicle Legislative Workgroup.

Presenter: Mike Senn, Assistant Director, Field Operations

Using a Power Point presentation, Mr. Senn provided the Commission with an update regarding Department efforts on the Arizona Off-Highway Vehicle Legislative Workgroup to develop an off-highway vehicle legislative proposal for the 2006 general session.

The Department has been leading collaborative efforts with other agencies and user groups to address off-highway vehicle (OHV) management issues in Arizona throughout the past year. The goal of this workgroup has been to develop a legislative proposal regarding off-highway vehicles that will promote consistent and seamless OHV management and regulation with all concerned entities on a statewide basis, along with the funding necessary to meet management

objectives (a rough draft was provided to the Commission). The product currently being developed by the workgroup is a legislative package that would be housed in A.R.S. Title 28, Article 20, Chapter 3, Off-Highway Vehicles. The package includes some suggested changes to current statutes governing OHVs, as well as promulgation of new statutes that would improve consistency of OHV laws and improve their enforceability. The proposal also includes a provision to generate additional revenue for OHV management activities through a sticker program for unregistered off-highway vehicles. Funding from the sale of this sticker would help mitigate OHV impacts to the state's natural resources, increase education and information outreach efforts, aid in the development and maintenance of OHV special use facilities, and augment law enforcement presence and regulatory efforts.

Public Comment

Jeff Gursh, with the Arizona Trail Riders and the Arizona Off-Highway Vehicle Coalition, addressed the Commission stating that his organizations are 100% behind what the workgroup has done to date and would really like to continue working with the Department. It's something that is really needed. If there is no consequence to the wrong doers they will continue with what they do.

Drew John, representing Graham County, OHVAG, stated that we have a problem and are about five years behind in getting legislation passed. We need to put some teeth in the law, create a funding source to rehabilitate the damaged resources, and put together some on-the-ground projects so that people have a place to ride.

Hank Rogers, President of Apache County ATV Club, expressed concerns about the wildcat riding that's going on, that we need law enforcement to stop it, and we need some permanent legal trails for people to ride.

John Koleszar, sportsman, addressed the Commission and commended the Department for its involvement with this group. He hopes the Commission will encourage the fulfillment of this and that the workgroup will be able to bring something to the Commission in the near future.

Motion: Hernbrode moved and Melton seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO CONTINUE IN INVOLVEMENT WITH THE OHV WORKGROUP TO DEVELOP OHV LEGISLATION FOR THE 2006 LEGISLATIVE SESSION; AND THAT THE COMMISSION IS WILLING TO BE A SPONSOR OR CO-SPONSOR OF THE LEGISLATION.

Vote: Unanimous

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11. A Briefing of the Fossil Creek Restoration Project

Presenter: David Weedman, Aquatic Habitat Specialist, Habitat Branch and
Lawrence M. Riley, Fisheries Chief

Using a slide presentation, the Commission was presented with an overview of the Fossil Creek Renovation Project, an element of the decommissioning of the Childs and Irving Power Plants on Fossil Creek. The slide presentation highlighted different facets of the operation.

This past fall, various natural resource agencies and other organizations throughout the Southwest participated in several components of the restoration of Fossil Creek. One component of this restoration project involved planning and implementing the removal of nonnative fishes from nearly ten miles of Fossil Creek. The project was long in coming and complex in its negotiation. Implementation of this Department-led effort included cooperators from over 15 agencies, NGOs, and other interested organizations and groups. Each phase of the three-phase renovation involved crews approaching 40 people camping and working in wilderness conditions for up to one week at a time (and longer in many cases).

Technical aspects of the project included completing environmental compliance requirements for stream flow changes, conducting intensive bio-assays to determine appropriate equipment and dosage rates; establishing over 100 treatment stations; establishment and operation of helicopter drop zones; coordination with our Department Hatchery System for the construction, maintenance and close-out dismantling of a temporary hatchery facility to hold salvaged fish; development of a field chemistry laboratory; development of detailed implementation strategy and action plan using dozens of people; development of a safety plan (including operation around helicopters and chemicals); coordinating an ever-changing crew and their schedules; feeding an ever-changing crew of hard-chargers; and all the while keeping the Information and Education Team posted with newsworthy items. In fact, on the first post-renovation release of fish it was a media frenzy with local news stations, PBS, University Television, magazine writers, and newspaper reporters clamoring to hear what was happening and why.

Weather and other factors caused the project implementation to be rescheduled several times within an already very short window for completion. When all was said and done, native fish were salvaged and held in temporary hatchery facilities; ten miles of stream were treated under extreme scrutiny by those concerned about the use of chemicals for stream renovations; and native fishes were returned to the stream.

Over the course of the project, 95 people (including 55 Department employees) were involved with some aspect of the field portion of the project and many more were involved in some aspect related to the effort. Aside from the apparently successful biological outcome, the “teaming” outcome of the project was significant with a renewed sense of what can be accomplished through close collaboration and “teaming.” It also instilled hope and generated excitement for other native fish restoration projects in the desert southwest that were once considered unachievable due to logistical and other constraints.

Commissioner Melton commented that Fossil Creek was really unique for that area and recommended that everyone visit there.

Commissioner Hernbrode congratulated everyone involved in the project stating that it was very public and positive for the agency and it helped people have a better understanding of wildlife and wild places.

Chairman Gilstrap requested that the Commission be notified of these types of projects so that they can participate if possible.

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12. SECOND READ: Final Draft of Arizona's Comprehensive Wildlife Conservation Strategy

Presenter: Jeff A. Sorensen, Game and Fish Resource Planner

Mr. Sorensen presented the final draft of Arizona's Comprehensive Wildlife Conservation Strategy for Commission consideration. The Comprehensive Wildlife Conservation Strategy (CWCS) is a new 10-yr strategic plan the Department developed in coordination with numerous partners and with public input. The CWCS is a congressional requirement to continue to be eligible for State Wildlife Grant Program funding. All States and Territories must have their CWCS plans submitted and accepted by October 1, 2005.

Over the last 12 months, Department staff and cooperating land management agencies have developed a draft CWCS plan with input from many different sources and stakeholders. The initial draft was reviewed by the Commission in April 2005, and underwent a 30-day public review period between April 23 and May 22, 2005. The Department anticipates submitting Arizona's CWCS plan to the National Advisory Acceptance Team in early July 2005 in part to meet our State Wildlife Grant eligibility requirement.

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17. Litigation Report

Presenter: Jim Odenkirk, Assistant Attorney General

A copy of this report was provided to the Commission prior to today's meeting and is included as part of these minutes. There were no further updates from Mr. Odenkirk and the Commission had no comments or questions.

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18. Request to Approve the Heritage Fund Budget Amendments, Wildlife Conservation Fund Budget Amendments, and Off-Highway Vehicle Budget Amendments for Fiscal Year 2006

Presenter: Steve K. Ferrell, Deputy Director

The Department requested that the Commission approve the expenditures of unspent fund balances from Public Access; Identification, Inventory, Acquisition, Protection, and Management; Habitat Evaluation and Protection; Urban; Environmental Education; and Administration and Support Services (Interest monies) for Fiscal Year 2006. The Department also asked the Commission to approve the expenditures of unspent fund balances from the Off Highway Vehicle Fund and Wildlife Conservation Fund for Fiscal Year 2006.

These requests will ensure that remaining unspent balances in the Heritage, Off Highway Vehicle, and Wildlife Conservation Fund programs are available for expenditure in Fiscal Year 2006 for additional qualifying projects and related inter-fund cost transfers, and the Department's ability to respond to revenue shortfalls and unforeseen needs. All property acquisition proposals utilizing unspent Heritage Acquisition monies will be brought before the Commission for individual review and approval for actual funding authority.

Motion: McLean moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE THE EXPENDITURE OF UNSPENT FUND BALANCES FROM PUBLIC ACCESS; IDENTIFICATION, INVENTORY, ACQUISITION, PROTECTION, AND MANAGEMENT; HABITAT EVALUATION AND PROTECTION; URBAN; ENVIRONMENTAL EDUCATION; ADMINISTRATION AND SUPPORT SERVICES (INTEREST MONIES) PROGRAMS; THE OFF HIGHWAY VEHICLE FUND AND WILDLIFE CONSERVATION FUND FOR FISCAL YEAR 2006.

Vote: Unanimous

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19. Briefing on the Employee Compensation Proposal to be Submitted to the 2006 Arizona State Legislature

Presenter: Steve K. Ferrell, Deputy Director

Mr. Ferrell briefed the Commission on the employee compensation proposal to be submitted to the 2006 Arizona State Legislature.

Soon after the end of this past legislative session the Department began working on this project, because we knew it was a priority to the Commission and we welcomed the fact that the Commission put this on our plate. We started gathering data to further justify our position, but one really important development occurred. We had recently requested of ADOA to do a Classification Maintenance Review (CMR) on the Wildlife Series that historically they have never done for us, primarily because we are the only agency with the Wildlife Series. We haven't had a CMR done in seven years and it was time to do another one. They agreed to do it for us. In a recent meeting, they shared the draft results of their effort and they gave us a verbal briefing.

Some of the things that they shared with us that are likely to appear in the final report is in regards to strategy in trying to effect change in employee salary structures statewide, but specifically for the Department as follows: 1) New and revised classifications and specifications; 2) Movement of individual employees and positions to appropriate classes; 3) New grade levels for existing classifications; 4) Offer new and different salary plans within state government based on education and experience; 5) Underfilling positions and promoting employees as requirements and expectations are met. As an example of this, right now we have three levels of Wildlife Manager; Wildlife Manager I (trainee, 1st year), Wildlife Manager II, and Wildlife Manager III (Field Supervisors). They suggested adding another classification of Wildlife Managers so that we would have a I, II, III, and then a Wildlife Manager Supervisor. The new III would be the new classification. We could potentially name all of our Wildlife Managers,

Wildlife Manager III's and then underfill them as I's while they are trainees, and after that you would raise them up to a II, and then eventually, after accomplishing the expectations, they could become a III; this suggestion could also apply to our Wildlife Specialist classification; 6) Potential for special recruitment rates; 7) Rates to provide higher entry salaries that are closer to market rates; 8) Salary adjustments based on the new grades; 9) Alternate pay plans or individual equity adjustments, so they are going look at the qualifications of every employee in the Wildlife Series and say that this person needs an equity adjustment based on their pay in comparison to their peers statewide in regards to their education and experience. This would lift the duty station constraint and allow us to do this on a statewide basis; 10) Alternate pay plans. An example is where the Department of Corrections has authorization from the legislature to put their Correctional Officers into a step system. Another example is called banding, like the IT or Engineering classifications.

So there is a good chance that when the Department brings a proposal to the Commission prior to the next legislative session, we might propose that our bill say two things; one, we ask for an across the board raise for all Department employees and two, also in that legislation, we ask for legislative authority to establish an alternate pay plan for the Wildlife Series.

Another thing that is interesting is that ADOA is looking for two agencies that would be pilot agencies to run a new salary program through and we asked that we be one of those pilot agencies. They plan to take their proposal to the legislature themselves and depending on what that says, it could be that ADOA will plow this ground for us and the only part of our legislation that we might need is an across the board for all employees. It could really be a big piece of what our legislative intent is, so we'll need to keep an eye on that.

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22. Call to the Public

Blaine Bickford, representing himself, addressed the Commission. regarding Saturday's agenda item number 2, Conservation Bonus Point. His issues were that some people, particularly young people, will not be able to find the time or money to participate. The second issue is that it is hard to sell because it has not been defined as to what programs will qualify. Mr. Bickford also commended the Commission for their appropriate handling of the previous license revocation items.

Travis Bickford, a Scholastic Clay Target Program shooter, addressed the Commission and thanked them for the Scholastic Clay Target Program and for supporting his goals to go and shoot in the Grand Americans in Ohio and the Junior Olympic training camp in Colorado Springs.

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20. Proposed Dates and Locations of Arizona Game and Fish Commission Meetings for 2006 and January 2007

Presenter: Steve K. Ferrell, Deputy Director

The proposed dates and locations for the January 2006 Commission meeting and Meet the Commission have been established for the calendar year 2006 and January 2007 as follows:

<u>Date</u>	<u>Location</u>
January 20	Phoenix-Commission Meeting
January 21	Phoenix-Meet the Commission
February 15, 2006	Phoenix-Legislator Day
February 10-11	Yuma
March 10-11	Tucson
April 21-22	Phoenix (hunt orders)
May 19-20	Prescott
June 23-24	Phoenix (budget)
August 11-12	Flagstaff
September 22-23	Pinetop
October 20-21	Phoenix
December 8-9	Phoenix
January/February 2007	DATE OPEN/Phoenix-Legislator Day
January 19	Phoenix-Commission Meeting
January 20	Phoenix-Meet the Commission

Motion: Golightly moved and Hernbrode seconded THAT THE COMMISSION VOTE TO ADOPT THE SCHEDULE AS PRESENTED SUBJECT TO CHANGES IN THE FUTURE ON THE AUTHORITY OF THE COMMISSION CHAIR.

Vote: Unanimous

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21. California Condor Sportsmen's Coalition Pledge of Voluntary Support

Presenter: Duane L. Shroufe, Director

Director Shroufe briefed the Commission on the California Condor Sportsmen's Coalition Pledge of Voluntary Support (attached to these minutes) to address the potential impact of lead on California condors. The Department has been working with the Wildlife Management Institute in trying to promote voluntary activities that would reduce the exposure of lead to the condors. One of those ways, other than education, is to promote a voluntary program where hunters on the North Kaibab and Southern Utah use steel shot or copper bullets. We've received tremendous support from large sportsman organizations. Cooperators include the Fish and Wildlife Service, California Department of Game and Fish, Arizona Game and Fish Department, Wildlife Management Institute, Safari Club, the International, NRA, National Shooting Sports Foundation, Sporting Arms and Ammunitions Manufacturers Institute, and other organizations that have been working voluntarily with it. SCI conditionally passed this pledge at their last Board of Director's meeting. That condition was that they would sign it if the other cooperators would sign it. This gave us a special opportunity to join in on a project that we've been trying to promote over the years. This year we are going to provide a successful permit holder two free boxes of copper ammunition if they wish to take part in that program. We've made

arrangements through Sportsman's Warehouse and Cabellas and we'll send a coupon out with the permit tags. If they use that ammunition on the North Kaibab, then we will be successful and hopefully reduce some of the lead exposure that the condors are being exposed to.

Motion: McLean moved and Melton and Hernbrode seconded THAT THE COMMISSION VOTE TO TAKE POSITIVE ACTION AND SIGN THE PLEDGE.

Vote: Unanimous

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23. Director's and Chairman's Reports

Chairman Gilstrap reported that he had his picture taken with the scholastic shooting teams; spent the weekend on the Kaibab; met with legislatures on issues; had the pleasure of attending Department School; and met with the sportsmen and ranchers group.

Director Shroufe reported that the Department went to the Governors Office to participate in the implementation of the Roadless Rule from the U.S. Forest Service. We are putting together data for that process and are at the table every time they meet to provide our input, which is going to be the major input other than the State Land Department. So the Department is on top of that and in good shape.

The Director and Chairman Gilstrap met with the Arizona Indian Gaming Association and successfully indicated to them how the Department is using the money received from the Wildlife Conservation Fund; they were elated. The story had just come out about our Goulds Turkey reintroduction effort using Wildlife Conservation Funds and we provided them with a copy of that. We committed that our Public Information Officer's would get together and we would do some highlighting of what we are doing with those funds. We also indicated that we would go to one of their Commission meetings, so we will probably go in August or September and give them a full presentation of what we're doing with that money.

The Director, Chairman Gilstrap and several other Department employees met with Representative Nelson on the Ben Avery Shooting Range.

The Department had a very successful Department School and Director Shroufe thanked the Commission for their participation. A few other items Director Shroufe reported were that he toured the Anderson Mesa and the habitat project; attended a Management Team meeting; and attended the Fossil Creek Decommissioning Ceremony.

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24. Commissioners' Reports

Commissioner Golightly reported that he did some legislative work with Chairman Gilstrap and the Director; attended Department School; and focused on the shooting range issue in Northern Arizona.

Commissioner Melton reported that he attended the Red Mountain Shoot with the scholastic shooting teams and went to the Governor’s Office to have his picture taken with them.

Commissioner McLean attended the Red Mountain Shoot with Commissioner Melton and had his picture taken with them as well; went to a Warm Water Angling round table meeting in Mesa; met with the Speaker of the House with Chairman Gilstrap, Mr. Ferrell and Mr. Guiles and to look at some legislative issues; and worked with Law Enforcement on the light rule.

Commissioner Hernbrode did his first commission activity with the scholastic shooting teams, and he spent a lot of time preparing for his first Commission meeting.

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25. Approval of Minutes

Motion: Golightly moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FOR SEPTEMBER 22, 2004, OCTOBER 29, 2004, DECEMBER 10-11, 2004, AND JANUARY 4, 2005.

Vote: Unanimous

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14. Executive Session (continued)

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

Vote: Unanimous

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Meeting adjourned at 6:00 p.m.

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Saturday, June 25, 2005 – 8:00 a.m.

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Chairman Gilstrap called the meeting to order at 8:00 a.m. The Commissioners introduced themselves and Chairman Gilstrap introduced the Director, and the Director’s staff. This meeting followed an agenda revision dated June 20, 2005.

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Awards and Commissioning of Officers – None at this time.

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1. Consideration of Proposed Commission Orders 19, 20 and 24 for the 2005-2006 Hunting Season.

Presenter: Leonard L. Ordway, Game Branch Chief
Mike Rabe, Migratory Bird Program Supervisor

Using a slide presentation, Mr. Rabe briefed the Commission on the proposed Commission Orders. The Department request that the Commission approve Commission Order 19 (dove), Commission Order 20 (band-tailed pigeons), and Commission Order 24 (sandhill cranes) establishing seasons and season dates, bag and possession limits, and open-closed areas. A detailed description of all proposals was provided to the Commission prior to this meeting and was made available for public review at all Department offices.

Commission Order 19 – Dove

Preliminary harvest data for the 2004 September dove season indicates the number of hunters hunting mourning doves decreased 17% from the 2003 season. The average number of days spent in the field by those hunters also declined (3.01 in 2004 vs. 3.64 in 2003) with a harvest level drop of 15% (Table 1). The number of hunters hunting white-winged doves dropped 28%. White-winged dove hunters decreased their average number of days in the field and the total harvest dropped 23%. (Table 1). The number of hunters hunting the 2004 late season for mourning doves dropped 14% when compared to 2003. Late season harvest in 2004 was 326,648 birds, a decrease of 15% from the 2003 harvest (Table 1). The total mourning dove harvest in 2004 was 1.08 million birds, which was a decrease of 15% over the 2003 harvest. The total white-winged dove harvest was about 85,456 birds, which was 41% less than in 2003.

Mourning dove harvest in Arizona has now declined two years in a row from a high of 1.4 million in 2002. However, harvest in 2004 (1.08 million) was very close to the average harvest of the previous decade (1990-1999) which was 1.01 million doves. White-winged dove harvest is even more variable than mourning dove harvest since the season for white-wings is very short and migration is typically well underway when the season opens on September 1. Although harvest of white-wings was down last year, it exceeded the previous decade average harvest (129,118) in both 2002 and 2003 (Table 1). When the birds remain in Arizona, they are available to hunter harvest. When the birds migrate early, harvest declines.

Dove call counts are conducted each year during the last week of May. The 2004 call count index for mourning doves was up 16% from 2003 and for white-winged dove was up 29% from 2003. Call counts are of increasing importance for Arizona dove management since the Pacific Flyway has adopted an adaptive harvest management plan for mourning doves. Under that plan, should the 10-year call count trend increase or decrease greater than 2.5% for the western management unit (seven western states including Arizona), bag limit changes are triggered. In 2004, the 10-year call count trend was down 0.1%, essentially unchanged. Several consecutive years of declining call counts would be required to trigger a bag limit reduction under this plan. Similarly, several years of increased call counts would trigger a bag limit increase.

Table 1. Mourning Dove and White-winged Dove Harvest Data 2001-2004.

Mourning Doves September Season				
Year	Hunters	Harvest	Birds/Day	Days/Hunter
2004	40,809	749,654	5.95	3.01
2003	49,098	880,036	4.91	3.64
2002	56,621	1,039,294	6.65	2.76
2001	40,658	839,361	6.38	3.23
Mourning Doves Late Season (November to January)				
Year	Hunters	Harvest	Birds/Day	Days/Hunter
2004	16,508	326,648	5.01	3.95
2003	19,050	386,542	5.50	3.69
2002	21,970	397,777	5.18	3.49
2001	20,682	521,993	5.82	4.34
White-Winged Dove September Season				
Year	Hunters	Harvest	Birds/Day	Days/Hunter
2004	20,774	85,456	1.17	3.29
2003	26,836	144,956	1.87	2.88
2002	35,747	185,654	1.66	3.01
2001	20,361	99,915	1.34	3.65

Public comment prior to this Commission meeting and Department response regarding dove seasons:

The Department received a request to explore the option of always opening the September season on a weekend in the Yuma area. By opening on either a Friday or Saturday, more local residents would be able to hunt opening day and local businesses benefit when the September season opens on a weekend.

The Department's flexibility for opening day dove seasons is constrained by Federal Frameworks for migratory bird season under the Federal Migratory Bird Treaty Act (MBTA) and season parameters agreed upon by the Pacific Flyway, to which Arizona belongs. The MBTA does not allow any migratory bird season to open earlier than September 1. Pacific Flyway agreements restrict the early season closing date to September 15. Should the Commission choose to only open dove season on a weekend then, in years when September 1 does not fall on a weekend date, the opening date would have to be later than September 1. The season would still close on September 15. This would result in a shorter early dove season than the 15 days we currently recommend. The Commission directed the Department to supply an informational memo on the background and implications of a weekend early season opener at the December 2004 Commission meeting; that memo was sent to the Commission in January 2005 (attached).

A season that opened later than September 1 would likely reduce white-winged dove hunting opportunity because those birds are typically already migrating south by September 1. Another possible result of a delayed opening date would be fewer nonresident hunters because those hunters may choose to attend September 1 openers in adjacent states such as California.

The issue of weekend openers has arisen several times for Arizona dove seasons. In 1996, Game Branch conducted a hunter opinion survey of 764 hunters who indicated they hunted doves on the 1995 small game survey. Of those surveyed, 542 responded. With regards to opening day, 376 (76%) preferred a September 1 opener while 110 (24%) preferred opening on the first Saturday in September. Seventy percent of respondents preferred the early season to be 15 days. Opinions may have changed since the last survey. However, the Department sought additional hunter opinions regarding the 3 alternatives at statewide hunt meetings. No support for early season modification was recorded outside of Yuma.

We continue to work with constituents who would prefer weekend opening dates for mourning doves and will keep the Commission informed on this issue. At this point, constituent groups and the Department have agreed that since September 1 falls on a Thursday in 2005, Friday in 2006, and Saturday in 2007, there is no need to press forward with this request this year.

Season Structure Recommendation:

The Department is recommending continuation of the extended Falconry-Only dove season initiated in 1991. Recommended Falconry-Only season dates are September 12 through October 29. This season recommendation includes the maximum number of hunt days available for falconry (47). The dates will overlap the general season from the 12th through the 15th of September. Falconry is also a legal method of take during the early and late dove seasons.

The Department recommends that there be no change to the season structure for mourning doves and white-winged doves. The 2005 recommendation is for a September season of 15 days from September 1-15 as per Federal Frameworks; the North Zone will be open to all-day shooting and the South Zone having ½-day shooting hours, starting ½-hour before sunrise and closing at noon. The late season recommendation is for the season to be open from November 18, 2005 to January 1, 2006 for mourning doves only and allow all-day shooting statewide.

The full day Juniors-only season would be for those areas and dates closed to general season afternoon dove hunts during September.

In 1991, the Commission initiated a Juniors-only dove hunt at the Powers Butte Wildlife Area. This year the hunt opportunity is recommended for the Robbins Butte Wildlife Area rather than the Powers Butte Wildlife Area. The dates are September 3-4, 2005. Within the area, shooting stations will be established to accommodate 2 junior hunters each. Should demand exceed supply, shooting stations will be assigned by a drawing at 4:45 a.m. at the Robbins Butte Wildlife Area headquarters. To facilitate hunt operation, hunters will be required to check in and out. Bag limits and shooting hours will be the same as for the general season. Personnel from the Hunter Education Program and Region VI will conduct the hunt.

Commission Order 20 – Band-tailed Pigeon

In 1997, the Harvest Information Program (HIP) replaced Arizona's harvest survey protocol for band-tailed pigeon. Band-tails have always been difficult to survey for both harvest and population information. The principle management difficulty with these birds is that few hunters hunt them, so harvest information is difficult to estimate since traditional surveys often miss the

majority of band-tail hunters. In addition, band-tailed pigeon distribution is spotty and changes from year to year. Birds typically congregate where mast and other food sources are abundant, but those areas differ from year to year and may even change mid-summer.

Harvest information obtained from band-tailed pigeon hunters between 1997-2003 indicated Arizona has, on average, about 715 active pigeon hunters; 800 hunters were estimated in 2003. Wings examined from Arizona during the 2002 season (102 wings) showed that 54% of harvested band-tailed pigeons were juveniles. This was an increase over past years, which averaged 30% juveniles in the bag. HIP harvest estimates indicate increasing harvest of band-tails over 2001-2003 (500, 1,200, and 1,400 respectively). Data from 2004 is not yet available.

Public comments prior to this Commission meeting and Department responses regarding the band-tailed pigeon season:

The Department received one request to lengthen the band-tailed pigeon season statewide.

Lack of timely and accurate harvest information for band-tailed pigeons continues to drive the Department's conservative season selection for this bird. There remains a concern that extending the season length could cause over-harvest in select foraging or mineral site locations. The relatively low reproductive capacity for band-tails necessitates careful management. The Department is working with the U.S. Fish and Wildlife Service to improve survey accuracy for band-tails.

The Department received two requests to open the season for band-tailed pigeons north of the Grand Canyon earlier than the rest of the state.

A zone split within Arizona, with a longer season north of the Grand Canyon, seems reasonable since reproduction in birds in the northern part of the state begins and ends earlier than in the south. Relatively few hunters hunt north of the Grand Canyon. This option is recommended for implementation for this year on a trial basis.

Season Structure Recommendation:

The Federal Frameworks for band-tailed pigeons within the four-corner states allow for seasons of not more than 30 consecutive days between September 1 and November 30 with a bag and possession limit of 5 and 10, respectively.

The Department is recommending that the season in Game Management Units 12 and 13 be September 9-October 3. This provides hunters with an opportunity to harvest multiple game bird species (band-tailed pigeons, blue grouse, and chukar partridge) with little expected impact to bird populations. In the remainder of the state, the Department recommends that the band-tailed pigeon seasons remain unchanged, opening September 23 through October 3, 2005. Bag and possession limits of 5 and 10, respectively, are recommended statewide. This recommendation provides for 2 weekend hunting opportunities in the shorter season.

Commission Order 24 – Sandhill Crane

The sandhill cranes hunted in Arizona include cranes from both the Mid-Continent Population (M-CP) and Rocky Mountain Population (RMP). The RMP is comprised entirely of greater sandhills. M-CP cranes are primarily the lesser subspecies with some Canadian subspecies. The population of RMP cranes is relatively small and can tolerate only light harvest; hence, the number of RMP cranes harvested drives the number of permits in Arizona and other Pacific Flyway states.

Because of consistently high survey numbers and high recruitment, and in accordance with survey information and the RMP management plan, Arizona's allocation of RMP cranes has increased to 59 birds for 2005. The RMP Cooperative Flyway Management plan established population objectives, a survey to monitor recruitment, and harvest levels that are designed to maintain a stable abundance between 17,000-21,000 birds (Pacific and Central Flyway Councils 1997). The plan contains a formula for calculating allowable annual harvests to achieve population objectives. All sandhill crane hunters in the range of the RMP must obtain a state permit to hunt cranes. This provides the sampling frame for independent state harvest estimates and allows for assignment of harvest quotas by state. In many areas, harvest estimates are supplemented by mandatory check station reporting. The Federal Frameworks cite the management plans approved by both the Central and Pacific Flyway Councils.

In 2004, the Department ran a check station for sandhill cranes. The check station was located at the Willcox Playa Wildlife Area located approximately 10 miles south of Willcox on the Kansas Settlement road. At the check station, 126 hunters checked 189 birds. Of those birds checked, 35 were determined to be RMP cranes. Arizona's allocation of RMP cranes for 2004 was 43 so Arizona remained well within the allocation. Since the inception of the hunt in 1981, Arizona has never exceeded the allocation for RMP cranes.

Because the reproductive potential of sandhills is limited (they do not nest until 4-5 years of age and typically raise only one chick per year), harvest regulations are necessarily conservative. Nesting success varies with wetland conditions. Even in good years the proportion of young in the fall RMP is rarely greater than 10%. In 2004, recruitment for the RMP was estimated at 9.4%; this is higher than the 2003 estimate of 7.1%. The most recent (2004) population index for RMP cranes was 18,945 birds.

Sandhill cranes have been hunted in Arizona since 1981. Prior to 1999, the Department required all successful crane hunters to check out and present their birds for inspection in accordance with R12-4-308. This check station provided harvest data that was used to determine subspecies composition of the cranes harvested. This harvest data is necessary; as it determines how many permits Arizona can maintain. Due to the consistency of past check station data, in 1999 the Department proposed to utilize the hunter check station every third year. The Pacific Flyway Council and the Commission approved the 1999 recommendation.

Table 2. Sandhill Crane Harvest Data, 1999-2004.

Sandhill Crane November General Seasons				
Year	Hunters Afield	Total Harvest	RMP Harvest	Hunter Days
2004	263	192	35	319
2003	248	189	34	497
2002	253	239	42	489

2001	235	180	26	468
2000	218	203	37	389

Arizona has conducted its own January survey of M-CP and RMP sandhill cranes since 1978 and that survey shows a steady increase in the numbers of cranes wintering in the state. In 1978, we counted 4,264 wintering cranes in Arizona. In the 2005 survey, we counted 29,208 cranes. The increasing numbers of wintering sandhill cranes in Arizona are a direct result of active management undertaken by the Arizona Game and Fish Department. In 1996, the Department acquired a major sandhill crane roost near McNeil (Whitewater Draw Wildlife Area). The Department also pumps water into Wilcox Playa (Wilcox Playa Wildlife Area) to maintain the crane roost when the playa is dry. The Department has an agreement with Arizona Electric Power Cooperative near Wilcox to maintain another important crane roost.

During the 1998 and 1999 crane hunts, Department personnel working the Whitewater Draw hunt area observed that approximately 90% of the pre-hunt cranes departed the area due to impacts from hunters hunting too close to the roost area on Whitewater Draw. To address this issue, the Department recommended expanding the closure area during the 2000-2004 sandhill Crane hunts. This closure will once again be in effect for the 2005 season. This area is described as a note in the regulations as follows: "The area within the following described boundaries shall be closed to sandhill crane hunting during the sandhill crane season dates: Beginning at the junction of Coffman Road and Davis Roads; south on Coffman Road to the intersection with Bagby Road; west along Bagby Road alignment to the intersection of Bagby and Frontier Roads; north on Frontier Road to the intersection of Frontier and Davis Roads; east on Davis Road to the point of origin." The closure which is now in effect is successfully maintaining undisturbed roosting habitat and subsequently keeping the cranes in the Whitewater Draw vicinity.

Since 1987, the Department has offered similar hunt packages of 4 3-day hunts in November. An archery hunt preceded the shotgun hunts. The reason for breaking the hunt into multiple segments was to minimize hunter density and hunter-landowner conflict. The timing of the hunts is designed to stay within Federal Frameworks and to minimize harvest of RMP cranes. The annual proportion of RMP cranes in the bag has ranged from 11% to 35%.

Public Comments prior to this Commission meeting and Department Responses regarding the Sandhill Crane Season:

Because the greater and lesser sandhill crane migrate together and cannot be differentiated until reduced to possession, stop this hunt so that we do not over harvest the declining greater sandhill crane.

Greater and lesser sandhill cranes often migrate together. However, harvest of greater sandhill cranes (all RMP sandhills are greater cranes) is strictly regulated and managed. Arizona has never exceeded its allocation of RMP cranes and the population is not declining. The population of RMP cranes is well within the guidelines established under the cooperative RMP management plan. This plan is peer reviewed and undergoes systematic revision. The RMP population is monitored each year by a cooperative effort among the states and the United States Fish and Wildlife Service. Harvest allocations change every year and all states that harvest cranes must comply with monitoring and reporting requirements.

Sandhill crane hunting should not be legal.

The Department recommends that the sandhill crane hunt should be continued in Arizona. Sandhill cranes are spectacular birds and are admired by both hunters and non-hunters. The high numbers of sandhill cranes that occur in the Sulphur Springs Valley in Arizona are a direct result of habitat management for cranes that the Department has accomplished with sportsmen's dollars. A very small percentage (less than 1%) of the Arizona wintering population is taken by hunters.

I observed hunters driving sandhill cranes from a closed area (Whitewater Draw Wildlife Area) so that they might hunt them off of the closed area. This should not be legal.

Entering the posted, closed area of Whitewater Draw Wildlife Area during the crane hunt is illegal. Incidents observed by or reported to the Department are investigated with the proper enforcement action taking place. Wildlife law violations should be reported by calling Operation Game Thief at 1-800-352-0700.

Several individuals requested that the dates for the Archery hunt should be changed to follow the shotgun hunts. The early date of the archery hunt often means that few cranes are available to archers.

The early hunts do present less opportunity for archers, and archers kill very few cranes. Moving the archery hunt to follow the shotgun hunt would not increase crane harvest significantly and would improve archers' chances to harvest cranes. The Department recommends that the hunt should be restructured so that the archery hunt follows the shotgun hunts.

Season Structure Recommendation:

The allowed Federal season dates and bag limits for Arizona are as follows: The outside dates of the season must fall between September 1 and January 31 and not exceed 30 days. The bag limit may not exceed 3 per day or 9 per season.

The Department is recommending four, general 3-day hunts beginning on November 1, with 85 permits in each hunt. Each hunt will have a non-hunt day between hunts. This is an increase of 10 permits per hunt compared to last year with a total increase of 40. All hunters that successfully draw for cranes receive 2 tags. Under the terms of the Rocky Mountain Sandhill Crane Management Plan, Arizona's 2005 maximum allowable harvest of RMP cranes is 59 birds. This is a 10-bird increase from 2004. With the recommended season structure, we estimate total harvest will be between 160 to 220 cranes. The predicted removal of RMP birds is estimated at 30-46 birds. Harvest in 2005 will be estimated using questionnaires for all hunts. Arizona will institute a hunter-completed card system to identify greater and lesser sandhill cranes in 2005 to assure that this new hunt structure does not over harvest RMP cranes. This reporting system has been used in New Mexico for several years.

The Department is recommending a 3-day archery-only hunt November 25-27, 2005 with 25 permits. This differs from last year in that this hunt would follow the shotgun hunts rather than precede them. Since this hunt typically results in the harvest of 0-2 cranes, the likelihood of archery harvest impacting the RMP allocation is minimal.

Public Comment

Rod Coronado with Earth First addressed the Commission in opposition to changing the early archery hunt to follow the shotgun hunts. The early archery hunt offers plenty of opportunity to harvest crane. Regarding the Rocky Mountain crane arriving later, that's the basis for the hunt to go in the other direction and be made earlier in order to minimize the impact on their population. Regarding the greater sandhill cranes, the Department has stayed under the bounds of the federal allotment and to maintain that, the hunt permits should not be increased. Another issue is in regards to the Whitewater Draw. In 1999, the hunters close to the Whitewater Draw were negatively impacting the birds in the roosting area where they are supposed to be protected from hunting. Personal observations this past year indicated that the boundary is still too close to the roosting birds. The boundary presently exists on the eastern border of Whitewater Draw, literally at the boundary of the refuge. It's not uncommon to see hunters parking at the boundary and just crossing the fence to shoot at these birds while they are still lifting off and before they have adequate distance to escape. That is just plain unsporting. There is not a lot of public awareness about this hunt and we are doing a lot to change that. At the Wings over Wilcox event, people were shocked that a couple hundred of these birds were killed every year when they bring in an incredible amount of revenue from the non-consumptive public. The Department's attitude about using hunting as a management technique keeps people away from wanting to work with the Department. It's contrary to our goals to work towards preserving a species only so it can be killed. The sandhill crane is a species that is hunted in 13 states along its migratory path and being shot at in 13 states impacts the species. Arizona is their winter grounds, their destination, and therefore the impact in this area is more sensitive than in the other 13 states. Arizona should pioneer a different approach and give the cranes a little more of a break rather than increase the pressure on them. The Department is not going to take these comments into account and respond to them; therefore, this is an issue that is not going to go away. We are going to be in the field and document this hunt and expose it to the media and the public. This hunt should be left the way it is or stopped completely.

Garyn Klasek with Earth First addressed the Commission in opposition to increasing the hunt numbers for the crane and stated that the crane population is decreasing.

Don Grindell stated that the cost to hunt these birds should be increased and self-supportive, and that the current price of \$15.00 is not cost effective.

Jonathan Shapiro with Earth First commented on the hunter check stations. Recently the hunter check stations have gone from being put into place every year to every three years. With the small numbers of the Rocky Mountain sandhill cranes harvested every year, it wouldn't take a big error in reporting those to throw the permit numbers off. It's irresponsible to institute the hunter check stations every three years and rely on the hunters instead to fill out a form stating whether they harvested a greater sandhill crane or one of the other subspecies.

Ray Leimkuchler addressed the Commission stating that it's reckless to allow hunting of this kind of species; it's a sensitive species. The Department may have faith in its numbers and its biologist, but he doesn't. In addition, this is not a sport, it's a bloodlust. You don't get much from a crane; it's not subsidizing nutritional needs for the families who use it. The hunt for the sandhill crane should discontinue altogether.

Lenard Molina addressed the Commission in opposition to increasing the hunt numbers of the sandhill crane due to its low numbers.

Stephanie Nichols-Young with the Animal Defense League of Arizona addressed the Commission. If the Department continues to put more hunters out there, the boundaries for no kill areas are going to be compromised. Ms. Nichols-Young has documentation from last year showing that birds were killed over no kill zones. If the Department puts more hunters out there, then the no kill areas should be chained and widened to give the birds more chance to survive or just stop it, period. The public who knows about these birds being hunted are appalled. If our efforts to work with the Department to save these birds are ineffective, then we will have to find some other way.

Commissioner Golightly confirmed with Mr. Rabe that the crane numbers were stable.

Commissioner McLean confirmed with Mr. Ordway that the Department widened the no kill zone in the last 3-4 years and that it's been very effective, so contrary to some beliefs, the Department has been responded to the issues. We've also taken a lead position in the flyway as far as being a leader in monitoring the Rocky Mountain sandhill crane population and participating in the federal determination in total take for that segment of the population. So we are being vigilante and ever present to watch the status of the this species and the subpopulation and making sure that we are not adversely impacting them to the point of extirpation.

Commissioner Melton asked if the Department owned the Whitewater Draw.

Mr. Ordway stated that the Department purchased that specifically for crane management and we are actively involved with the landowners in the area to have areas for the cranes to come to. We have a success story in that when we started with the management of these birds there were about 5,000, and we are up in the last two years to 32,000 from 28,000, respectively. So we are very proud in regards to what we've done in the management of this species.

Commissioner Melton pointed out that it was the sportsmen's dollars that helped purchase that property. Also, the sportsmen pay for waters that help all wildlife, not just game animals. Additionally, sandhill cranes are on the Gila River; non-hunted populations of around 18,000. We could hunt them, but the Department has decided not to, so we are very conservation as Commissioners to how we allow these animals to be taken.

Chairman Gilstrap asked if the actions of groups like Delta and Ducks Unlimited have any effect on the crane, to which Mr. Ordway stated, yes; the crane is a migratory bird so in regards to habitat restoration and protection, those organizations help many different species of migratory birds.

Chairman Gilstrap asked Mr. Ordway (former Law Enforcement Branch Chief) about the handling of people who break the law in regards to hunting the cranes.

Mr. Ordway stated that these violations need to be reported, they will be investigated, and action will be taken. If we can prove the case, we will take it before a judge, and then the consequences of the judicial system from there. We are very stern on those.

Motion: McLean moved and Melton seconded THAT THE COMMISSION ADOPT, SUBJECT TO FINAL FEDERAL FRAMEWORKS, COMMISSION ORDER 19: DOVE, COMMISSION ORDER 20: BAND-TAILED PIGEON, AND COMMISSION ORDER 24: SANDHILL CRANE, AS PRESENTED.

Vote: Aye Gilstrap, Melton, Golightly, McLean
Nay Hernbrode
Passed 4 to 1

Chairman Gilstrap requested that Mr. Ordway look into the issue regarding the border around the Whitewater Draw not being wide enough and mitigate that.

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2. Request to Approve a Notice of Final Rulemaking to Amend Commission Rules R12-4-101 and R12-4-107, and to Make New Rule R12-4-124 Create a "Conservation Bonus Point."

Presenter: Sherry Crouch, Acting Rules & Risk Manager

The Department requests that the Commission approve a Notice of Final Rulemaking to be submitted to the Governor's Regulatory Review Council to amend Commission rules R12-4-101 and R12-4-107, and to make new rule R12-4-124 to create a "conservation bonus point." The Notice of Final Rulemaking and the Economic Impact Statement were provided to the Commission prior to this meeting.

As directed by the Commission, the Department has separated the rulemaking to create a "conservation bonus point" program from other amendments to address issues regarding the Ninth Circuit Courts decision to overturn R12-4-114(E).

At their January meeting, the Commission approved a Notice of Proposed Rulemaking to create a "conservation bonus point" program. The Notice of Proposed Rulemaking was submitted to the Secretary of State, and published in the *Arizona Administrative Register* on April 8, 2005. The Department received 25 external written comments on the proposed rulemaking during the written comment period, and has prepared responses for them in the Notice of Final Rulemaking. In general, those who submitted written comments were hesitant towards this rulemaking or were against it.

On May 14, the Department also held a public hearing at the Arizona State Fairgrounds to receive comments from the regulated community. Six people attended, four gave oral comment. A transcript of the public hearing as well as questions, comments, and the agency's responses to those questions are included in the Notice of Final Rulemaking.

This rulemaking will create a "conservation bonus point" program that will give participants an additional bonus point to be used during the hunt permit-tag draws. The Department will amend the rules as follows:

R12-4-101. Definitions. This rule will be amended to establish a definition for a “conservation bonus point.”

R12-4-107. Bonus Point System. Amendments to this rule related to the conservation bonus point program will state that a bonus point received through the program shall be valid for all wildlife genera for which a bonus point may be issued (much in the same way as a bonus point is issued for completing a hunter education course); however, the rule will also be amended to state that a conservation bonus point is not permanent, and is lost if an applicant is drawn.

R12-4-124. Conservation Bonus Point. This rule states that in order to receive a conservation bonus point, an individual has to complete 48 hours of approved volunteer activity on a project or projects that are authorized by the Department as eligible for conservation bonus points. Participants must also have their approved volunteer activity recorded by a Department-certified record keeper. Organizations and individuals may submit projects to the Department to be authorized for conservation bonus points, but these projects must be “based upon or [in support of] the Department’s mission statement,” and must be submitted 45 days before the project begins. The Department will either approve or deny the project in 15 days, and will then publish and maintain a list of all projects either on its website or other publication. Projects organized by a group or individual other than the Department must also allow all individuals, regardless of membership, to participate. To ensure this, the proposed rules require that all activities not sponsored by the Department obtain participants through “first-come, first-served” enrollment. A participant may be required to attend an orientation session or safety training before participating in a project if the project requires it for successful completion. A participant must complete the 48 hours of volunteer service within 3 consecutive years to earn the point.

The objective of this rulemaking is two-fold: to reward those individuals that volunteer to assist the Department in the execution and achievement of its mission, and also to maintain resident hunting opportunity in the state. In 2004, the Department proposed various rulemaking actions with this same latter objective as a response to the Ninth District Circuit court’s overturning of R12-4-114(E). Although non-residents will be able to participate in authorized volunteer activities, the Commission holds that this rulemaking is necessary to fully achieve the objectives of maintaining resident hunting opportunity and achieving the Commission’s mission.

The Department has submitted to the Commission for their consideration the Notice of Final Rulemaking, the Economic Impact Statement, the rulemaking timeline, and a copy of all written and oral comments received.

If approved by the Commission, this Notice of Final Rulemaking will be submitted to the Governor’s Regulatory Review Council by July 18, 2005, for their consideration and approval at an open meeting on September 13, 2005. The Department anticipates the rules will become effective November 12, 2005.

Public Comment

Dr. Randy Hurley with the Arizona Chapter of the Rocky Mountain Elk Foundation addressed the Commission in support of the Conservation Bonus Point. They were unable to hold their Sportsman’s Expo 2005 (a big fundraiser that benefits wildlife) due to a lack of volunteers. This would help provide incentive for volunteers and would be a win-win situation.

Bruce Johnson addressed the Commission in opposition of the Conservation Bonus Point. The opposition is much greater than presented in the presentation. There is not one public comment that indicates support for this proposal as written and there are many comments that oppose it completely or want it changed in certain ways. The proposal is unfair, will be difficult to manage, is too complex, and needs further consideration.

Gary Allen, representing the Arizona Desert Bighorn Sheep Society, stated that his organization has concerns about the Conservation Bonus Point and regrettably withdraws its support. Feedback on the final rulemaking package, pages 13-14, it is apparent that a strict interpretation of the proposed rule could undermine 35 years of ADBSS project tradition. The foundation of this successful tradition has been based on our projects being treated as a members only benefit, with no limits on participation and no requirements for advanced registration. These vital elements do not appear to be consistent with the current rule language that require all projects to be open to the general public and attendance is to be administered on a first come, first serve basis. They would like to participate, but are not willing to scrape their current program.

Chairman Gilstrap commented that he is hearing that the concept is positive and that the devil is in the details. It seems this needs additional work. There is a time frame for this rule, but we can extend that timeframe as we go through the rulemaking process. Other than if the Commission wants this in place prior to the April hunt schedule, there is no urgent timeframe.

Mr. Allen stated that ADBSS is the only organization that has projects in January through April and if this rule became effective prior to the April hunt schedule, there would be a huge influx of volunteers trying to qualify for their point and we can only accommodate 60-70 people per project.

Commissioner Melton spoke for the Yuma Valley Rod and Gun Club stating that they have the same issues. If they need 8 volunteers to work on a waterhole, how do they determine who gets to go. That will create conflict within the club itself. Additionally, you have to consider the need for skilled people, such as welders and equipment operators; there are only so many shovel jobs available for the general public. The pros and cons of this rule seem to be 50-50 and it needs to be better than that. A lot more work needs to be done on this and we shouldn't push it too fast.

Commissioner Hernbrode asked about the cost/benefit ratio; time and personnel necessary to manage a volunteer program.

Dana Yost, Executive Staff Assistant, stated that the Department did not put a number on that because it is unknown what the participation rate will be and we did not want to put out incorrect information. However, looking at where this project might go, we can see that it would potentially consume a full time employee's time, perhaps at a minimum.

Commissioner Hernbrode stated this will cost the Department a considerable amount of time and most employees he has talked to have stated that they have more work than they can do. We are adding a significant burden on the Department to manage this and it doesn't seem that the cost benefits are very good from the Department's standpoint.

Commissioner McLean stated he thought most of the issues had been worked out by this time. The Department has spent a lot of time and money getting to where we're at and if this piece of meat is too tough, then maybe we should spit it out and find another piece of meat in the pot.

Commissioner Golightly pointed out that the concept of rewarding volunteerism was very popular when it was first introduced, but when you start paying for volunteerism, it's not volunteerism anymore, it's something else. This has been chewed on for a year and the scales have turned and are not in favor of adopting the Conservation Bonus Point.

Motion: Golightly moved and Hernbrode seconded THAT THE COMMISSION VOTE TO CLOSE THE RECORD AND DISCONTINUE THE FINAL RULEMAKING OF COMMISSION RULES R12-4-101 AND R12-4-107, AND R12-4-124 THAT WOULD CREATE A "CONSERVATION BONUS POINT."

Vote: Aye Melton, Golightly, McLean, Hernbrode
Nay Gilstrap
Passed 4 to 1

Chairman Gilstrap explained his vote. No one has said that this is not a good concept, and this is what the Department does, it spends time and energy on a good concepts. The rulemaking process is not at fault and hopefully we can continue to give incentive to volunteers who do good things for wildlife on-the-ground.

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Meeting recessed for a break at 9:35 a.m.

Meeting reconvened at 9:45 a.m.

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3. Request to Approve a Second Notice of Rulemaking Docket Opening for Article 1, Definitions and General Provisions.

Presenter: Sherry Crouch, Acting Rules & Risk Manager

The Department request that the Commission approve a second Notice of Rulemaking Docket Opening for the amendment of the rules in Article 1, Definitions and General Provisions identified in the Five-Year Rules Review report approved by the Commission at the October 22, 2003, Commission meeting, and to be submitted to the Secretary of State's Office for publication in the *Arizona Administrative Register*.

Under A.R.S. §41-1056, each state agency is required to review all of its rules at least once every five years. The Arizona Game and Fish Commission's Article 1, Definitions and General Provisions rules were under review as required by this Statute during 2003, and a report detailing the findings of the 5-year rules review was approved by the Commission at its October 22, 2003, meeting. As required under A.R.S. § 41-1056, the Arizona Game and Fish Department met the statutory filing requirement deadline for the five-year rules review report on Article 1, and the Governor's Regulatory Review Council approved the report at its February 3, 2004, meeting.

Due to pervasive issues related to the rules of this Article, the Department has not been able to submit a Notice of Proposed Rulemaking to amend the rules as stated in the five-year rule review report. As a result, the current docket for this rulemaking has expired. The Department requests that the Commission approve a new Notice of Docket Opening to continue rulemaking to amend Article 1, Definitions and General Provisions, and to be filed with the Secretary of state by July 1, 2005, to be published in the Arizona Administrative Register.

Motion: Golightly moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE A SECOND NOTICE OF RULEMAKING DOCKET OPENING FOR THE AMENDMENT OF THE RULES IN ARTICLE 1, DEFINITIONS AND GENERAL PROVISIONS IDENTIFIED IN THE FIVE-YEAR RULES REVIEW REPORT APPROVED BY THE COMMISSION AT THEIR OCTOBER 22, 2003, MEETING, AND TO BE SUBMITTED TO THE SECRETARY OF STATE'S OFFICE FOR PUBLICATION IN THE *ARIZONA ADMINISTRATIVE REGISTER*.

Public Comment

Bruce Johnson addressed the Commission in opposition to the bonus point for reporting a game thief violation if convicted, which is a part of the package. It is terribly unfair to award a bonus point to a very small group that has an opportunity to report someone. We're all hopefully going to report violations that we see, but very few of us actually see a violation, especially ones that result in an arrest and conviction.

Vote: Unanimous

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4. Request to Approve a Second Notice of Docket Opening to Amend Article 2, Miscellaneous Licenses and Permits, as Stated in the Five-Year Rules Review Report approved by the Commission at its September 2003 meeting.

Presenter: Sherry Crouch, Acting Rules and Risk Manager

The Department request that the Commission approve a second Notice of Docket Opening to amend Article 2, Miscellaneous Licenses and Permits, as stated in the five-year rules review report approved by the Commission at their September 2003 meeting, and to be submitted to the Secretary of State's Office for publication in the *Arizona Administrative Register*.

Under A.R.S. §41-1056, each state agency must review all of its rules at least once every five years. The Arizona Game and Fish Commission's Article 2, Miscellaneous Licenses and Permits rules were under review as required by this Statute during 2002, and a report detailing the findings of the 5-year rules review was approved by the Commission at its September 17, 2003, meeting. As required under A.R.S. § 41-1056, the Arizona Game and Fish Department met the statutory filing requirement deadline for the five-year rules review report on Article 2, and the Governor's Regulatory Review Council approved the report at its December 4, 2004, meeting.

Due to pervasive issues related to the rules of this Article, the Department has not been able to submit a Notice of Proposed Rulemaking to amend the rules as stated in the five-year rule review report. As a result, the current docket for this rulemaking has expired. The Department requests that the Commission approve a new Notice of Docket Opening to continue rulemaking to amend Article 2, Miscellaneous Licenses and Permits, and to be filed with the Secretary of state by July 1, 2005 published in the *Arizona Administrative Register*.

Motion: Golightly moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE A SECOND NOTICE OF DOCKET OPENING TO AMEND ARTICLE 2, MISCELLANEOUS LICENSES AND PERMITS, AS STATED IN THE FIVE-YEAR RULES REVIEW REPORT APPROVED BY THE COMMISSION AT THEIR SEPTEMBER 2003 MEETING, AND TO BE SUBMITTED TO THE SECRETARY OF STATE'S OFFICE FOR PUBLICATION IN THE *ARIZONA ADMINISTRATIVE REGISTER*.

Vote: Unanimous

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5. Request to Approve a Second Notice of Docket Opening to Amend Article 4, Live Wildlife, as Stated in the Five-Year Rules Review Report approved by the Commission at its September 2003 meeting.

Presenter: Sherry Crouch, Acting Rules and Risk Manager

The Department request that the Commission approve a second Notice of Docket Opening to amend Article 4, Live Wildlife, as stated in the five-year rules review report approved by the Commission at their September 2003 meeting, and to be submitted to the Secretary of State's Office for publication in the *Arizona Administrative Register*.

Under A.R.S. §41-1056, each state agency must review all of its rules at least once every five years. The Arizona Game and Fish Commission's Article 4, Live Wildlife rules were under review as required by this Statute during 2002, and a report detailing the findings of the 5-year rules review was approved by the Commission at its September 17, 2003, meeting. As required under A.R.S. § 41-1056, the Arizona Game and Fish Department met the statutory filing requirement deadline for the five-year rules review report on Article 4, and the Governor's Regulatory Review Council approved the report at its December 4, 2004, meeting.

Due to pervasive issues related to the rules of this Article, the Department has not been able to submit a Notice of Proposed Rulemaking to amend the rules as stated in the five-year rule review report. As a result, the current docket for this rulemaking has expired. The Department requests that the Commission approve a new Notice of Docket Opening to continue rulemaking to amend Article 4, Live Wildlife, and to be filed with the Secretary of State by July 1, 2005 to be published in the *Arizona Administrative Register*.

Motion: Golightly moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE A SECOND NOTICE OF DOCKET OPENING TO AMEND ARTICLE 4, LIVE WILDLIFE, AS STATED IN THE FIVE-YEAR RULES REVIEW REPORT APPROVED BY THE COMMISSION AT THEIR SEPTEMBER 2003 MEETING, AND TO BE SUBMITTED

TO THE SECRETARY OF STATE'S OFFICE FOR PUBLICATION IN THE *ARIZONA ADMINISTRATIVE REGISTER*.

Vote: Unanimous

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Meeting recessed for a break at 10:00 a.m.

Meeting reconvened at 10:15 a.m.

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6. Commission Briefing on Progress in Addressing Issues regarding Mexican Wolf Reintroduction in West-Central New Mexico and East-Central Arizona.

Presenter: Terry B. Johnson, Endangered Species Coordinator

Using a slide presentation, Mr. Johnson briefed the Commission on the history and the current status of the Mexican Wolf Reintroduction Project. This was for informational purposes only as requested by the Commission at the May Commission meeting. The Commission was also provided with written documentation of this project, including: the Arizona-New Mexico Review of the U.S. Fish and Wildlife Service's 3-Year Review of the Mexican Wolf Reintroduction Project, dated September 30, 2002; the Adaptive Management Oversight Committee's draft proposal on a response to public issues raised at recent meetings sponsored by Congressman Pearce at Glenwood and Socorro, New Mexico, dated April 26, 2005; the Summary of Discussions Among the Arizona Game and Fish Department, New Mexico Department of Game and Fish, and the U. S. Fish and Wildlife Service Regarding Management of Mexican Wolf Recovery and Reintroduction Efforts, dated November 8, 2002; The Blue Range Mexican Wolf Reintroduction Project, Adaptive Management in a Collaborative Conservation Context (an adaptation of the International Association of Fish and Wildlife Agencies' approach to developing and implementing State Conservation Agreements), dated June 2003; Estimated Funds Expended by Lead Agencies for Mexican Wolf Recovery and Reintroduction, date June 24, 2005; a website article titled Ranchers Vent On Wolves to Gov, dated June 23, 2005; a copy of a slide presentation titled Progress in Implementing the 2002 Commission Direction Regarding Management of Mexican Wolf Recovery and Reintroduction Efforts; and a copy of this current slide presentation titled Mexican Wolf Blue Range Reintroduction Project.

In September 2002, the Arizona and the New Mexico State Wildlife Commissions identified several issues pertaining to Mexican wolf reintroduction in Arizona-New Mexico. The two Commissions directed their respective staffs to work with the U.S. Fish and Wildlife Service and the public to make the project more responsive to local needs and to ensure a more appropriate State role.

In 2000-2002, the U.S. Fish and Wildlife Service (Service) conducted a 3-year review of the Mexican wolf reintroduction program. Elements of the review included (a) an assessment of information gaps and needed research; (b) a scientific "experts" review; (c) public "open houses;" (d) a stakeholders workshop; (e) an assessment of all review materials and formulation of draft adaptive management recommendations for the program; and (f) adoption and implementation of program changes. Elements (a) through (d) were completed in 2000-2001. In 2002, at the Service's request, the Arizona Game and Fish Department and the New Mexico Department of Game and

Fish conducted an independent review of the Service's 3-year review. In September 2002, the Department briefed the Commission on the Service's 3-year review.

The Commission then directed the Department to convey in writing, to the U.S. Fish and Wildlife Service, the concerns and issues discussed in September 2002. This is in effect our independent state review of the Service's 3-year review and the Mexican wolf reintroduction project itself. The Commission further directed that this letter be submitted by September 30, 2002, under joint signature with the Director of the New Mexico Department of Game and Fish. Specifically, the Commission directed the Department to focus its letter on the crucial need to address and resolve the following issues:

- 1) The roles and functions of the Primary Cooperators (AGFD, NMDGF, USFWS) must be restructured to ensure state participation, authorities, and responsibilities as discussed.
- 2) The administrative and adaptive management processes must be restructured to ensure opportunities for, and participation by, the full spectrum of stakeholders.
- 3) The Interagency Field Team 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.
- 4) Project outreach must be restructured as necessary to address the Commission, Department, and public concerns.
- 5) All actions in the wolf project must be in strict compliance with any applicable, approved special rules, policies, protocols, management plans, and interagency agreements.
- 6) 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.

Further direction was that issues 1, 2, and 3 be resolved within 60 days of September 30, 2002, at the Primary Cooperator level, and that the changes and the issues they reflect be taken through the restructured Adaptive Management Process for stakeholder discussion and further refinement.

In short, the Commission directed the Department to restructure the Mexican wolf reintroduction project as discussed within 180 days of September 30, 2002, and report back to the Commission on the results of this effort in April 2003. The Commission reserved the right, if these issues were not resolved within the timeframes outlined in the letter, to take further action on the Department's participation in this project. The New Mexico Game Commission provided essentially the same direction to its agency staff in September 2002.

Since then, the two agencies have collaborated continuously while working with the Service, other cooperating agencies, and the public to achieve the desired results. The outcomes of these efforts include: More State leadership and responsibility; More opportunities for stakeholders; Interagency Field Team capacity and effectiveness; Outreach expanded and improved; Standard Operating Procedures; and the Five-Year Review is underway.

The bottom line is that in every area since 2002 we have done not one single thing other than try to address the six guidance concepts provided by the two Game and Fish Commissions to try and bring this together into a more cohesive and collaborative conservation effort, and try to address the reality of wolves on-the-ground. Wolves are what they are; they are predators by nature, they're

complex in terms of management, and it's a multiple use of landscape out there with all kinds of management regimes, policies, social preferences and pressure.

As to what's next; the wolf issue will not go away. The contention between pro and con will always be there. What we can do is what we're trying to do and that is afford everyone an opportunity to speak and be heard, and be able to show how we are responsive to the substance that comes in through debate and discussion. Also, to improve science, improve effectiveness, and improve our responsiveness, so that unnecessary impacts are not suffered by any sector of the public or the stakeholders.

Chairman Gilstrap asked when the Commission would see the 5-Year Review, to which Mr. Johnson stated that it would be in January of 2006.

Public Comment

Stephanie Nichols-Young, with the Animals Defense League of Arizona (ADLA), acknowledged the extraordinary efforts that Mr. Johnson has put into this issue over the years. The majority of constituents in this state want wolves on-the-ground in Arizona. Despite Mr. Johnson's efforts, the program is in trouble and the population may not survive. This program is at a critical point and the Commission needs to make this a future agenda item and take action to deal with issues.

Discussion ensued between the Commission, Ms. Nichols-Young and Mr. Johnson as to whether or not the program was at a critical point to where the wolves may not survive. Issues were the moratorium on any new releases in 2005 and the genetics of the wolves in captivity.

Gary Allen with ADBSS read comments prepared by his organization. The threshold of impact to other game populations should be lowered. The proposed 35% in game population seems to be extremely high and arbitrary. This threshold places too much hardship on sportsman and could result in unrecoverable losses to wild game. The threshold should be closer to 15-20% with a funding mechanism to more closely and accurately monitor game populations. The funding mechanism or mitigation plan should also be established to reimburse the State and its sportsmen for the losses associated with feeding wolves. The anticipated loss in hunting opportunities and hunt quality should be evaluated in this proposal. Any losses should be mitigated with aggressive management and game population enhancement activities within the wolf recovery area and elsewhere within the State. It must be realized that a robust population of prey species is necessary for successful wolf reproduction program and that this does not happen accidentally.

Director Shroufe commended Mr. Johnson for his work and in following through with the Commission's direction. We took our Commission's recommendations to the New Mexico Game and Fish Commission and they adopted the same recommendations, and we are much better off today because of that.

7. Future Agenda Items

Mr. Ferrell reported that he had nine action items.

- Monitor urban development activities within the Red Rock area, Santa Cruz River corridor.

- Arrange for a presentation by the U.S. Forest Service regarding domestic goats on the Tonto at a future Commission meeting.
- Continue monitoring conditions on the Big A allotment and the progress of BLM's effort in their evaluation and provide notice to the Commission of any negative impacts on bighorn sheep if Commission direction for Department action is warranted. Notify the Commission of any missed deadlines of BLM's schedule.
- Bob Broscheid will attend the next Trust for Public Lands meeting.
- Modify the letter to President Bush regarding UDA impacts as suggested by Chairman Gilstrap and approved by the Commission.
- Work with the City of Show Low to sign areas open to hunting to avoid hunters violating city ordinance.
- Write a letter from the Commission to the editor and candidate Campos admonishing candidate Campos for perpetuating rumors regarding the sale of the Ben Avery Shooting Facility, and include in those letters the remarks made by Shelly Sansom on behalf of the State Rifle and Pistol Association.
- Provide a comprehensive report that would outline the Department running the Ben Avery Shooting Facility in total, and also draft a Request for Proposal (RFP) for perspective vendors for two separate proposals; one, managing the whole facility; and two, managing only the shotgun portion. The RFP is to be provided to the Commission for approval before going out on the street.
- Evaluate the backlog of projects that are already authorized by the Statewide Shooting Range Grants Program and re-prioritize those unspent balances and report that evaluation back to the Commission.
- Appoint two Commissioners to the 10% Cap Committee. Chairman Gilstrap appointed Commissioner McLean and Commissioner Hernbrode.

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Meeting adjourned at 12:00 p.m.

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W. Hays Gilstrap, Chairman

Joe Melton, Member

Michael M. Golightly, Member

William H. McLean, Member

Robert Hernbrode, Member

ATTEST:

Duane L. Shroufe
Secretary and Director