Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, February 10, 2006 – 8:00 a.m.
Saturday, February 11, 2006 – 8:00 a.m.
Shilo Inn, 1550 S. Castle Dome Road
Yuma, Arizona 85365

PRESENT: (Commission)	(Director's Staff)
Chairman Joe Melton	Director Duane L. Shroufe
Commissioner Michael M. Golightly	Deputy Director Steve K. Ferrell
Commissioner William H. McLean	Assistant Attorney General Jim Odenkirk
Commissioner Robert Hernbrode	Assistant Attorney General Shelley Cutts
Commissioner W. Hays Gilstrap	

Chairman Melton called the meeting to order at 8:00 a.m. The Commissioners introduced themselves and Chairman Melton introduced the Director and the Director's staff. This meeting followed an agenda revision #2 dated January 24, 2006.

Awards and Commissioning of Officers – None at this time.

* * * * *

1. Litigation Report

A copy of this report was provided to the Commission prior to today's meeting and is included as part of these minutes. Mr. Odenkirk stated that the only update to the report since the January meeting was in regards to the Arizona Zoological Society, et al. v. Bureau of Land Management and Arizona Game and Fish Department, Intervenor. The IBLA issued a decision on January 25, 2006, affirming the decision of the BLM to allow the Department to construct sixteen water catchments in the Sonoran Desert National Monument. With this decision the stay that restricted construction during the appeal period has expired.

Bob Broscheid, Habitat Branch Chief, addressed the Commission with additional information. Part of the Environmental Assessment was that the ferruginous pigmy owl was in the area of some or most of the catchments, so the Department is meeting with the BLM Phoenix Field Office to re-discuss where those locations are in relation to the catchments and plan accordingly. The restricted breeding and fledging time period for the pygmy owl is January through June, so the Department would need to avoid doing any construction in those areas during that time period; however, Mr. Broscheid suspects that the pygmy owls are not in the same areas as the catchments and the Department will be able to proceed.

The Commission discussed the possibility of a potential future claim brought by the Zoological Society. Mr. Odenkirk stated that they could bring a cause of action against the federal government for up to six years from the date of this decision, but if all the work is completed, the case becomes moot, so they would need to act quickly to prevent the Department from performing this work.

Commissioner McLean requested that the Department be prepared to present the escalating construction cost and increased cost from additional deterioration of the catchments that would be incurred during an injunction, in case a preliminary injunction is sought.

Director Shroufe asked Mr. Odenkirk to update the Commission on the Bar D Cattle Co. v. Shroufe, in light of the drought and the company having to depopulate their cattle again this year.

Mr. Odenkirk stated that a companion case to the Bar D Cattle Co. v. Shroufe is the Apache Maid. This litigation involved a suit against the Department related to the management of elk, alleging that an overpopulation of elk has caused the ranchers to have to reduce and sell a number of livestock resulting in economic damage. A status conference on this case is set for later this month and it is anticipated that this case will go to trial. Attempts to have the case dismissed were not successful; however, it will be a burden on the ranchers to prove that the elk population is responsible for their economic damages.

Commissioner Gilstrap commented that this case would set a precedent and the Department needs to do everything it can do to defend itself.

Mr. Odenkirk stated that even being unable to have the case dismissed and having to go to court sets a harmful precedent.

Commissioner McLean asked about the location of the Bar D Cattle Co. Director Shroufe stated that a map of both allotments will be provided to the Commission.

* * * * *

2. An 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 addressed decisions or activities since the January 2006 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 further briefed the Commission on one additional update. The Department met with the BLM State Office and Phoenix Field Office in regards to the IBLA decision reported by Mr. Odenkirk. The importance of wildlife water catchments in that area were discussed as well as how water catchments will be rolled into the ongoing Resource Management Plan (RMP) efforts.

Commissioner Golightly requested an update on the Big A allotment.

Mr. Broscheid stated that the BLM Kingman Field Office is back on schedule and currently reviewing the range analysis document that determines the number of livestock allowed on the allotment. An evaluation document should be completed by early spring.

Commissioner Golightly stated that the Department has been in this process with the Big A allotment for three to four years now, and that it is imperative for Department Wildlife Managers to recognize these things and bring them to the Commission in the first year. If there is resource damage and healthy wildlife populations are going to be effected by the renewal of an Land Management Plan (LMP) or Ecosystem Management Plan (EMP), it should be brought to the Commission sooner so that action can be taken.

Commissioner Golightly further asked about the Black Mountain EMP.

Mr. Broscheid stated that the Black Mountain EMP is congruent with all of those allotments, so it will be reevaluated and incorporated into the Kingman RMP. All of these documents are going to be updated. There is new data and new actions that the Department plans to propose for sheep populations in cooperation with BLM. Additionally, there are 18 permits coming up for renewal soon in the Kingman Field Office alone and the Department plans to be involved in those.

Commissioner Golightly requested that Mr. Broscheid track the Big B allotment, which is also involved in the Black Mountain EMP, where sheep could be adversely affected.

Chairman Melton commented that the Department has passed a milestone in that they are now able to place wildlife water catchments in wilderness areas, and congratulated the Department on their efforts.

Public Comment

Jon Fugate, Yuma Valley Rod and Gun Club (YVRGC), briefed the Commission in regards to some specific language proposed by YVRGC on the BLM Lake Havasu Field Office draft RMP and draft Environmental Impact Statement (EIS). The Commission was provided with a copy of a letter to the BLM Lake Havasu Field Office from Jim Ammons, YVRGC President, outlining the proposed language. Even though the proposed language may not be adopted, Mr. Fugate believes that some language will be included in the RMP that will support the Department in accomplishing its mission and goals.

Director Shroufe commented that the RMP is the first general tier of plans and after that there will be an MOU and Implementation Guidelines that will be more specific in how the RMP will be implemented and how disputes or contested issues will be resolved.

Mr. Fugate further mentioned another subject, the Yuma Proving Grounds, and their plans to expand their firing range from Yuma to the Palo Verde Nuclear Plant to test a long range weapon. Mr. Fugate urged the Commission to get involved and to request a briefing on these plans.

Chairman Melton stated that the Department will note to investigate the issue.

* * * * *

4. Request for the Commission to Approve a Revised Memorandum of Agreement (MOA) between the U.S. Army Corps of Engineers and the Commission to Provide Guidance and Oversight to the Department Regarding Acceptance, Expenditure and Administration of In-Lieu Fees for Future Off-Site Mitigation Projects in Arizona.

Presenter: Bob Broscheid, Habitat Branch Chief

The U.S. Army Corps of Engineers (Corps) is the federal regulatory agency responsible for administering permits under Section 404 of the Clean Water Act for activities that dredge, fill, or channelize jurisdictional waters of the United States. Under the Fish and Wildlife Coordination Act and the National Environmental Policy Act, the Department reviews applications for such projects, and provides recommendations to the Corps for avoiding, minimizing, or mitigating adverse impacts to fish and wildlife resources. The Corps has determined that in those cases where appropriate on-site or off-site mitigation is not feasible and would not adequately address habitat losses, in-lieu fee donations to fund appropriate off-site mitigation efforts will be pursued. The Corps has requested that the Department be directly involved in the administration of the in-lieu fee mitigation process.

The Commission approved the original agreement in March 2004. This amendment would allow the Department to accept in-lieu fees for Individual 404 permits and provides clarification on project budget expenditures, including land acquisition, monitoring and long-term operations and maintenance costs.

Motion: McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE A REVISED MEMORANDUM OF AGREEMENT BETWEEN THE COMMISSION AND THE U.S. ARMY CORPS OF ENGINEERS FOR THE PURPOSES OF PROVIDING GENERAL OVERSIGHT AND GUIDANCE TO THE DEPARTMENT REGARDING ACCEPTANCE, EXPENDITURE AND ADMINISTRATION OF IN-LIEU FEES FOR FUTURE OFF-SITE MITIGATION PROJECTS IN ARIZONA AND TO AUTHORIZE THE DIRECTOR TO EXECUTE THE MOA AS ATTACHED OR AS APPROVED BY THE ATTORNEY GENERAL'S OFFICE.

Vote: Unanimous

Director Shroufe commented that this pertains to his Goals and Objectives in regards to raising other revenues for the Department and asked Mr. Broscheid to elaborate on what this MOA means to the Department.

Mr. Broscheid stated that since the Department has been working under the 2004 agreement, which has now been expanded, the Department has received approximately $750,000. These are not federal dollars and are matchable. These funds have been rolled into major projects on the Chevelon Wildlife Area, Arlington Wildlife Area and, based on this agreement, the Department is now expanding onto other lands. This account has the potential to accrue over a million dollars a year to the Department.

* * * * *

5. Statewide Shooting Range Briefing

Presenter: Dana Yost, Assistant Director, Information and Education Division

The Commission was provided with an update prior to this meeting of Department activities related to shooting range support and development statewide. The update covered activities that have occurred since the January 2006 Commission meeting. The statewide shooting range briefing is part of the Department's ongoing commitment to provide the Commission with updates on statewide shooting range development and shooting sports in general.

Mr. Yost briefed the Commission on two additional items regarding the Ben Avery Facility; 1) The facility received over 500,000 cubic yards of free dirt for berm work and for the buffer between the range and I-17, saving the Department $100,000 to date, and 2) the upgrade on the electrical system in the main range and the small bore range is moving along and trenching work starts next week. Contractors are working closely with the range to ensure that there are no interruptions to the activities there. The Department's Audio/Visual section will be documenting the various construction activities at the Ben Avery Facility, for documentation purposes and possibly for future use in a television segment. Additionally, Mr. Yost thanked the Department's Development Branch for their support in the activities at Ben Avery and for sending their maintenance personnel to take care of some much needed repairs.

Commissioner Hernbrode requested that the various user groups at the Ben Avery Facility be involved as much a possible in the master planning effort.

Mr. Yost stated that he is committed to communicating and working with the various user groups and the public at large on the Ben Avery Facility master planning process.

Habitat Branch Chief Bob Broscheid, using a Power Point presentation, briefed the Commission on the preferred sites for the Northern Arizona Shooting Range, including the history, criteria and process associated with selecting these sites. The preferred sites were narrowed down to three sites and those were Cockran Hill, Cedar Tank and Willard Springs. After further evaluation of those three sites, the Department recommended that the Commission direct the Department to move forward with further evaluation of the preferred site and that the preferred site be Willard Springs. If the Commission makes a decision today, the Department will hold another public meeting to make sure everyone is aware of the preferred site, and the Department will submit a proposal to the Forest Service, and that site will become the Forest Services' proposed action.

The Commission further discussed with Mr. Broscheid the various issues and challenges of each of the three sites. Main issues with Cockran Hill and Cedar Tank were that Cockran Hill is an Anasazi archeological site and for Cedar Tank, the roads will be closed during heavy snow. Concerns for Willard Springs were noise and that it is surrounded by private property and near Oak Creek Canyon. Mr. Broscheid will address these potential issues with the neighboring landowners.

Motion: Golightly moved and Gilstrap seconded THAT THE COMMISSION DIRECT THE DEPARTMENT TO PROCEED WITH THE NEXT STEP IN THE PROCESS OF CREATING A SHOOTING RANGE IN NORTHERN ARIZONA AND THAT WILLARDS SPRINGS BE THE PREFERRED SITE.

Vote: Unanimous

Commissioner Golightly asked Mr. Broscheid about the next steps in the process.

Mr. Broscheid stated that the Department will meet with the public right away and at the same time start doing more cultural resource surveys and wildlife surveys, and then continue to meet with the Forest Service and compile data for the NEPA document.

Commissioner Golightly asked about the Gantt Chart, to which Director Shroufe stated that a Gantt Chart has been done and the Department is on track with those timelines.

Director Shroufe informed the Commission that Congressman Renzi offered to help the Department get a location for a shooting range on Camp Navajo. However, he also said the Department should continue with its process in locating a site. If Congressman Renzi is successful in obtaining a site for the Department on Camp Navajo, then the Department will bring that to the Commission for the decision to change directions if they so choose.

* * * * *

Meeting recessed for a break at 9:40 a.m.
Meeting reconvened at 9:58 a.m.

* * * * *

6. State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles briefed the Commission on the status of several bills that the Commission has taken a position on and asked for clarification or direction if needed. The Commission was provided with a Legislative Analysis dated February 10, 2006, outlining several bills of interest to the Department and Commission. Mr. Guiles briefed the Commission on the following:

H2129; Enforcement/Penalties. Currently, this bill is being held in committee due to concerns of some members on the Appropriation Committee. Department personnel are attending a meeting today to go over some of the concerns, which were the RICO provisions, the forfeiture, and the decoy language. This bill is scheduled for a hearing next week.

H2130; Hunter Harassment. This bill was amended on the floor and now goes for a third read in the House next week.

H2509; Heritage Funds. The sponsor is holding this bill due to concerns that the legislature may use it as a vehicle to do something with the Heritage Fund that may have unintended consequences.

S1438; Unlawful Feeding of Wildlife. This bill is scheduled for a hearing next week in Senate Natural Resources Committee and meetings have been cheduled to talk with those members about this bill. Last year, this bill died in the same committee.

H2127; Nonresident Big Game Permits/Limits. This bill is on the agenda for discussion at tomorrow's Commission meeting.

S1300; Wildlife Habitat Restoration Committee/Appropriations. This bill is on the agenda for discussion at tomorrow's Commission meeting. It has been assigned to two Committees, but is not scheduled for a hearing.

S1448; Hunter License Reimbursement. Died in committee on a 4 to 2 vote.

Mr. Guiles asked the Commission to take a position or provide direction on the following bills:

H2687; DPS Microwave Communications. This is an appropriation for the DPS microwave communication network, which the Department utilizes.

Motion: Golightly moved and McLean seconded THAT THE COMMISSION VOTE TO SUPPORT H2687, DPS MICROWAVE COMMUNICATIONS.

Vote: Unanimous

HCR2045, State Trust Land Reform. The Department is still doing an analysis on this bill and will provide information to the Commission.

S1488; Hunters Crossing Private Property. Not assigned to a committee.

Mr. Guiles asked the Commission to reaffirm for the record their position of support on the following:

S1508; Regulation of Off-Highway Vehicles. Goes to a committee hearing next Wednesday.

Motion: Gilstrap moved and Hernbrode seconded THAT THE COMMISSION VOTE TO SUPPORT S1508, REGULATION OF OFF-HIGHWAY VEHICLES.

Vote: Unanimous

S1554; State Trust Land Lease Renewal. The Department is still doing an analysis on this bill and will provide information to the Commission.

Commissioner Golightly stated that due to additional information, there was no longer a need for the motion made during the January 30, 2006 Telephonic Commission meeting in regards to initiating a striker bill named Repayment to the Arizona Game and Fish Department, and that the motion should be vacated.

Motion: Golightly moved and McLean seconded THAT THE COMMISSION VOTE TO VACATE THE MOTION MADE AT THE JANUARY 30, 2006 TELEPHONIC COMMISSION MEETING THAT READ AS FOLLOWS: "MCLEAN MOVED AND HERNBRODE SECONDED THAT THE COMMISSION VOTE TO SUPPLEMENT THE PREVIOUS VOTE TO OPPOSE SENATE BILL 1300 AND THE VOTE JUST PASSED (see January 30, 2006 Commission meeting minutes), TO DIRECT STAFF TO FIND AN

APPROPRIATE STRIKER AND SPONSORS THEREOF TO SPONSOR LEGISLATION THAT WOULD APPROPRIATE THE SUM OF APPROXIMATELY $15 MILLION DOLLARS FROM THE STATE GENERAL FUND IN THE FISCAL YEAR 2006-2007 TO THE GAME AND FISH HERITAGE FUND, WATERCRAFT FUND AND OFF-HIGHWAY VEHICLE FUND FOR A REPAYMENT OF MONIES DIVERTED IN FISCAL YEARS 2003, 2004 AND 2005; AND FURTHER, TO USE THE SAME PROCESS AND VEHICLE TO NAME THE BILL "REPAYMENT TO THE GAME AND FISH DEPARTMENT" AND THAT IT BE ENACTED AT THE LEGISLATURE OF THE STATE OF ARIZONA IN SECTION 1, APPROPRIATION, GAME AND FISH FUND, REPAYMENT OF MONIES DIVERTED, THE SUM OF $14,924,000 TO BE APPROPRIATED FROM THE STATE GENERAL FUND IN THE AMOUNT OF ONE-THIRD OF THE SUM FOR EACH OF THE FISCAL YEARS 2007, 2008 AND 2009 TO THE GAME AND FISH DEPARTMENT; AND THAT THE APPROPRIATION MADE IN SUBSECTION A OF THIS SECTION IS EXEMPT FROM THE PROVISIONS OF SECTION 35-190 ARIZONA REVISED STATUTES RELATING TO THE LAPSING OF APPROPRIATIONS. VOTE: UNANIMOUS, GILSTRAP RECUSED.

Commissioner Gilstrap stated that he was recused in that discussion and subsequent vote and chose to continue his recused position in this discussion and vote.

Vote: Aye - Melton, Golightly, McLean
Nay - Hernbrode
Gilstrap recused
Passed 3 to 1

Commissioner McLean requested that the January 30, 2006 Commission meeting minutes be adjusted to reflect that this motion was vacated at the subsequent February 10, 2006 Commission meeting.

Public Comment

Jon Fugate, YVRGC, stated that his organization has discussed H2127 and S1300, and that 98% of those involved in the discussion were in favor of supporting H2127 as originally written. The amendments are still being reviewed. In regards to S1300, his organization does not care whether it is new monies or recovered monies, they support the bill; however, they are not in favor of those on the Oversight Committee.

Commissioner McLean requested that Mr. Fugate notify the Department or Commission of meetings held by his organization to discuss these matters, so that either he or Commissioner Golightly, as Commission appointed legislative representatives, could attend and discuss the Commissions' position.

Commissioner Golightly clarified for Mr. Fugate that S1300 was not a bill to recover monies taken from Game and Fish funds.

Chairman Melton tabled this item, agenda item 6, State and Federal Legislation, for further discussion at tomorrow's Commission meeting.

* * * * *

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

Presenter: Steve Ferrell, Deputy Director

Mr. Ferrell reported on the Wildlife Series stating that with the help of Commissioners Golightly and McLean, the Department continues to meet with members of both Houses on the supplemental budget. On February 2, there was a hearing in the Joint Appropriations Committee where the Department's supplemental budget appeared as part of the consent agenda. It remained on the consent agenda and there was no testimony necessary. Now it will be moved to the Separate Appropriations Committee where the Department's JLBC analyst expects it will remain on the consent agenda. In regards to the Non-wildlife Series, the Department met with the Arizona Department of Administration (ADOA) and proposed three options that are acceptable to the Department in calculating benchmark salaries and equity adjustments for all positions in the Non-wildlife Series. Their response was favorable; however, they requested time to further analyze them in detail. While doing that, ADOA asked the Department to prepare updated Position Description Questionaires (PDQ) and resumes for each employee that would be affected. Their timeline suggest that the Department could have an agreement with ADOA on the Non-wildlife Series equity adjustments in time to implement by July 1, the same as for the Wildlife Series.

* * * * *

8. Call to the Public

Greg Ferguson, Yuma County Board of Supervisors and YVRGC member, addressed the Commission and further encouraged them to get involved in the Yuma Proving Grounds' plans to expand their firing range from Yuma to the Palo Verde Nuclear Plant to test a long range weapon. A lot of public land will be put off limits, used for six months to a year, and then the public will be stuck with all those lands off limits forever.

* * * * *

9. Director and Chairman's Report

Chairman Melton reported that he worked on a waterhole project and attended the YVRGC meeting as an observer.

Director Shroufe reported on three items: 1) Met with Congressman Renzi and his staff about the Northern Arizona shooting range site; 2) Traveled to Mexico to attend the International Wetlands Day Celebration that was held in conjunction with the 8th training/workshop for biologists in wetlands management, where he had the opportunity to meet with the Governor of Baha Sur and the Minister of Environment from Mexico City to discuss issues; 3) Co-Chaired along with Don Butler, the 2nd Arizona Invasive Species Council meeting.

* * * * *

10. Commissioners' Report

Commissioner Gilstrap attended a class put on by the Education Branch and stated that it was a great class. Also, Commissioner Gilstrap thanked Commissioners Golightly and McLean for their work on legislative issues. Because Commissioner Gilstrap will not be attending tomorrow's Commission meeting, he mentioned a couple items: 1) There is a meeting set for February 14 to follow up on a meeting with the Governor and the ranching community on open space that the Director will be attending. If the subject of landowner tags comes up in that meeting, Commissioner Gilstrap is still opposed to that idea; 2) Commissioner Gilstrap requested that the Commission follow up on a letter that the Commission received in response to their letter written to the President on border issues.

Commissioner Golightly has kept busy with legislative matters.

Commissioner McLean has also has kept busy with legislative matters.

Commissioner Hernbrode spent two days in Flagstaff discussing some of the issues on the Kaibab and touring the Anderson Mesa; attended public meetings on big game guidelines in Safford, Sierra Vista and Prescott; and met with sportsmen to talk about guidelines as they pertain to white-tails.

* * * * *

11. Approval of Minutes

Director Shroufe suggested postponing this item until Saturday's meeting to give the Commissioners more time to read through the minutes.

Motion: McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO TABLE AGENDA ITEM 11, APPROVAL OF MINUTES, UNTIL TOMORROW'S MEETING.

Vote: Unanimous

* * * * *

13. Request for the Commission Approval of the Program Narrative for U.S. Coast Guard Boating Safety Funds (Federal FY 2006 / State FY 2007).

Presenter: Mike Senn, Assistant Director, Field Operations Division

A Program Narrative detailing the expenditure of U.S. Coast Guard (USCG) boating safety funds by the Arizona Game and Fish Department was provided to the Commission prior to this meeting for review, consideration. The narrative details the Department's Coast Guard funded watercraft activities and obligations for State FY 2006, once approval is granted by the USCG. It addresses the grant period of October 1, 2005, to September 30, 2006, and reflects the legislatively mandated watercraft responsibilities of the Arizona Game and Fish Department. In addition, the Department is requesting the Commission consider and approve funding to add one-

half of a Full Time Employee (FTE) funded through the USCG to the existing USCG/OHV split funded Public Information Officer (PIO). After removing the OHV duties and funding, this will create a full time USCG funded Watercraft Public Information Officer.

Commissioner Hernbrode asked, for the record, if the increase in FTE level impacts the ability in other areas to increase the FTE, such as for Wildlife Managers.

Mr. Senn stated that it does not; that Wildlife Managers are all currently funded out of the Game and Fish Fund and the Department does sometimes pay for boating law enforcement and boating safety out of the State Watercraft Fund, but not out of the Coast Guard Fund.

Commissioner Hernbrode stated that his concern was with FTE ceilings.

Mr. Senn stated that the FTE ceilings for Wildlife Managers are out of the Game and Fish Fund, which is an appropriated funding source through the Legislature and Coast Guard funded positions are not, it's at the Commission's discretion.

Motion: Hernbrode moved and McLean seconded THAT THE COMMISSION VOTE TO APPROVE THE PORTION OF THE DEPARTMENT'S WATERCRAFT SAFETY PROGRAM FUNDED BY THE U.S. COAST GUARD MONIES PURSUANT TO THE FEDERAL BOATING SAFETY ACT OF 1971 INCLUDING THE ADDITION OF ONE-HALF OF A FTE.

Commissioner McLean noted that this item is on the agenda for after the Time Certain lunch break and subsequent Executive Session, and there may be members of the public interested in speaking on this item. Therefore, a vote should not be taken.

Commissioner Gilstrap suggested that the Commission continue with the vote and then bring it to the public's notice after the Time Certain and ratify the action if necessary.

Vote: Unanimous

* * * * *

14. Request for the Commission Approval of the Creation of a Full Time Off Highway Vehicle (OHV) Public Information Officer (PIO).

Presenter: Mike Senn, Assistant Director, Field Operations Division

This item relates to the previous item, agenda item 13. The Department requested the Commission to consider and approve funding to add one-half of a Full Time Employee (FTE) funded through the Off Highway Vehicle Fund to the existing USCG/OHV split funded Public Information Officer (PIO). After removing the Boating Safety Duties and USCG funding, this will create a full time OHV Public Information Officer. The Department anticipates substantial statewide expansion of OHV management issues and the proposed PIO duties will be critical to communicating the immediate and long-term goals and objectives of the Department's OHV program. The Department will utilize recent increases to the Off Highway Vehicle Recreation Fund as a result of increased motor fuel tax revenues to fund the one-half FTE.

Motion: Hernbrode moved and McLean seconded THAT THE COMMISSION VOTE TO APPROVE THE CREATION OF A FULL- TIME, OFF HIGHWAY VEHICLE PUBLIC INFORMATION OFFICER POSITION WITH THE ADDITION OF ONE-HALF FTE FUNDED BY OHV EXPENDATURES.

Vote: Unanimous

* * * * *

15. Departmental Communication to the Commission

Presenter: Josh Avey, Executive Staff Assistant

Mr. Avey provided the Commission with a presentation regarding all communications that are currently provided to the Commission. The current Commission updates consist of Director's Goals and Objectives, Mount Graham Red Squirrel, Wolf updates, Sonora Pronghorn Updates, Condor Updates, Litigation Report, Lands Update, Land Acquisition Update, Shooting Ranges Monthly Update, Ben Avery Shooting Facility Update (new), and Headquarters Update (new). The Commission was asked to give the Department direction to continue, eliminate, or alter the current communications.

The Commission discussed the various reports, how often they needed to receive them, or whether they needed to receive them at all because some of them are on the Department's website. Receiving necessary information in a timely manner was also discussed as well as the form of communication, and the time and expense of Department employees who put these reports together.

Director Shroufe noted that all communications originated as a request from the Commission and it was up to them to decide what they wanted to receive. All Commissioners may not be interested in receiving the same communications, but in the past it has proven to be prudent to send all Commissioners the same communications.

Commissioner McLean suggested, along the lines of communication, that the Commission consider a "contact us button" be placed on the Department website for the public to be able to communicate with the Commission.

Motion: Hernbrode moved and McLean seconded THAT THE COMMISSION VOTE TO DISCONTINUE WEEKLY REPORTS; THAT ALL REPORTS ARE MONTHLY EXCEPT FOR THE WILDLIFE REPORTS, WHICH WILL BE QUARTERLY; WITH THE CAVEAT THAT NEEDED INFORMATION BE COMMUNICATED AS NEEDED INCLUDING INFORMATION ABOUT THE CONSTRUCTION OF THE NEW HEADQUARTERS AND THE WILLARDS SPRINGS SHOOTING RANGE AS THE DEPARTMENT MOVES FORWARD ON THOSE ITEMS; AND FURTHER THAT MR. AVEY CREATE A FORM FOR EACH COMMISSIONER TO FILL OUT AS TO HOW THEY WANT TO RECEIVE THEIR COMMUNICATIONS.

Vote: Unanimous

Commissioner Hernbrode suggested a retreat or workshop setting for the Commission to discuss issues in detail, particularly access issues, with no decision making or actions taken by the Commission. Additionally, Commissioner Hernbrode requested training in the Article review process and status, and he would like to spend some time discussing with the Department and the Commission about statewide deer and elk management protocols.

* * * * *

Meeting recessed for lunch at 11:49 a.m.
Meeting reconvened at 1:00 p.m.

* * * * *

15. Executive Session

The Commission voted to meet in Executive Session in accordance with A.R.S. § 38-431.03 (A)(3) and (4) for the purpose of discussion and consultation with legal counsel.

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

Vote: Unanimous

* * * * *

16. Director's Goals and Objectives for 2006

Presenter: Duane Shroufe, Director

At the January 20, 2006 Commission meeting, Director Shroufe solicited comments from the Commission on the Director's Goals and Objectives. Director Shroufe requested that the Commission review the Goals and Objectives from 2005 and decide to remove or add items for 2006. The Commission will then be provided with quarterly updates on those items throughout the year.

Commissioner Hernbrode stated that the efforts the Department puts forth on these items are not effectively conveyed to the public and proposed a process that would be more formalized. Commissioner Hernbrode suggested that at the March Commission meeting, the Director present to the Commission a list of objectives for the 2006 Goals and Objectives, as outlined by the Commission today, that lists specific activities and timelines, where possible, so that measurable progress can be made on each goal and they can be tracked by the Department, the Commission and the public. Additionally, Commissioner Hernbrode requested that the Goals and Objectives process for the next year begin in December rather than in February of that year.

Commissioner Gilstrap suggested a process that was separate from the Director's Goals and Objectives for communicating Department accomplishments to the public, to which Commissioner Hernbrode was agreeable. The intent is to better communicate these activities to the public, possibly via news releases, newsletters, magazines and posting on the website.

Commissioner Golightly stated that most of the 2005 Goals and Objectives are no longer Goals and Objectives, but are everyday business and should be removed from the list.

Motion: Hernbrode moved and McLean seconded THAT THE COMMISSION VOTE FOR A GOAL FOR THE DIRECTOR TO ACCOMMODATE THE PROJECTED HUMAN POPULATION INCREASES IN THE FUTURE; THAT THE DEPARTMENT PLAN TO ENSURE THAT WILDLIFE WILL BE A SIGNIFICANT PART OF ARIZONA'S FUTURE AND ACTIVELY SEEK COOPERATION IN ALL LEVELS OF ARIZONA GOVERNMENT IN PURSUIT OF THIS GOAL.

The Commission discussed whether or not Commissioner Hernbrode's motion was too broad, what Department resources it would take to accomplish it, whether or not it was already incorporated in current Department business, and how the motion could be broken down into smaller specific objectives. Discussion turned to the 2005 Goals and Objectives, which ones should remain on the list, and which ones have become standard practice.

Motion Withdrawn

Motion: Golightly moved and Hernbrode seconded THAT THE COMMISSION VOTE TO REMOVE GOALS NUMBERED 3, 4, 6, 7, 8, 9, 10, AND 11 OF THE 2005 DIRECTOR'S GOALS AND OBJECTIVES AND THAT THEY NOT BE INCLUDED IN THE 2006 DIRECTOR'S GOALS AND OBJECTIVES.

Vote: Unanimous

Motion: Gilstrap moved and Hernbrode seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO COMMUNICATE TO THE PUBLIC THE SUCCESSES OF DEPARTMENT ON THE DIRECTOR'S GOALS AND OBJECTIVES FROM 2005 AS THE DEPARTMENT CONTINUES TO MAKE PROGRESS IN THOSE AREAS EVEN THOUGH THEY ARE REMOVED FROM THE LIST OF GOALS AND OBJECTIVES.

Vote: Unanimous

Motion: Golightly moved and McLean seconded THAT THE COMMISSION VOTE TO ADD A BULLET UNDER 5, FIND NEW SOURCES OF REVENUES, THAT STATES "PURSUE VOTER INITIATIVE FOR A SALES TAX REVENUE."

Commissioner Gilstrap suggested and amendment to motion as follows: "Pursue voter initiative or referendum for a sales tax revenue."

Commissioner Hernbrode added that it should read "Protect current revenue streams and actively pursue new funding sources for the Department" and then be more specific under that.

Motion Amended: Golightly moved and McLean seconded THAT THE COMMISSION VOTE TO CHANGE GOAL 5 TO "PROTECT CURRENT REVENUE STREAMS AND ACTIVELY PURSUE NEW FUNDING SOURCES FOR THE DEPARTMENT" AND ADD A BULLET UNDER THAT TO "PURSUE A SALES TAX INITIATIVE OR REFEREDUM."

Vote: Unanimous

Director Shroufe clarified that goal 5 would read, "Protect existing revenue streams and find new sources" and under that, 1) Work at State level to find new sources, and bullet under that, pursue the sales tax initiative or referendum, 2) Explore opportunities for all customers to contribute, and 3) Work at Federal level to ensure State Wildlife Grants, and bullet under that, protect current revenue streams including the Heritage Fund, Wildlife Conservation Funds, etc.

Motion: Hernbrode moved and Gilstrap seconded THAT THE COMMISSION VOTE TO ADD A GOAL TO ACCOMMODATE THE PROJECTED HUMAN POPULATION INCREASES IN THE FUTURE, THE DEPARTMENT WILL PLAN TO ENSURE THAT WILDLIFE WILL BE A SIGNIFICANT PART OF ARIZONA'S FUTURE; THAT THE DEPARTMENT WILL WORK ACTIVELY TO SEEK COOPERATION FROM ALL LEVELS OF ARIZONA STATE AND FEDERAL GOVERNMENT IN PURSUIT OF THAT GOAL.

Vote: Unanimous

Commissioner Hernbrode asked about the timeline for future Goals and Objectives.

Director Shroufe stated that that he understood that he would bring the 2006 Goals and Objectives to the Commission in November for discussion and that in December the Commission would decide on the Goals and Objectives for 2007.

Commissioner Gilstrap suggested that the Director add to the process to meet with the incoming Commissioner and outgoing Chairman on his Goals and Objectives.

* * * * *

17. Call to the Public

There were no requests from the public to speak.

Director Shroufe made a call to the public on agenda items 13 and 14, which were moved to before the Time Certain and addressed by the Commission with action taken. There were no requests from the public to speak on those items.

* * * * *
Meeting recessed at 3:20 p.m.
* * * * *

* * * * *
Saturday, February 11, 2006 – 8:00 a.m.
* * * * *

Chairman Melton called the meeting to order at 8:00 a.m. The Commissioners introduced themselves and Chairman Melton introduced the Director and the Director's staff. This meeting followed an agenda revision 2 dated January 24, 2006. Commissioner Gilstrap was not present.

* * * * *

1. Notice of Final Rulemaking to Amend R12-4-102 to Increase Fees as Authorized by Statutory Changes Made by the 47th Legislature

Presenter: Dustin McKissen, Rules and Risk Manager

The Department requested that the Commission vote to close and approve the Notice of Final Rulemaking to increase fees for licenses, tags, stamps, and permits. If approved, the Notice will be filed with the Governor's Regulatory Review Council (GRRC) for consideration at their next open meeting on April 4, 2006. If GRRC approves the notice, the rules will become effective and enforceable June 3, 2006; however, fee increases will only apply to licenses, tags, stamps, and permits sold for use beginning in 2007. The Notice of Final Rulemaking, the Economic Impact Statement, and public comments were provided to the Commission prior to this meeting for review and consideration.

At the December 10, 2005 Commission meeting, the Commission directed the Department to eliminate Class A deer and elk tags, reduce nonresident bighorn sheep to $1400, create specially priced youth tags for deer, elk, javelina and turkey, and reduce the price on the class F combination hunting and fishing licenses for resident and nonresident youth, and those changes have been made to the original proposed rulemaking and are included in the final rulemaking.

Motion: Hernbrode moved and McLean seconded THAT THE COMMISSION VOTE TO CLOSE THE RULEMAKING RECORD AND APPROVE A NOTICE OF FINAL RULEMAKING TO AMEND R12-4-102; DEALING WITH LICENSES, TAGS, STAMPS, AND PERMITS; TO INCREASE FEES AS AUTHORIZED BY STATUTORY CHANGES MADE BY THE 47TH LEGISLATURE TO RAISE FEE CEILINGS.

Vote: Unanimous
Gilstrap absent

* * * * *

2. Consideration of Increased Hunting Opportunities Associated with Archery Bull Elk Hunts for Fall 2006

Presenter: Leonard L. Ordway, Game Branch Chief

Using a Power Point presentation, Mr. Ordway briefed the Commission on progress regarding their prior direction to the Department to investigate resolution with the archery hunting community regarding implementing amended hunting structures that increase archery hunting opportunity by moving a portion of permits away from high hunt success time period.

At the December Commission meeting, the Department presented the 2006-2007 hunt guidelines to the Commission for their approval. Part of that presentation included an option whereby additional bull elk hunting opportunity could be provided to archers. Specifically, the Department recommended moving 50% of the archery bull harvest into a late November-early December time frame. During fall 2005, the Commission authorized 2,679 archery bull elk tags. Of these, 2,294 permits were authorized during the traditional rut period in September, whereas 385 permits were authorized during November. During 2005, the early season archers experienced a 49% hunt success while the late season archers had a 21% hunt success. Using last year's permit numbers, hunt success, and weapons allocation, the original proposal that the Department shared with the Commission would have increased the number of permits offered to archers by about 1,300 permits with about 67% of the permit tags offered during a late season structure, probably in November. The bowhunting community voiced negative concerns and issues regarding the proposal at the December Commission meeting, and the Commission directed the Department to work with archers and the Arizona Bowhunter's Association (ABA) to develop an alternative to move a smaller portion (<50%) of the harvest into a time frame with lower hunt success that would facilitate increasing hunter opportunity (i.e. number of tags) available to archers.

Subsequent to the December Commission meeting, the Game Branch met with representatives of the ABA Board, Desert Christian Archers, and other bowhunters to: provide support and information during the ABA sponsored public meeting regarding this subject in the Department's Deer Valley North Roadrunner Room on December 19, 2005, and on January 27, 2006, at the Department's Phoenix Office to discuss proposal for presentation to the Commission at their February 11, 2006 meeting. During the interim, several information exchanges occurred whereby the Game Branch provided feedback and recommendations regarding implementation and contents of the Arizona elk bowhunters' opinion survey.

During the December 19 public meeting, an individual recommended an earlier bull elk structure as a possible alternative because New Mexico had a similar "pre-rut" structure. Game Branch contacted New Mexico Department of Game and Fish and determined that they typically hold an archery bull elk hunt during September 1-20, or September 1-15 and 16-20. These hunts typically encompass a portion of the rut and do not truly constitute "pre-rut," although hunt success is typically 20-25% during the early September time frame. The bowhunters assessed the elk hunting public's opinion of this earlier hunt structure in addition to a later hunt structure with their survey.

At the January 27 meeting, the ABA working group (Dick King, Randy Spray, and David Myrick) and Game Branch discussed feedback regarding the proposal to move some of the archery harvest into a time period with reduced hunt success based on comments from Department Public Hunt Guideline Meetings held to date, written correspondence received by the Game Branch, data compiled from the hunter questionnaire program, and feedback from the ZAP internet survey conducted by the bowhunters. Overwhelmingly, the majority of feedback received from the public through meetings, correspondence, and internet surveys indicates that no change to the current structure was the desired outcome. This perspective was not unanimous, but nearly so. Some individuals welcomed the effort to increase opportunity especially for local hunters near affected units.

At the meeting on January 27, the ABA working group provided input and came to consensus with Department Staff on a pilot approach that might be used to gauge public acceptance and suitability. The ABA working group did not endorse a change, but if a change were made to the archery bull elk structure, they were in consensus with the proposal arrived at during this meeting.

Alternative Archery Elk Structure Proposal: The new alternative is to create 8 new hunts in 8 units to assess the proposed change. In Units 1, 4A, 5A, and 23, an early pre-rut hunt structure for archery bull would occur during August 18-31, 2006, with 125 permits each. In Units 4B, 5B, 10, and 22, a late post-rut season hunt structure for archery bull would occur during November 10-23, 2006. Both of these hunt periods would be 14 days in length for added hunt time incentive, whereas the rut period archery hunt period would be 10 days as originally proposed in December because of continued increasing hunt success. Permits for the out-of-rut hunts would be adjusted to achieve equitable harvest of bull elk to achieve desired bull to cow ratios, with remaining harvest of bull elk staying in the existing September archery elk season structure. Additionally, both Units 22 and 23 would have a September archery elk season established, which neither unit currently has. This provides consistent archery hunt structure management across the state.

Based on current data, about 50 permits would be removed from the September hunt in each unit to establish the August or November seasons with about 125 tags each. For Units 22 and 23 approximately 125 permits would remain for the out-of-rut period hunts and the remaining permits would be adjusted into the respective rut period hunts for each unit (approx. 60-70 rut hunt tags combined). This proposal would yield about 1000 permits, 500 of which would occur in August, 500 in November, and would allow the evaluation of these hunt periods for future permit management. The overall reduction in rut permit opportunity is about 230 tags (approx. 10% reduction). Whereas this proposal is likely to yield about 350-400 additional archery bull elk permits than are currently offered (approx. 14% increase), and if accepted, should be used for no less than 3 years to be able to adequately evaluate management effectiveness and acceptance.

The ABA working group was not supportive of reduction to 10-day rut hunt period or a 3-year evaluation period; they preferred 14-day seasons and no more than 2 years of evaluation. The Department continues to assert that the 10-day period provides ample opportunity and the hunt period reduction will help offset increasing archery hunt success. Further, our concern with the 2-year evaluation period is that adequate data would not be available prior to the December hunt set meeting to effectively evaluate late elk season hunt success.

The results of the ABA ZAP internet survey as of January 27, 2006 with 4,908 responses. Thirty-two percent of the respondents characterized themselves as primarily applying for firearms elk seasons, so a reasonable cross section of opinion was obtained. When asked if the respondent would support moving archery bull elk permits out of the rut, almost 76% opposed moving to a November date, whereas just over 66% opposed moving the season to an August date. Of the 2,419 respondents that indicated that they had hunted elk in September, just over 90% indicated that their hunting experience was good or excellent. Ninety-eight percent of these respondents indicated that they would reapply for a September elk hunt. Of the 330 respondents that indicated that they hunted bull elk in November, only about 27% indicated that they had a good or excellent hunting experience. About 41% indicated that they would apply for a November archery bull hunt again.

Department data indicates that hunt success has been substantially higher in September than in November archery bull elk hunts. Graphs (included in the Power Point presentation) indicate the increasing hunt success of September archery bull hunters, which in turn yields a lower number of permits when allocating permits based on hunter demand and hunt success. Despite common concern among archers that hunt quality is lower in November than during September, Department data indicates that the average points per side on bulls harvested by archers and the days hunted in September and November seasons actually differ little. When comparing demand for the September and the November archery bull elk hunts, it is plain that the September season is the more highly sought after tag. However, the demand for the rut hunts far outstrips the supply. As the supply of tags available during November has increased, the number of applicants for those tags has increased as well. Although the graphs show only first choice applicants, the demand for these November permits is about 1:2 or 1:3.

Per the direction of the Commission in December, the proposed alternative moves some archery elk hunt opportunity (~10% or approx. 230 permits) from the high hunt success rut period to lower hunt success periods and increases net overall archery elk hunt opportunity (~14% or approx. 350-400 permits). It allows for assessment of two hunt periods that differ from the current one and may provide means to further increase hunt opportunity in the future. And finally it incorporates inputs from the public relative to archery elk hunt structure should changes be implemented (e.g., "if change is to occur do it on trial basis," "10% is more acceptable than 50%," "try a pre-rut hunt structure if change is to occur," and "manage bull and antlerless take separately - don't designate tags as ‘any elk’").

The Department recommended that the Commission VOTE TO APPROVE THE DEPARTMENT'S RECOMMENDED HUNT STRUCTURE FOR ARCHERY ELK SEASON GUIDELINES FOR UNITS 1, 4A, 4B, 5A, 5B, 10, 22, AND 23 FOR 2006-2008.

Public Comment

Jon Fugate, YVRGC, read a letter to the Commission from Jim Ammons, President of YVRGC in opposition to changes in the hunt structure regarding reduced rut hunt opportunity and that it is vastly opposed by the hunting community as surveys have indicated.

Don Martin, Government Liaison, Mohave Sportsman Club, opposed changes to the hunt structure, especially archery elk, and stated that according to surveys, over 90% of the hunting community is opposed to the proposed changes.

Commissioner Hernbrode clarified that the issue is a fairness issue between the demand by the different weapon types and the allocation based on the number of hunters in each one, and without a way to reduce the success rate for archers, there will be a lower percentage of the allocated harvest going to archers. Mr. Martin stated that he understood.

Eric Kershen, Southwest Airlines Bowhunters, opposed changes to archery elk hunts and mentioned the surveys showing overwhelming sportsman opposition.

Paul Olson, representing self, expressed opposition to the archery elk hunt changes.

David Myrick, Desert Christian Archers, opposed changes recommended by the Department and mentioned the surveys showing sportsman opposition.

Steve Clark, Arizona Elk Society (AES), stated opposition to changes in the archery elk hunts. Additionally, AES opposes any further reduction in elk herds in Arizona.

Scott Heap, South Eastern Arizona Sportsman Club, opposed changes in the hunt recommendations.

Dick King, Arizona Bowhunters Association, read a letter into the record that he wrote to the Commission as follows:

At the December Commission meeting the Department made its proposal for the Hunt Guidelines for 2006-2007. Those recommendations had proposed changes that would have an impact on the "September Bull Elk" structure. Those recommendations were strongly opposed at the meeting by everyone present and since have created a "great outcry" by the bowhunting community.

As of today, February 6, 2006, over 6,000 people have taken the internet Zap Survey which was created by an independent company. We asked Leonard Ordway to be part of writing the questions on the survey so that we would not show bias towards "Archery Hunters Only." Over 30% of those that have taken the survey to date indicated that they were rifle hunters by first choice on their applications. Therefore we feel that the results of the survey should not be looked upon as "from the archery community only."

As you as a Commissioner read this response from the Arizona Bowhunters Association and the bowhunting community of Arizona I ask that you keep the following in mind. We are your customers and you are appointed by the Governor of this State to oversee the Arizona Game and Fish Department and to "serve us, the sportsman, and women of this state." I am going to add a couple of recent quotes and I hope that I have not misconstrued anyone's comments.

Following is a quote from our invitation to attend the "Meet the Commission Meeting last month". "Every year, we spend a day making sure our customers get to know the Arizona Game and Fish Commission who make the decisions that affect them," says Josh Avey, the Department's primary liaison to the public.

At the Commission meeting on Jan 21st, in the discussion between Commissioner Mike Golightly and Pete Cimellaro, in regards to legislation and the 10% cap, Commissioner Golightly assured Pete and the audience that legislation would be a mistake, leaving things as they were keeps the decision in the hands of the Commission and we always try to do what "you guys want, we always work with you to reach that goal."

At the WCC meeting in January Commissioner Bill McLean expressed many times his dismay that we (the WCC Members) would want to let the legislature become a camel with its nose under the tent? He pointed to the picture of the five Commissioners on the wall and stated, "we are here to serve you, we have done it for over 70 years, don't give up on the system that has taken care of you all these years and will continue to do so!"

The following is copied from Leonard Ordway's e-mail dated February 1, 2006; "based on comments from Department Public Hunt Guideline Meetings held to date, written correspondence received by the Game Branch, data compiled from the hunter questionnaire program, and feedback from the ZAP internet survey conducted by the bowhunters; overwhelmingly, the majority of feedback received from the public through meetings, correspondence, and internet surveys indicates that no change to the current structure was the desired outcome."

Appended to this memo are the results of the ABA ZAP internet survey as of January 27, 2006 with 4,908 responses. Note that 32% of the respondents characterized themselves as primarily applying for firearms elk seasons, so a reasonable cross section of opinion was obtained. When asked if the respondent would support moving archery bull elk permits out of the rut, almost 76% opposed moving to a November date, whereas just over 66% opposed moving the season to an August date. Of the 2,419 respondents that indicated that they had hunted elk in September, just over 90% indicated that their hunting experience was good or excellent. Ninety-eight percent of these respondents indicated that they would reapply for a September elk hunt. Of the 330 respondents that indicated that they hunted bull elk in November, only about 27% indicated that they had a good or excellent hunting experience. About 41% indicated that they would apply for a November archery bull hunt again.

The success of the Archery Bull hunt during the September time period has been talked about many times as a reason for moving some of those tags to a calendar period when the success would be lower. We feel that reasoning is much unfounded! A "Pie Allocation Table" has been in place for many years. It designates the allocation of tags from year to year according to application rate and success of the hunters by weapon type. The "Pie Allocation Table" has worked for many years; equally good or bad for all hunting groups, we have lived with it in good years and bad. The Department has stated that we had a 49% harvest during the archery bull hunt in 2005. Their records also show that we had a 22% harvest during 2002. Although those numbers have continued to climb over the years, we don't believe that the 49% harvest of 2005 is any more typical than the 22% harvest of 2002. The "Pie Allocation Table" is fair, we live with it, and Muzzleloaders live with it as well as the Rifle hunters. We have heard no outcry from any hunting group about this method of allocation of permits.

All hunters in Arizona would like to see more opportunity. Increased harvest and drought conditions in the past several years have drastically lowered the number of elk on the ground. Post hunt numbers are approximately half of what they were ten years ago. We could easily increase elk numbers by issuing fewer permits for a few seasons, work towards developing habitat programs with the Arizona Elk Society and Rocky Mountain Elk Foundation. Restructuring grazing allotments, working together on habitat improvement and development would all offer opportunities of increasing herd size and therefore increasing hunt opportunity? We understand that more elk on the ground is a political issue and those issues need to be dealt with more aggressively. A mere one thousand more head of elk would more than compensate for the proposed changes recommended by the Department to the Archery Hunt Structure and would do it with out this great public outcry! Matter of fact it would create support for the Department rather than opposition!

There appears to be no biological reasoning behind the recommendations. The only reason given for these recommendations is that there is an opinion that hunters need more opportunity to draw

big game tags. We ask, "At what cost," we probably have the most highly sought after archery bull elk hunt in the country. The vast majority of the people are willing to wait years for the opportunity to draw one of these coveted tags, the proposed changes would make the chances of drawing one of those "Treasured Bull Permits" even less. If we are going to base the management of our elk herds and the structure of the "hunt" on surveys and public opinion, then please consider strongly the attached survey results that represents those most affected by the proposed changes.

We too believe that hunter retention is an important issue. Looking at the Zap Survey you will find that 98% of the participants that hunted in the September Bull Elk season would put in for that hunt again while only 41% that hunted the November Bull Elk Archery hunt would apply for that hunt again. That does not contribute to hunter retention!

Recruitment of new hunters, especially young hunters, is very important. The Scholastic Clay Target Program has created a great deal of interest and we can be proud of the work that has been put into this program. It is a great way to introduce youth to a shooting sport. However we have a program called "Archery in School" that has national money available for funding that could help to have more schools participating. My understanding is that there are twenty-three schools that have shown an interest in starting the program. The only thing missing seems to be the funding! Why are we not making use of all the funds that could be available to that program? What a great way to introduce youth to the sport or archery at a young age. This program is designed for elementary students, an age where introduction to archery could be something that would lead many of these youth to become future bowhunters in Arizona. We are being passed up by many states in implementing this program. We need to coordinate our efforts to accelerate the implementation of this program.

Six thousand respondents have taken the Zap Survey (provided to the Commission prior to this meeting). That represents nearly one third of all applicants for archery elk hunts in 2005. I would say that that is an incredible response and a sound indication of how the hunters of Arizona feel about this proposal. We commend Leonard, Brian, and the Department for working with the Arizona Bowhunters Association and the bowhunting community at trying to come to some resolve. Although we respect the desire of the Department to follow the direction of the Commissioner, in good faith we ask that you, the Commissioners, listen to the vast majority of your customers this time and give the Department direction to make "no changes" from the current "Archery Hunt Structure" and change their recommendations for 2006-2007 to indicate "no change" accept for the normal adjustments that will occur when averaging our harvest for the past five seasons. According to Leonard we would lose approximately 200 permits because of our higher harvest in 2005.

This time I, Dick King, as the representative for the Arizona Bowhunters Association and bowhunters across the state, am asking that you hear the thousands who overwhelming expressed opposition to this current proposal, and that you as a Commissioner, give the Department direction to "make no change" but rather look for other ways, possibly some as mentioned earlier, to establishment new hunter recruitment and hunter retention. Thank you for your considerations.

Mr. King further clarified that the request is to continue using the pie chart allocation as the determining factor in the number of tags per year even if the number of tags decreases using this

method, and do not want to see a decrease in September tags because they were moved to August and November.

* * * * *

Meeting recessed for a break at 10:15 a.m.
Meeting reconvened at 10:30 a.m.

* * * * *

Mark Bool, Arizona Deer Association, stated opposition to proposed changes in the deer hunt recommendations, specifically in moving December hunts to October and in the length of the seasons.

Nick Heatwole, YVRGC, stated opposition to the proposed hunt recommendation changes to the archery hunts.

Chuck Decker, representing self, opposed hunt recommendation changes. Also suggested that information on how the pie allocation works should be put in the hunt regulation books.

Commissioner Hernbrode stated that the motion he was about to make for the archery elk September season does not reflect how he will respond to other Department opportunities to increase licenses and opportunity. He agreed with the archers that archery in September is not a biological issue, but disagrees with the archers in their choice not to consider ways to increase archery hunting opportunity.

Motion: Hernbrode moved and Golightly seconded THAT THE COMMISSION VOTE TO MAKE NO CHANGE TO ARCHERY ELK HUNTS AND THAT THE TAG NUMBERS WILL BE DETERMINED BY THE PIE ALLOCATION FORMULA; TO INCLUDE NO CHANGE IN THE ARCHERY HUNT STRUCTURE IN TERMS OF LENGTH AND CONTINUE TO INCLUDE THE ALREADY ESTABLISHED LIMITED NOVEMBER ARCHERY TAGS GIVEN IN SELECT UNITS.

Vote: Unanimous
Gilstrap absent

* * * * *

3. House Bill 2127: Nonresident Big Game Permits; Limits

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles provided the Commission with a copy of H2127 and the amendment that was adopted in committee, and further briefed the Commission on those amendments.

Public Comment

John Koleszar, representing the Arizona Elk Society, addressed the Commission in support of the bill.

Jon Fugate, representing the YVRGC, supports the bill as originally written. YVRGC has not reviewed and discussed the amendment.

Pete Cimellaro, representing ADA, ADBSS and Arizona Sportsmen for Wildlife addressed the Commission in support of H2127 as amended.

Commissioner Golightly stated that the Commission has been opposed to this bill from the beginning and that even with the amendment, it takes authority away from the Commission.

Motion: Golightly moved and McLean seconded THAT THE COMMISSION VOTE TO CONTINUE TO OPPOSE H2127.

Commissioner McLean stated that the Commission was originally formed by the people of Arizona to take wildlife management out of the hands of politicians and the pressures of politics, and to have decisions based on wildlife data.

Chairman Melton referred to a motion made at the January 30, 2006 Commission meeting in which the Commission opposed House Bill 2127, but that Commissioners Golightly and McLean as Legislative Liaisons of the Commission were given the authority to meet and wordsmith and compromise in good faith on this legislation, and asked if Commissioners Golightly and McLean did not come to a consensus on the language.

Commissioner McLean stated that he and Commissioner Golightly met with Representative Weiers and three sportsmen and they did not come to a consensus.

Commissioner Melton stated that the Commission is under many other rules in statute and does not see the difference in HB2127 becoming statute and therefore believes the Commission should support it.

Vote: Aye - Golightly, McLean, Hernbrode
Nay - Melton
Gilstrap absent
Passed 3 to 1

* * * * *

6. State and Federal Legislation (continued from Friday, February 10, 2006)

Presenter: Anthony Guiles, Legislation Liaison

Mr. Guiles briefed the Commission on some developments that occurred yesterday in regards to H2129, regarding poaching; amendments to that bill are going to be offered in committee on Wednesday.

Motion: Golightly moved and Hernbrode seconded THAT THE COMMISSION VOTE TO LOOK AT AND PRE-APPROVE THE H2129 WITH AMENDMENT SO THAT THIS LEGISLATION CAN BE MOVED WEDNESDAY WITHOUT A SEPARTATE COMMISSION MEETING.

Vote: Unanimous
Gilstrap absent

Director Shroufe stated that as soon as the Department gets the information about the amendment, it will be provided to all the stakeholders, in case they want to comment on it, and in case the Commission wants to take a different direction.

Mr. Guiles continued in regards to S1300. There have been no Senate hearings on this bill and as of today it's not scheduled for a hearing. The Commission decided to oppose this bill as originally written. There are rumors of an amendment and what might be in it, but nothing yet in writing to present to the Commission.

Chairman Melton re-read the motion from the January 30, 2006 Telephonic Commission meeting that the Commission voted to vacate during yesterday's Commission meeting under agenda item 6, and generated discussion of the Commission's position on this bill.

Motion: Hernbrode moved and McLean seconded THAT THE COMMISSION VOTE TO CLOSE THIS DISCUSSION.

No vote taken.

Public Comment

Jon Fugate, representing YVRGC, supports S1300 as originally written and does not have an opinion on an amendment to S1300, if there is one.

Pete Cimallero, representing ADA, ADBSS and Arizona Sportsmen for Wildlife, stated that amendment language for S1300 is being worked on so it has not yet been presented to the sponsors. It is anticipated to be available by Monday.

The Commission further discussed their interpretations and opinions of the language in S1300.

Chairman Melton stated that he would like to see something worked out in the language of the bill so it can move forward.

Motion: Golightly moved and McLean seconded THAT THE COMMISSION REAFFIRM ITS POSITION AND CONTINUE TO OPPOSE SENATE BILL 1300 AS PRESENTED.

Commissioner Hernbrode suggested that the motion be withdrawn and no action be taken, and that the Commission just continue in its position to oppose the bill as it stands.

Motion Withdrawn

* * * * *

11. Approval of Minutes (continued from Friday, February 10, 2006)

Motion: McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE COMMISSION MEETING MINUTES FROM JANUARY 20, 2006 AND JANUARY 30, 2006, WITH A NOTE IN THE JANUARY 30, 2006 MINUTES TO REFLECT THE MOTION/ VOTE RETRACTED /VACATED AT THE SUBSEQUENT FEBRUARY 10-12, 2006 COMMISSION MEETING.

Vote: Unanimous

The Commission signed the minutes of the December 9-10, 2005 Commission meeting.

* * * * *

4. Call to the Public

Don Martin, Government Liaison, representing Mohave Sportsman Club, opposed moving deer tags from December to October and moving tags out of the muzzleloader juniors hunt in 16A.

* * * * *

5. Future Agenda Items

Mr. Ferrell noted several action items, one of which was a future agenda item:

- Provide copies of the Bar D Cattle Co. and the Apache Maid location maps to the Commission
- Provide the Commission with regular updates of litigated cases that have intermittent activity
- Keep the Commission informed of planning and permitting activities involving the Big B Allotment
- Monitor plan by Yuma Proving Grounds to expand their shooting range 160 miles to the northeast from Hwy 95 and report developments as they become known to the Commission
- Provide the Commission with a Gantt chart for the Willard Springs Shooting Range Project
- Ensure that the minutes of the January 30, 2006 telephonic Commission meeting reflect the action taken relative to Agenda Item 6 at the February 10. 2006 Commission meeting regarding the withdrawal of prior Commission direction to pursue a striker bill to repatriate previously swept funds
- Draft a response for the Chairman's signature to the letter received from the White House in response to the Commission's previous letter on border issues
- Modify regularly scheduled Commission briefings so that all are distributed monthly, except those that address T&E species, which will be forwarded quarterly
- Schedule publicly noticed work-sessions for the Commission to receive training or discuss issues of interest to the Commission
- Modify the Director's Goals, as directed at the February 10, 2006 Commission meeting and write objective statements that further refine those goals. Begin the process of annual goal development so that they are completed in December each year.

Commissioner Golightly requested a future agenda item regarding the dispute of a Wisconsin elk hunt applicant who has petitioned the Commission for reinstatement of his bonus points as a resolution of his rejected Fall 2006 hunt application.

* * * * *

Motion: McLean moved and Melton seconded THAT THE COMMISSION VOTE TO ADJOURN.

Vote: Unanimous

* * * * *

Meeting adjourned at 12:42 p.m.

* * * * *

Joe Melton, Chairman

Michael M. Golightly, Member

William H. McLean, Member

Robert Hernbrode, Member

W. Hays Gilstrap, Member

ATTEST:

Duane L. Shroufe
Secretary and Director