

Minutes of the Telephonic Meeting of the
Arizona Game and Fish Commission
Tuesday, April 4, 2006 – 2:00 p.m.
Arizona Game and Fish Department
2221 W. Greenway Road
Phoenix, Arizona 85023

PRESENT: (Commission)

(Director's Staff)

In person:
Chairman Joe Melton
Commissioner William McLean
Commissioner Hays Gilstrap

In person:
Deputy Director Steve K. Ferrell
Assistant Attorney General Shelley Cutts

Via telephone:
Commissioner Michael Golightly
Commissioner Bob Hernbrode

Via telephone:
Assistant Attorney General Jim Odenkirk

Chairman Melton called the meeting to order at 2:00 p.m. Deputy Director Ferrell conducted roll call confirming that all five Commissioners were present and then announced several Department staff attendees, which included Anthony Guiles, Legislative Liaison, Bob Broscheid, Habitat Branch Chief, and Mike Senn, Assistant Director, Field Operations. This meeting followed an agenda dated March 31, 2006.

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1. Strike-Everything Amendment to Senate Bill 1441 Related to Wildlife Habitat Restoration Fund Appropriation

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles briefed the Commission on the proposed strike-everything amendment to Senate Bill 1441 that relates to the wildlife habitat restoration fund appropriation. The Commission was provided with a copy of the prepared amendment prior to this meeting for review and consideration. Mr. Guiles pointed out a couple of changes since the bill's first introduction as Senate Bill 1300: 1) this bill is for 5 million dollars instead of 15 million dollars and 2) it calls for a semi-annual report instead of an annual report regarding activity on the projects that are delineated in the bill.

The Commission discussed their interpretations of the language and potential outcomes of this striker bill.

Chairman Melton clarified with Mr. Guiles that this would be a legislative fund that would be set aside for particular habitat restoration enhancement projects and that since the fund would be established, it would be possible in the future to get additional appropriations from the Legislature into that fund for Commission expenditures, as long as the Commission stays within the guidelines of the bill.

Mr. Guiles stated that was correct and added that the Legislature could also in the future change the guidelines and appropriate the funds for different projects.

Commissioner McLean stated that he finds the bill unclear and undefined. The proposed amendment has the same list of 17 projects, but the appropriation is reduced by two-thirds, so Commissioner McLean speculated whether the 5 million would have to be split between all 17 projects or if it could all be put towards one project, for example the Anderson Mesa, and further whether the fund would require some type of sub-appropriation by the Commission for every item.

Deputy Director Ferrell stated that the bill is silent on how many items on the list of projects the Commission must use the funds for or how much is spent on any one item, but the way he read the bill was that some money must be spent on the first item before you spend money on the second item and so forth.

Commissioner Hernbrode pointed out in the bill where it stated that the Commission can reprioritize the project list in a public hearing.

Commissioner McLean maintained that it was still unclear as to how much had to be spent on each project, and further that he would like to see the money allocated to categories of projects and not specific projects, and allow the Commission to choose the specific projects.

Chairman Melton stated that his concern was implementing the projects in a timely fashion. Some of the projects will require other government entities to be involved in the process such as with NEPA and Environmental Assessments.

Deputy Director Ferrell agreed that those types of projects, if they are new projects, would take about a year for start up time, but others like Anderson Mesa are ongoing now and could be implemented without delay.

Bob Broscheid, Habitat Branch Chief, addressed the Commission stating that a number of these types of projects have already been through the NEPA and Environmental Assessment processes and are now ready to go; however, some of the projects still have to go through those processes.

Commissioner Gilstrap stated that the list of projects was obtained from the Department, so the list is not necessarily being dictated by the Legislature. Further, the objective is to give the Commission the flexibility it needs to manage the 5 million in addition to any matching funds that may be available on anywhere from one to all of the projects.

Commissioner Hernbrode stated that the list of projects was obtained from a Department list of about 70 million dollars worth of proposed projects and that a very small group of people picked those 17 priority items from that list.

Motion: Hernbrode moved and McLean seconded THAT THE COMMISSION VOTE TO CONTINUE TO OPPOSE SENATE BILL 1441.

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

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2. State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles briefed the Commission on a letter received from Representative Weiers urging the Commission to change their position of opposition and support House Bill 2127, which recently passed in the Senate with a 20 to 9 vote, and further that the Commission not advocate any further opposition in regards to that legislation.

Commissioner Hernbrode suggested drafting a response letter from the Commission.

Commissioner McLean stated that the bill has not substantially changed since the Commission voted to oppose it, and further that a letter should be drafted from a majority of the Commission urging the Governor to veto the bill.

Chairman Melton stated that this bill has caused groups to line up against each other; the sportsmen against the Commission, the Commission against the Legislature. The Commission has had the opportunity to show that they could work together with the Legislature for wildlife and wildlife habitat and what has come out of that is a battle with each group, including three Commissioners not agreeing with two. It's sad that we are now going to go back and say that the Commission does not support the 5 million dollars. This will be a hard sell to sportsmen such as the Yuma Valley Rod and Gun Club.

Motion: McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE THAT A LETTER BE DRAFTED AND SENT TO THE GOVERNOR ON BEHALF OF THE MAJORITY OF THE COMMISSION REQUESTING THAT SHE, FOR THE REASONS SET FORTH IN PREVIOUS COMMISSION STATEMENTS OF OPPOSITION, VETO HOUSE BILL 2127.

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

Deputy Director Ferrell clarified with Chairman Melton that this letter would be drafted for the Vice-Chair's signature.

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Chairman Melton adjourned the meeting.

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Meeting adjourned at 2:32 p.m.

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Joe Melton, Chairman

Michael M. Golightly, Member

William H. McLean, Member

Robert Hernbrode, Member

W. Hays Gilstrap, Member

ATTEST:

Steve K. Ferrell, Deputy Director
Acting Secretary and Director