

Minutes of the Meeting of the  
Arizona Game and Fish Commission  
Thursday, October 19, 2006 – 4:00 p.m.  
Friday, October 21, 2006 – 8:00 a.m.  
Saturday, October 22, 2006 – 8:00 a.m.  
La Quinta Inn  
2510 W. Greenway Road  
Phoenix, Arizona 85023

PRESENT: (Commission)

(Director's Staff)

Commissioner Michael M. Golightly  
Commissioner William H. McLean  
Commissioner Robert Hernbrode  
Commissioner Jennifer L. Martin

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

On Thursday, October 19, 2006, the Commission attended the groundbreaking ceremony for the Arizona Game and Fish Department's new headquarters at the Ben Avery Shooting Facility, 4044 W. Black Canyon Blvd., Phoenix, Arizona 85027. This meeting was noticed on October 16, 2006 and was noticed separate from the regular meeting. Chairman Melton was not present.

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Friday, October 20, 2006 – 8:00 a.m.

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In Chairman Melton's absence, Commissioner Golightly chaired this meeting and called the meeting to order at 8:00 a.m. The Commissioners introduced themselves and Chairman Golightly introduced the Director and the Director's staff. This meeting followed an agenda revision dated October 6, 2006.

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## 1. State and Federal Legislation

**Presenter:** Anthony Guiles, Legislative Liaison

Mr. Guiles provided the Commission with a copy of candidate biographies for the upcoming 2006 General Elections and reported on Department legislative activities. Using a Power Point presentation, Mr. Guiles briefed the Commission on tours provided by the Department for Legislators. The tours provide good exposure and education on various Department projects and a better understanding of how remote some of those projects are, such as the House Rock Wildlife Area and the border tour of wildlife habitat damage done by illegal aliens. To date, the Department has provided eight tours with fourteen individuals from the Legislature. Participation is expected to increase after the upcoming election.

In regards to proposed OHV legislation, public meetings are being held around the State and Mr. Guiles will provide the Commission with a briefing on those meetings in December.

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1A. Proposition 207 - Private Property Rights Protection Act

**Presenter:** Anthony Guiles, Legislative Liaison

Mr. Guiles provided an informational presentation on Proposition 207 that included presentations from representatives on both sides of the issue. This proposition sets forth the rights of a property owner when the state or a local government exercises the power of eminent domain. (These rights are in addition to the current statutory and constitutional rights.) Eminent domain is the power of the government to take private property for public use. Proposition 207 would limit the use of eminent domain to situations where eminent domain is authorized by the state and the property taken is put to a public use. The proposition defines "public use" to include:

- The use of land by the general public or by public agencies.
- The use of land for utilities.
- The acquisition of property to eliminate a direct threat to the public health or safety caused by the current condition of the property.
- The acquisition of abandoned property.

Proposition 207 excludes from the definition of public use the public benefits of economic development.

The Arizona constitution prohibits a government from taking private property, unless the government provides just compensation to the property owner. Proposition 207 provides that as just compensation when a person's primary residence is taken by the government, the person must be provided a comparable replacement dwelling that is decent, safe and sanitary. The property owner may choose to receive money compensation instead of the replacement dwelling.

Proposition 207 also provides that a property owner is entitled to just compensation if the value of a person's property is reduced by the enactment of a land use law. A land use law is defined as a law that regulates the use or division of land, such as municipal zoning laws, or regulates accepted farming or forestry practices. The proposition sets out seven types of land use laws that are exempt from the compensation requirement.

If a property owner were successful in an eminent domain law suit, Proposition 207 would require the government to pay the land owner's attorney fees and costs. If a property owner were successful in a law suit for reduction in the property's value, the court could award attorney fees and costs.

#### Public Comment

Beth Woodin, Arizona Heritage Alliance (and former Game and Fish Commissioner) addressed the Commission in opposition of Proposition 207.

Tom Jenney, Arizona HOPE, addressed the Commission in support of Proposition 207.

The Commission discussed the proposition in regards to how it may affect wildlife and the Commissions' responsibilities to wildlife in the State of Arizona, and how it may impact the implementation of the Sonoran Desert Conservation Plan and other related habitat and wildlife

issues. Also discussed was the Commission/Department's potential liability in a property owner's entitlement to compensation if the value of a person's property is reduced by the enactment of a land use law as it relates to wildlife that may impact landowner uses and grazing leases on public lands.

#### Public Comment

Sandy Bahr, Sierra Club, Grand Canyon Chapter, addressed the Commission in opposition of Proposition 207. Ms. Bahr emphasized the adverse impact of Proposition 207 to wildlife and raised other issues that included water rights and increased potential litigation and cost to taxpayers.

**Motion:** McLean moved and Martin seconded THAT THE COMMISSION VOTE TO STRONGLY OPPOSE PROPOSITION 207 – PRIVATE PROPERTY RIGHTS PROTECTION ACT.

**Vote:** Unanimous  
Melton absent

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### 2. An Update on Current Issues, Planning Efforts, and Proposed Projects on All 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 September 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 briefed the Commission on one additional update. In regards to the 2005 Inventoried Roadless Area petition, on September 19, 2006, the U.S. District Court in Northern California set aside the 2005 Rule and reinstated the 2001 Rule due to lack of analysis regarding the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA). It is speculated that the Forest Service will deal with this through the Administrative Appeals Act. The Department is still moving forward with getting the petition to the Governor's Office. The Department will advise the Commission on the Governor's input and any issues that arise.

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### 3. An Update on the Arizona's Wildlife Linkage Assessment Project

Presenter: Bob Broscheid, Habitat Branch Chief

Using a Power Point presentation, Mr. Broscheid provided an update on the status of the Arizona's Wildlife Linkage Assessment project. The Arizona Wildlife Linkages report, finalized

at the end of September, represents the results of the first statewide wildlife linkages assessment. This report will provide land managers and planners an opportunity to understand where important wildlife linkage zones are located throughout Arizona and can be used to guide project designs by incorporating wildlife corridors and appropriate infrastructure to allow for movement of a variety of wildlife species across the state. The report was developed collaboratively between the public and private sector organizations in an effort to facilitate the early integration of the wildlife corridors and linkages into project planning efforts, as well as to elevate the current level of awareness of wildlife connectivity issues in Arizona.

Mr. Broscheid reported that the Department received recognition from Federal Highways for this project and will be receiving their Exemplary Environmental Planning Award.

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Meeting recessed for a break at 9:24 a.m.

Meeting reconvened at 9:39 a.m.

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4. Request for Commission Approval for the Perpetual Right-of-Way Application for the 3.94 acre Black Canyon Trail and Ten-Year Right-of-Way Application for the adjacent parking area in Maricopa County from the Arizona State Land Department.

Presenter: Bob Broscheid, Habitat Branch Chief

The Department coordinated with the Bureau of Land Management (BLM), City of Phoenix, and Arizona State Land Department (ASLD) for the acquisition of the lands to the west of the Ben Avery Shooting Facility for incorporation into the Black Canyon Trail. Due to difficulties between Federal and State standards, BLM has requested that the Department apply to the ASLD for the Black Canyon Trail. The application for the perpetual right-of-way application covers 3.94 acres of the Black Canyon Trail to the west of Ben Avery Shooting Facility and the ten-year right-of-way application covers the adjacent parking area.

**Motion:** Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE PERPETUAL RIGHT-OF-WAY APPLICATION FOR THE 3.94 ACRE BLACK CANYON TRAIL AND TEN-YEAR RIGHT-OF-WAY APPLICATION FOR THE ADJACENT PARKING AREA IN MARICOPA COUNTY FROM THE ARIZONA STATE LAND DEPARTMENT AND AUTHORIZE THE DEPARTMENT TO ENTER INTO ALL RELATED DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTIONS APPROVED HEREIN.

**Vote:** Unanimous  
Melton absent

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5. Request for the Commission to Authorize the Department to Enter Into a Ten Year Cooperative Agreement with the City of Show Low to Allow the City to Manage the Commission's Eight Acre Public Boat Launch and Concession Facility at Show Low Lake.

Presenter: Bob Broscheid, Habitat Branch Chief

In 1990, the Arizona Game and Fish Commission, through an Agreement and Amendment to the Agreement with, and through a Quit Claim Deed and Right of Way from, Phelps Dodge Corporation, acquired approximately eight acres of real estate at Show Low Lake to be used for purposes of fish, wildlife, and recreation. Also in that year, the Commission entered into an agreement with Navajo County (County) for the County to manage said property as a public boat launch and concession facility in conjunction with an adjacent county managed campground. In August 2005, Phelps Dodge conveyed ownership of their property around Show Low Lake formerly managed by the County to the City of Show Low (City). This included the campground adjacent to our boat launch property. The City now wishes to enter into an agreement with the Commission to manage the eight acre boat launch and concession area.

**Motion:** McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO AUTHORIZE THE DEPARTMENT TO ENTER INTO A TEN YEAR COOPERATIVE AGREEMENT WITH THE CITY OF SHOW LOW TO ALLOW THE CITY TO MANAGE THE COMMISSION'S EIGHT ACRE PUBLIC BOAT LAUNCH AND CONCESSION FACILITY AT SHOW LOW LAKE, AND AUTHORIZE THE DEPARTMENT TO ENTER INTO ALL RELATED DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTIONS APPROVED HEREIN.

**Vote:** Unanimous  
Melton absent

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#### 6. Statewide Shooting Range Briefing

**Presenter:** Ty Gray, Education Branch Chief

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 occurred since the September 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.

Using a Power Point presentation, Mr. Gray provided the Commission with an update and pictures of improvements at the Ben Avery Shooting Facility's main range and Clay Target Center, the St. John's Shooting Range and the proposed Springerville range.

The Commission discussed the proposed site for the Springerville range and related issues including potential cost for lead cleanup on leased land.

#### Public Comment

Jim Ziska, representing Citizens to Preserve Munds Park Values, addressed the Commission in opposition to the location of the Northern Arizona Shooting Range.

Chairman Golightly stated that Mr. Ziska's concerns will be addressed in the NEPA process and the Environmental Assessment, and in public meetings held specifically to discuss the Northern Arizona Shooting Range.

Darren McDowell addressed the Commission in support of a Springerville range.

Blaine Bickford addressed the Commission in support of a Springerville range and briefed them on efforts by the White Mountain Rod and Gun Club and other organizations to raise funds for the range.

The Commission directed the Department to continue to work towards a range in Springerville and to give the local community additional time to find other financing sources to complete the NEPA process.

Chairman Golightly stated for the record that in order for the Department to continue as directed by the Commission to aggressively get into the shooting range business and to provide educational facilities, that the Department needed to look for alternative funding.

This agenda item was tabled to allow for Director Bill Scalzo, Maricopa County Parks and Recreation, to arrive and brief the Commission on the proposed Buckeye Hills Shooting Range Facility.

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#### 7. Landowner-Lessee/Sportsman Relations Committee Appointments

**Presenter:** Mark Weise, Development Branch Chief

The Department's Landowner Relations Program recommended two new members to serve 3-year terms on the Landowner-Lessee/Sportsman Relations Committee. Mr. Joe King is a livestock producer from the King's Anvil Ranch north of Sasabe in the Baboquivari Mountains. Mr. King has also worked for the Arizona State Land Department as a Farm Bill Technical Service Provider to assist with projects funded through the Natural Resources Conservation Service. Mr. Duane Coleman is a livestock producer from the Hopi Three Canyon Ranches operated out of Winslow. Both ranches are currently participants in the Sportsman Landowner Respect, Stewardship, and Adopt-A-Ranch Programs. Members of the Landowner-Lessee/Sportsman Relations Committee have approved Mr. King and Mr. Coleman's nominations.

**Motion:** McLean moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE APPOINTMENTS OF MR. JOE KING AND MR. DUANE COLEMAN TO THE LANDOWNER-LESSEE/ SPORTSMAN RELATIONS COMMITTEE.

**Vote:** Unanimous  
Melton absent

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7A. Arizona Game and Fish Department's Deer Valley North Property Update

**Presenter:** Mark Weise, Development Branch Chief

The City of Phoenix Police Department is prepared to pursue a purchase agreement with the Department for the sale of the Department's current headquarters, located at 2222 W. Greenway Road, also referred to as Deer Valley North (DVN). It appears that the Police Department will be able to pay the full-appraised value (\$4,800,000), however they will have to do this over a three-year period. This is directly related to budgetary constraints the Police Department must comply with pertaining to the City's bonding structure. Details such as whether the City will be required to make interest payments are currently being discussed.

The Department is also pursuing possible strategies that could minimize or negate out of pocket payment for the impact fees associated with the new headquarters in combination with the purchase agreement for the DVN property. In addition, depending upon the completion date for the purchase agreement for the DVN property, there may be timing issues in regards to the Department's move-out date, which could require the Department to lease back the DVN facility from the City in the interim. Strategies are being discussed as to how this can roll into the purchase agreement that could minimize or negate out of pocket costs for the lease-back period.

Discussions and negotiations will be ongoing over the next several months in regards to establishing a final purchase agreement. It is anticipated that the Department will present the Commission with a purchase agreement for approval at the December 2006 or January 2007 Commission meeting.

Commissioner McLean stated that the disposition of the tenant improvements on the property needed to be addressed in the negotiations and agreement.

**Public Comment**

Charlie Brueggemen, City of Phoenix Police Department, addressed the Commission in support of the agreement for the purchase of the DVN property and explained some of the funding issues.

Todd Belzner, Real Estate Division, City of Phoenix, addressed the Commission in support of the purchase agreement.

The Commission directed the Department to continue to pursue the sale of the DVN property to the City of Phoenix Police Department.

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8. Donley Petition for a Road Closure and a Permanent Closure to Hunting On State Trust Land

**Presenter:** Mark Weise, Development Branch Chief

Mr. Weise briefed the Commission and provided a map of the proposed closure to hunting and the road closure request. The Department received a petition from Mr. Leroy Donley to close 80

acres of State Trust lands to hunting in Yuma County. The petition also requested the closure of a road on the east end of the lease. The reasons cited for the requested closures are damage to personal and business property, littering from dove hunters, vehicles blocking roads, target shooting, and damage to roads. The reasons cited for the closure do not fall under A.R.S. 17-452(A), which gives the Commission authority to close roads on State Trust lands. The Department understands Mr. Donley's concerns, however, the majority of the area within the requested closure is already closed to hunting due to the presence of occupied dwellings under A.R.S. 17-309(A.4). Both Regional personnel and the Arizona State Land Department believe these issues can be permanently addressed by working with Mr. Donley to install signs identifying the quarter mile perimeter from his residence and installing signage to designate the preferred access route.

Mr. Donley was present and addressed the Commission regarding his concerns.

**Motion:** McLean moved THAT THE COMMISSION VOTE TO DENY A REQUEST BY LEROY DONLEY FOR A ROAD CLOSURE AND A PERMANENT CLOSURE TO HUNTING ON STATE TRUST LAND LOCATED IN YUMA COUNTY.

#### **Motion Withdrawn**

**Motion:** Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO DENY THE REQUEST BY LEROY DONLEY FOR A ROAD CLOSURE AND A PERMANENT CLOSURE TO HUNTING ON STATE TRUST LAND LOCATED IN YUMA COUNTY; AND FURTHER DIRECT THE DEPARTMENT TO WORK DILIGENTLY TO RECTIFY THE ISSUES USING SIGNAGE AND CONTROL.

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

Commissioner McLean stated that the Commission and the Department use above average due diligence to help citizens and sportsmen. Hunters have a co-equal right to use the land for hunting according to the law.

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#### 9. Purchase of Conservation Easement on the 47 Ranch

**Presenter:** Mark Weise, Development Branch Chief

Using a Power Point presentation, Mr. Weise briefed the Commission on this item. The purchase of this Conservation easement is made possible by a partnership between the Landowner, Arizona Game & Fish Department, U.S. Fish and Wildlife Service and the Arizona Open Land Trust. The Conservation Easement will entail 960 acres of rangeland within the 47 Ranch, which is owned by the Cross U Cattle Company and located in Cochise County, Arizona. The final purchase price for the agreement will be determined by appraisal, however, the estimated total cost is approximately \$600,000. The easement will be purchased utilizing a combination of

funding sources. The Arizona Game and Fish Department will provide 75% of the funds needed (approximately \$450,000). The landowner will donate 25% of the land value from the original appraisal (approximately \$150,000). The funding for the Department's portion will be provided by the Landowner Incentive Program grant (LIP). The site contains several high quality riparian areas and no less than 14 different ecological site types that have the potential for providing habitat for numerous sensitive species.

The Arizona Open Land Trust will hold the easement. They will also be responsible for all operation & maintenance, monitoring, and compliance issues. The conservation easement language does not prohibit grazing or other agricultural uses, but does contain stipulations for management of the sensitive areas for wildlife values. In addition to the conservation easement, the landowner has an agreement with the Department for access on the property. All language included in the conservation agreement will be approved by the Department's Assistant Attorney General, and the U.S. Fish & Wildlife Service Attorney prior to being recorded on the deed.

**Motion:** McLean moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE PURCHASE OF THE 47 RANCH CONSERVATION EASEMENT.

**Vote:** Unanimous  
Melton absent

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Meeting recessed for a break at 11:33 a.m.

Meeting reconvened at 11:47 a.m.

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#### 6. Statewide Shooting Range Briefing (continued)

**Presenter:** Ty Gray, Education Branch Chief

Mr. Gray introduced Director Bill Skalzo from the Maricopa County Parks and Recreation Department who was present to brief the Commission on the County's proposed Buckeye Hills Regional Park and Public Shooting Facility. A Power Point presentation was used and handouts were provided. The County requested support from the Department both financially and in partnering of projects.

Chairman Golightly stated that the Department is currently looking for funding to support its own shooting range projects.

Commissioner Martin suggested the Department's granting program for shooting range assistance.

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Meeting recessed for a break at 12:02 p.m.

Meeting reconvened at 1:00 p.m.

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## 12. 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:** McLean moved and Hernbrode seconded THAT THE COMMISSION GO INTO EXECUTIVE SESSION.

**Vote:** Unanimous

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## 13. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife

**Presenter:** Pat Barber, Law Enforcement Branch Chief

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

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## 9. Proposal by the Department to Provide all Future E-Commerce Related Services

**Presenter:** Harry Seck, Information Systems Branch Chief

Per Commission direction at the August 2006 Commission meeting, the Department formulated a business plan to provide the internal development, implementation, and support budget for all e-commerce activities. The presentation outlined the necessary equipment and facilities to accomplish the plan. Included in the presentation were the required information technology, finance and accounting, and customer service personnel to support the plan. Also included were the necessary information technology, license fulfillment, and customer service hardware and software. Mr. Seck briefed the Commission using a Power Point presentation and also provided hard copies. (See Commission direction on this item following the presentation and discussion on agenda item #10, Online Licensing and Draw Application Services).

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## 10. Online Licensing and Draw Application Services

**Presenter:** Richard Rico, Assistant Director, Special Services

Per Commission direction at the August 2006 Commission meeting the Department coordinated with the Attorney General's Office to determine whether or not there were sufficient grounds to terminate the contract with Automated License Systems (ALS) for cause, and if so, the Department was directed to pursue damages, contractual penalties and to take any other steps as necessary and reasonable to terminate the contract with ALS. If there was not sufficient grounds to terminate the contract, the Commission directed the Department to come back and provide alternatives. The Department also issued a 120-day Stop Work Order to ALS on August 18,

2006, pending resolution of this issue. The Commission further requested a business plan for the online draw to be conducted by the Department (see agenda item #9) for consideration and an RFP for a new online vendor.

Mr. Rico provided the Commission with an update on this issue. An RFP for a new online vendor has been completed and will be ready to go within a week. At the September Commission meeting ALS made a presentation to the Commission and provided an assessment of the problems with the draw application and the status of modifications that they have made to resolve the issues. ALS also provided a timeframe for completing additional modifications, including the third party independent vendor load testing of the Game and Fish application on their system.

#### Public Comment

Donald H. Sefton, Systems Consultants from Nevada, the company that currently handles the Department's online boat renewal process, briefed the Commission on his company's ability and desire to run the Department's online draw application process.

Chairman Golightly asked about Systems Consultants' Point of Sale (POS) capabilities, to which Mr. Sefton responded that they were working on that, but it was not up and running at this point.

Chairman Golightly asked about problems with the draw two years ago when the online draw application process was run by Systems Consultants. Mr. Sefton responded that there were issues with volume on the last day of the draw, but that those issues were resolved.

Jimmy Wilson, ALS Chairman and Chief Marketing Officer, accompanied by Sarah Wilson, ALS President, Denny Bennett, ALS Chief Financial Officer, and Douglas Gester, ALS Chief of Information Technology, briefed the Commission on the status of ALS efforts in upgrading and improving their systems to meet contractual obligations and Department needs. ALS is also willing to assist if the Department decides to run the draw application process internally. Further, ALS proposed to automate the 60 Walmart stores that do 35% of all sales in the State. They will provide the hardware at their expense and will also develop the software for Internet and phone sales (a package estimated at \$210,000).

Mr. Bennet further briefed the Commission and provided a handout on the Automated License Systems Remediation Plan Summary and Contract Continuation Request. ALS asked the Commission to lift the Stop Work Order, allow Department staff to work with ALS to verify stress testing of improved infrastructure, allow ALS to conduct the online winter draw applications processes upon proof of capacity, and authorize the Department to work with ALS regarding the feasibility of automating Wal-Mart stores for the sales of Department licenses.

Commissioner McLean clarified and confirmed with the ALS representatives that the winter draw would include the receipt of applications online, the transfer of that data to the Department for the draw process, and upon the return of that completed data to ALS, the timely and accurate posting of those results, as well as include a first-come first-serve draw for those tags that would exist after the completion of the general draw.

Mr. Bennet stated that in addition ALS would be handling the credit card payments for those awarded a tag.

Commissioner McLean added for the record that discussion needed to take place with ALS and the Department, and legal counsel if necessary, to discuss and define for clarification, liquidated damages and other aspects of the current contract.

Mr. Bennet stated that ALS owes liquidated damages to the Department and was waiting for the appropriate timing to have productive discussions with the Department. There are issues in regard to the transfer of funds and there is documentation of what transpired that ALS would like to share that with the Department that shows that on some occasions ALS made a timely transfer of funds and the banking system didn't deliver. ALS would like to talk about that in a fair and reasonable businesslike manner, determine the proper amount and then pay damages.

Chairman Golightly asked about ALS' Point of Sale (POS) capabilities.

Mr. Bennet stated that, logistically and technically, ALS is the best entity in the states at putting out POS systems for hunting and fishing license sales, and further briefed the Commission on details of their system capabilities.

#### Public Comment

Blaine Bickford, representing himself, addressed the Commission with concerns about the draw and cautioned that whatever the Commission decides to do, the end results needed to be without reproach. Also, Mr. Bickford expressed concern about increased license fees that would be necessary if the Department took over the online draw application process.

**Motion:** McLean moved and Martin seconded THAT THE COMMISSION VOTE TO WITHDRAW ITS PRIOR DIRECTION TO THE DEPARTMENT (INCLUDING WITHDRAWING DIRECTION THAT THE DEPARTMENT PURSUE A PLAN TO PROVIDE ALL ITS OWN E-COMMERCE RELATED SERVICES) AND THAT THE COMMISSION NOW DIRECT THE DEPARTMENT TO 1) GO TO ITS CURRENT ONLINE LICENSE AND APPLICATION VENDOR (ALS) AND LIFT THE STOP WORK ORDER; 2) WORK WITH ALS (INCLUDING DEPARTMENT LEGAL STAFF) TO REFINE THE CONTRACT AS NECESSARY AND MAKE AMENDMENTS TO THE CONTRACT; 3) WORK COOPERATIVELY WITH ALS STAFF TO COMPLETE THE STRESS TESTING AND, TO THE EXTENT THAT THE DEPARTMENT AGREES AND ACKNOWLEDGES ACCEPTANCE OF AN OUTSIDE VENDOR TO ASSIST ALS IN STRESS TESTING, THAT THE COMMISSION DIRECTS THAT TO BE DONE; AND 4) WORK WITH ALS STAFF TO BEGIN THE PROCESS OF COMPLETING THE MID-WINTER DRAW TO INCLUDE PRONGHORN ANTELOPE AND ELK INCLUSIVE OF THOSE AREAS THE DEPARTMENT PREVIOUSLY DISCUSSED WITH ALS STAFF (THE POSTING, TRANSFERRING OF DATA, ETC.); AND FURTHER, THAT THE COMMISSION DIRECTS THAT ALS CONTINUE TO DO THE 2007 ONLINE LICENSE SALES AND THAT DEPARTMENT STAFF MEET WITH ALS STAFF AND RESOLVE, BY DECEMBER 2006, THE AMOUNT OF LIQUIDATED DAMAGES TO BE PAID BY ALS.

**Vote:** Unanimous

Melton absent

**Motion:** McLean moved and Martin seconded THAT THE COMMISSION DIRECT DEPARTMENT STAFF TO MEET/DISCUSS/CONFIRM WITH ALS STAFF AND BEGIN THE PROCESS OF A POS WITH AS BROAD AN APPLICATION AS POSSIBLE CONSIDERING THE PROCUREMENT CODE AND THE NECESSARY AND APPLICABLE RESTRICTIONS THAT IT MAY PLACE WITH DEALING WITH A SINGLE VENDOR AT A SINGLE TIME.

**Vote:** Unanimous  
Melton absent

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Meeting recessed for a break at 3:36 p.m.

Meeting reconvened at 3:48 p.m.

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#### 14. Rehearing Request Regarding Previous License Revocation/Civil Assessment

**Presenter:** Pat Barber, Law Enforcement Branch Chief

On the 6th Day of December 2005, Charles M. Johnson, was convicted in the Seligman Justice Court for: Transport unlawfully taken wildlife (elk) and fined \$215.00. On June 23, 2006, the Commission revoked Mr. Johnson's hunting, fishing, and trapping licenses for a period of three (3) years, and further required him to complete a Hunter Education before obtaining any license(s) to take wildlife in the State of Arizona. Mr. Johnson requested a rehearing of this matter and decision. Mr. Johnson was notified by certified mail and was not present. The Commission was provided with the case documents and other pertinent information relating to this case prior to this hearing for consideration.

Jack Simon, legal counsel for Mr. Johnson, was present and addressed the Commission requesting the rehearing for Mr. Johnson.

Commissioner McLean asked the Department's legal counsel for advice, to which Ms. Cutts responded that the Commissions' decision to revoke Mr. Johnson's licenses was well within their legal authority and was not contrary to law. The grounds for any challenge to the Commissions' decision was that it acted in a arbitrary or capricious manner and contrary to law, but the legal counsel for the Commission did not see that the revocation here was any of those things.

**Motion:** McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO DENY THE MOTION BY CHARLES M. JOHNSON FOR A REHEARING OF THE ORDER ENTERED AGAINST HIM BY THE COMMISSION ON JUNE 23, 2006.

Mr. Simon stated that he and his client did not receive document materials in a timely manner, and further, for the record, that he was asked if his client could provide testimony against another individual and in return there might be consideration for more leniency, and his client could not provide the requested testimony.

The Commission further discussed the details of the case and other related cases with Mr. Simon.

**Vote:** Unanimous  
Melton absent

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### 13. Litigation Report

During Executive Session the Commission was briefed on the Zuni Water Rights Settlement Agreement. As part of that agreement the parties to the settlement are required to agree on the Department's water right abstracts, which reflect the water right attributes of the Department's water rights in the Little Colorado River. The parties have come to an agreement and Mr. Odenkirk requested Commission approval to allow the Director to execute an amendment to the settlement agreement, which will incorporate the abstracts as exhibits to the settlement and require the parties to stipulate and agree that these abstracts will be used as part of the determination of the Department's water rights in the adjudication process.

**Motion:** McLean moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE DIRECTOR'S EXECUTION OF AN AMENDMENT TO THE SETTLEMENT AGREEMENT WITH THE ATTACHMENT OF THE GAME AND FISH DEPARTMENT'S WATER RIGHT ABSTRACTS.

**Vote:** Unanimous  
Melton absent

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### 16. Notice of Final Rulemaking to Amend R12-4-102 an R12-4-203 to Clarify Fees and Privileges for Licenses, Tags, Stamps and Permits

**Presenter:** Dustin McKissen, Rules and Risk Manager

Amendments made to A.R.S. § 17-333 during the 2005 legislative session established new licenses and gave the Commission the authority to prescribe new licenses and accompanying fees for the purposes of wildlife management. The Commission approved a rulemaking to further implement these statutory changes; however, the Department has since discovered additional necessary amendments that exceed the scope of the previous rulemaking. Therefore, the Department initiated the rulemaking process to address these additional concerns.

This rulemaking will:

- Correct the fee for a Class A nonresident fishing license by reducing it from \$88.00 to \$70.25.
- Amend the Class C and D licenses to clarify that any additional days purchased shall be consecutive.
- Prescribe a new type of Class F combination and Class G hunting license for children ages 10 to 13 to make these license options consistent with other child classes of licenses.

The fee for the Class F child license will be \$20.00 and the fee for the Class G child license will be \$15.00.

- Correct the fee for a Class I family fishing license by removing the second surcharge that was added. The fee for a Class I license for the first adult will be \$36.25 and the fee for the second adult will be \$29.00.
- Prescribe the privileges given by purchasing the Class L, M, and N super conservation licenses. A Class L license gives the same privileges as a Class A General Fishing License, a Class U urban fishing license, and a trout stamp. A Class M license gives the same privileges as a Class G General Hunting License, and includes a nonpermit-tag for archery deer, archery turkey, fall bear, and mountain lion, and a Unit 12A (North Kaibab) Habitat Management Stamp, a State Waterfowl Stamp, a State Migratory Bird Stamp and a trout stamp.
- Amend the Class U urban fishing license to reduce the fee by half if the license is issued in November or December, including half the surcharge authorized under A.R.S. § 17-345.
- Amend the list of hunt permit-tags to include pheasant and to clarify that a hunt permit-tag is required only for non-archery and non-falconry hunts.
- Amend the list of stamps for which duplicates are not issued.
- Amend R12-4-203 to support the amendments made to R12-4-102.

Once approved by the Commission, the Department will submit the Notice of Final Rulemaking to the Governor's Regulatory Review Council for publication in the *Arizona Administrative Register*. The rule changes will become effective February 3, 2007.

**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, AND R12-4-203, DEALING WITH NATIONAL HARVEST INFORMATION PROGRAM STAMPS TO CLEARLY PRESCRIBE PRIVILEGES AND FEES.

**Vote:** Unanimous  
Melton absent

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#### 17. Amendment to Commission Order 26 – Population Management Seasons

**Presenter:** Brian Wakeling, Big Game Supervisor

The Department recommended an amendment to Commission Order 26 - Population Management Seasons, to allow for the issuance of up to 10 additional archery-only bear permits in Units 35A and 35B. The Commission previously approved Commission Order 26 – Population Management Seasons for the July 1–December 31, 2006 period at the April 22, 2006 meeting. At that meeting, the Commission authorized a maximum of 58 general bear permits, 21 HAM bear permits, and 23 archery-only bear permits statewide. Within Unit 35A and 35B, the Commission authorized a maximum of 5 general and 5 archery-only bear permits within

population management seasons. Bear population management seasons have been authorized by the Commission since 2003, although the Department has not issued any permits prior to 2006.

The spring archery bear season ended on July 31, 2006 in Unit 35A, during which a single bear was harvested. Bear interactions with humans within the Huachuca Mountains in Unit 35A have been increasing throughout the summer. Ultimately, wildlife managers had to lethally remove four bears (one of which was euthanized after being relocated to another unit and causing additional human-bear conflict). Because of the proximity to residential areas, the Director authorized the use of archery-only population management seasons approved by the Commission. The first hunt was initiated on September 6 through 24, 2006. A second season for the remaining two permits in the archery-only population management season has been authorized to occur September 25 through November 30, 2006. To date, 4 bears have been harvested by these hunters. This second hunt will use the allocation of permits approved by the Commission to date. Three additional bears were killed by landowners this fall. Seven more bears were relocated by wildlife managers, and by the time of this presentation, another bear had been hit by a vehicle and another electrocuted within this management area. Because bears may continue to create issues that may be addressed through population management seasons, the Department recommended an amendment to the archery-only population management seasons for bear.

The proposed season authorization for Bear Archery-Only Population Management Seasons was: Season dates to be July 1 through December 31, 2006; Open area to be 35A and 35B; Legal wildlife to be any bear except sow with cubs; Number of permits to be 15. The Commission was also provided with additional information regarding human-bear conflict activities in Unit 35A and a copy of the Department's Wildlife Conflict Policy I1.2.

Commissioner Hernbrode expressed concern about severely reducing the bear population in the long term and recommended a massive information and education program so that people learn how to avoid human-bear conflicts. If a specific bear needs to be killed, then that bear should be targeted and killed by the Department or Wildlife Services.

Commissioner Martin agreed with Commissioner Hernbrode and questioned whether a bear taken by a hunter in a population management hunt would likely be the bear that caused the human-bear conflict.

Chairman Golightly stated that the Bear Protocol that was put into place a few years ago for public safety would not be suspended by a population management hunt, but could still be followed regardless of the authorization of additional population management season permits.

The Commission was in consensus to take no action on this item.

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#### 18. Call to the Public

There were no request to speak to the Commission at this time.

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### 19. Director's and Chairman's Report

Chairman Golightly reported that he attended the groundbreaking ceremony for the new Department headquarters at the Ben Avery Shooting Facility (BASF); worked on the Northern Arizona Shooting Range with some local people (attended 2-3 meetings); and did some hunting. Chairman Golightly will be putting together a committee in regards to a call received from the U.S. Fish and Wildlife Service requesting that the Commission assist them with direction received from the Western Association of Fish and Wildlife Agencies to update the Commissioners' Guidebook. They would like to present that at the WAFWA summer meeting in July 2007.

Director Shroufe reported that he went to Washington DC to attend an Invasive Species Advisory Council (ISAC) meeting and in relation to ISAC, worked on an Executive Order for the Governor that will help coordinate invasive species issues in the state; attended the Association of Fish and Wildlife Agencies (AFWA) annual meeting in Snowmass, CO; took a vacation to Wyoming; and spent the last 3-4 weeks on the Governor's Growth Cabinet meeting. Director Shroufe provided the Commission with a booklet titled "A Summary of the Department's Total Quality Leadership Approach 2006". This booklet was distributed at AFWA to all the Director's of wildlife agencies in the U.S. and the Department is in the process of providing it to all the natural resources agencies in the State.

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### 20. Commissioners' Report

Commissioner Hernbrode went to the Malipai Borderlands group and attended their quarterly meeting; attended the Watchable Wildlife Conference in Alaska; and attended a Friends of Ironwood Advisory Planning meeting.

Commissioner McLean went on a road trip through nine states and hunted various species; spent time preparing for this meeting; and attended the groundbreaking ceremony at BASF.

Commissioner Martin met with a representative of Arizona Elk Society; attended the NRA banquet; attended the AFWA Conference and various workshops; completed the hunter online education course and the field day; obtained a fishing license and caught a strip bass; spent the weekend with some Audubon Arizona folks; met with the Governor's staff; attended a BASF masterplan meeting/workshop; attended a kids fishing clinic at Tempe Town Lake; went to a Pinetop Nature Festival; attended the groundbreaking ceremony; and prepared for this meeting.

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### 20. Approval of Minutes and Signing of Minutes

The Commission was provided with a revision at the beginning of this meeting on the minutes for September 8, 2006, agenda item #1.

**Motion:** McLean moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FOR AUGUST 11-12, AUGUST 28-29 AND SEPTEMBER 8, 2006 AS REVISED.

**Vote:** Unanimous

The Commission signed the minutes for August 11-12, August 28-29 and September 8, 2006.

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Meeting recessed for the day at 5:09 p.m.

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\* \* \* \* \*

Saturday, October 21, 2006 – 8:00 a.m.

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Chairman Melton and Commissioner McLean were not present. Commissioner Golightly chaired this meeting and called the meeting to order at 8:00 a.m. The Commissioners introduced themselves and Chairman Golightly introduced the Director and the Director’s staff. This meeting followed an agenda revision dated October 6, 2006.

Director Shroufe presented Service Pin Awards to the following Department employees:

- 30 Years of Service: Matthew Alderson, Catherine Laberge
- 25 Years of Service: Jack Beyer, Ken Branson, Joe Hall, Richard Ockenfels, Bruce Taubert
- 20 Years of Service: Melanie Alcaraz, Russell Haughey, Annie Houser, Timothy Rogers

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Meeting recessed for a break at 8:30 a.m.

Meeting reconvened at 8:37 a.m.

\* \* \* \* \*

1. Interagency Service Agreement (ISA) Between The Arizona Game and Fish Department and The Arizona Department of Transportation to Provide for a Vehicle Maintenance Facility

**Presenter:** Richard Rico, Assistant Director, Special Services Division

As a component of the new headquarters complex the Department has been working with ADOT to operate and maintain a vehicle maintenance facility. This facility will provide for a full-range of automotive services for both vehicles and heavy equipment. Including, routine maintenance and repair and warranty work. While the Department will own the facility and associated infrastructure, ADOT has agreed to provide all staffing and equipment necessary to operate the facility. The Department believes there will be a considerable cost savings

Public Comment

John Nichols from ADOT addressed the Commission in support of the Inter-Service Agreement and answered several questions for the Commission in regards to how many staff it would have, which was five, and some of the operation details.

**Motion:** Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE INTER-SERVICE AGREEMENT (ISA) BETWEEN THE ARIZONA GAME AND FISH DEPARTMENT AND THE ARIZONA DEPARTMENT OF TRANSPORTATION TO PROVIDE FOR A VEHICLE MAINTENANCE FACILITY AT THE DEPARTMENT'S NEW HEADQUARTERS COMPLEX SUBJECT TO FINAL REVIEW AND APPROVAL BY THE ATTORNEY GENERAL'S OFFICE.

**Vote:** Unanimous  
Melton and McLean absent

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3. Request to Amend Commission Order 40 (Fish), Concerning Specific Proposals for Bag and Possession Limits, Special Regulations, and Specific Closures for Sport Fishing for Calendar Years 2007 and 2008.

**Presenter:** Lawrence M. Riley, Fisheries Branch Chief

Mr. Riley introduced the following key members of the Fisheries Branch staff who were present to answer any questions that may arise: Mike Lopez, Scott Reger, Andy Clark, Matt Chmiel, Brad Jacobson, Don Mitchell, Jason Kline, Jim Warneke, Roger Sorenson, Eric Swanson, and Todd Pringle.

Using a Power Point presentation, Mr. Riley briefed the Commission on Commission Order 40: Fish, establishing open seasons, open areas, and bag and possession limits for calendar years 2007 and 2008. The Department hosted six public gatherings (Pinetop, Flagstaff, Kingman, Tucson, Phoenix, and Mesa) and conducted a pair of statewide surveys (a mail survey and an internet email survey). The Department received 427 responses to the mail survey (15% response rate) and 1,035 responses to the internet survey. Based upon the initial management proposals formulated by Fisheries Staff and public input the Department formulated eleven proposed amendments to the Fishing Regulations for 2007 and 2008. The Commission was provided with this information, public comments, and the Department's rationale for the proposed amendments prior to this meeting for consideration. The following are the Department's recommendations and the Commissions' action on each item:

1) Temporarily extend closure of Fish Creek (including tributaries Double Cienega and Corduroy Creeks), upper East Fork Little Colorado River, and Hayground Creek to fishing for 2 years (January 1, 2007 through December 31, 2008).

**Motion:** Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE ABOVE RECOMMENDED CHANGE TO COMMISSION ORDER 40.

**Vote:** Unanimous  
Melton and McLean absent

2) Temporarily close Fossil Creek to fishing through December 31, 2008.

**Motion:** Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE ABOVE RECOMMENDED CHANGE TO COMMISSION ORDER 40.

**Vote:** Unanimous  
Melton and McLean absent

3) Temporarily close Conklin Creek to fishing for three years, from January 1, 2007 through December 31, 2009. Temporarily close the South Fork Little Colorado River and Stinky Creek to fishing for the first of three years, from January 1, 2008 through December 31, 2009.

**Motion:** Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE ABOVE RECOMMENDED CHANGE TO COMMISSION ORDER 40.

**Vote:** Unanimous  
Melton and McLean absent

4) Clarify regulations for Bow and Arrow Seasons and eliminate spear gun size restriction, Lake Powell. Carp may be taken by spearfishing and bow and arrow during daylight hours. Striped bass may also be taken by spearfishing during daylight hours.

**Motion:** Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE ABOVE RECOMMENDED CHANGE TO COMMISSION ORDER 40.

**Vote:** Unanimous  
Melton and McLean absent

5) Reduce daily bag and possession limits at City Reservoir to those used on intensively used small lakes.

Daily Bag and Possession Limits

Trout	<u>4</u>
Unlicensed youth	<u>2</u>
Catfish	<u>4</u>
Bass	<u>2</u>
Minimum Size 13 inches	
Sunfish	<u>5</u>

**Motion:** Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE ABOVE RECOMMENDED CHANGE TO COMMISSION ORDER 40.

**Vote:** Unanimous  
Melton and McLean absent

6) Reduce daily bag and possession limits at Francis Short Pond to those used on intensively used, near urban area, lakes.

## Daily Bag and Possession Limits

Trout	<u>4</u>
Unlicensed youth	<u>2</u>
Catfish	<u>4</u>
Bass	<u>2</u>
Minimum Size 13 inches	
Sunfish	<u>5</u>

**Motion:** Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE ABOVE RECOMMENDED CHANGE TO COMMISSION ORDER 40.

**Vote:** Unanimous  
Melton and McLean absent

7) Reduce daily bag and possession limits for Catfish and Bass at Stone Dam to those used on intensively used, small waters.

## Daily Bag and Possession Limits

Catfish	<u>4</u>
Bass	<u>2</u>
Minimum Size 13 inches	

**Motion:** Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE ABOVE RECOMMENDED CHANGE TO COMMISSION ORDER 40.

**Vote:** Unanimous  
Melton and McLean absent

8) Remove bag limits for Northern Pike at Upper Lake Mary and Stoneman Lake, adopting current statewide regulation of No limit, immediate kill or release.

**Motion:** Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE ABOVE RECOMMENDED CHANGE TO COMMISSION ORDER 40.

**Vote:** Unanimous  
Melton and McLean absent

9) Modify bag limits for striped bass at Lake Mead from current limit of 20 fish to unlimited under 20-inches, and 20 fish over 20-inches.

**Motion:** Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE ABOVE RECOMMENDED CHANGE TO COMMISSION ORDER 40.

**Vote:** Unanimous  
Melton and McLean absent

10) No action was requested from the Commission on this item - Modify bag limits to allow harvest of 2 rainbow trout in the catch and release section (below OW Bridge) of Canyon Creek. The Department proposes to evaluate angler use at Canyon Creek over the next two years to better assess the effects of this proposal. The Department may approach the Commission in 2008 with a proposal

#### Public Comment

Dick Kennedy, representing Arizona Flycasters, addressed the Commission and provided them with a written statement in opposition to allowing the harvest of rainbow trout from the catch and release area of Canyon Creek.

Chairman Golightly recommended that Mr. Riley delete this recommendation since there is no action being requested from the Commission, and further that this would be a point of contention for the next two years until the Fish Orders come up again.

11) Close season and possession limits for: headwater chub, bluehead sucker, flannelmouth sucker, Little Colorado sucker, Zuni bluehead sucker.

**Motion:** Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE ABOVE RECOMMENDED CHANGE TO COMMISSION ORDER 40.

**Vote:** Unanimous  
Melton and McLean absent

12) Change Becker Lake to artificial fly and lure only with barbless hook, and two fish limit for all trout, year around.

**Motion:** Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE ABOVE RECOMMENDED CHANGE TO COMMISSION ORDER 40.

**Vote:** Unanimous  
Melton and McLean absent

Commissioner Martin requested that Mr. Riley evaluate this item closely and see if the Blue Ribbon objective can be met with this change.

Commissioner Hernbrode requested that a percentage be used to allocate the various types of fishing at waters in Arizona, reflecting the demand for special regulations style management.

#### Public Comment

Denny Anderson, a bass angler representing himself, addressed the Commission stating that he is disappointed in the lack of changes to bass fishing regulations in the central Arizona lakes. The bass should be protected by not keeping anything over a certain size. Mr. Anderson discussed his concern that regulatory actions have not been taken to protect large bass emerging in the populations in Roosevelt Lake, and that regulatory actions have not been taken to protect the bass fisheries of Saguaro, Canyon and Apache lakes in light of the effects of golden alga on

those populations. Mr. Anderson noted the reductions in bass populations as a result of golden alga effects and that the Department should be more aggressive in protecting this valued resource.

**Motion:** Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 40 – FISH AS AMENDED ESTABLISHING OPEN SEASONS, OPEN AREAS, AND BAG AND POSSESSION LIMITS FOR CALENDAR YEAR 2007 AND 2008.

**Vote:** Unanimous  
Melton and McLean absent

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

Meeting reconvened at 10:12 a.m.

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#### 4. An Update on Wildlife 2012: The Arizona Game and Fish Department's Strategic Plan for the Years 2007 – 2012

**Presenter:** Bruce Taubert, Assistant Director, Wildlife Management Division

Mr. Taubert provided the Commission with an update on the *Wildlife 2012* Strategic Plan for 2007 through 2012. A draft copy of the plan along with a brief synopsis of public comments were provided to the Commission prior to this meeting for review. The Department's *Wildlife 2012* strategic plan was released to the public for comments on August 9, 2006, and at the same time Department Public Information Officers prepared and distributed a media release. The release included information on how to provide comments and invited the public to meetings scheduled to discuss the plan at each Regional Office. In addition to a follow-up media release, each Regional Office was asked to encourage the local public and interested organizations to attend at least one of the meetings. The reasoning behind the *Wildlife 2012* plan, and why the plan was restructured was shared with meeting participants. The meetings also included an overview of the Department's 3-tiered planning process to share with participants that the details from prior strategic plans weren't being lost, but would be included in operational plans. The development of operational plans will also invite public participation.

Mr. Taubert and the Commission discussed and worked through the draft plan making several adjustments and modifications as necessary for clarity and as suggested from public comment.

#### Public Comment

Landis Aden, Arizona State Rifle and Pistol Association, addressed the Commission in support of shooting sports and shooting ranges being a part of the *Wildlife 2012* document.

Halina Szyposzynski, representing herself, addressed the Commission in support of the document and process; however, she was disappointed in the absence of a statement that wildlife is the priority and further suggested changes to some language in the document.

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### 5. Call to the Public

There were no request from the public to speak at this time.

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Mr. Gardner briefed the Commission and provided Department recommendations on Commission Orders 25 - Raptors, 41 - Amphibians, 42 – Crustaceans and Mollusks, and 43 - Reptiles. These Commission Orders are on a two year cycle. The Commission was provided with information on these recommendations, including public comments, prior to this meeting for review.

### 6. Request to Adopt Commission Order 25: Raptors

**Presenter:** Eric S. Gardner, Nongame Branch Chief

From May through August 2006, the Department solicited recommendations from stakeholders, other government agencies, Department employees and the public, and developed the following recommendations for Commission approval:

1. Remove the Resident Northern Goshawk Hunt (20,001) and related Application Procedures making the species available with a nonpermit tag.
2. Add a Nonresident Northern Goshawk Hunt and related application procedures. Limit hunt permit tags to 3 until demand can be ascertained.
3. Allow for falconers to capture peregrine falcons juveniles within 30 days after fledging per federal guidance.
4. Update the effective dates of the Commission Order.

**Motion:** Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 25: RAPTORS, ESTABLISHING OPEN AREAS, SEASON DATES, AND BAG AND POSSESSION LIMITS FOR 2007 and 2008, AS PROPOSED BY THE DEPARTMENT.

**Vote:** Unanimous  
Melton and McLean absent

### Public Comment

Jim Dawson, President of Arizona Falconers Association accompanied by David Bottcher, Vice President, addressed the Commission in support of Commission Order 25.

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### 7. Request to Adopt Commission Order 41: Amphibians

**Presenter:** Eric S. Gardner, Nongame Branch Chief

From May through August 2006, the Department solicited recommendations from stakeholders, other government agencies, Department employees and the public, and developed the following recommendations for Commission approval:

1. Modify Note 7 in the Commission Order and eliminate the phrase, "as permitted by Monument Regulations."
2. Update the effective dates of the Commission Order.

**Motion:** Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 41: AMPHIBIANS, ESTABLISHING OPEN AREAS, SEASON DATES, AND BAG AND POSSESSION LIMITS FOR 2007 and 2008, AS PROPOSED BY THE DEPARTMENT

**Vote:** Unanimous  
Melton and McLean absent

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#### 8. Request to Adopt Commission Order 42: Crustaceans and Mollusks

**Presenter:** Eric S. Gardner, Nongame Branch Chief

From May through August 2006, the Department solicited recommendations from stakeholders, other government agencies, Department employees and the public, and developed the following recommendations for Commission approval:

- A. Modify the "no open season" statement (B) to include all springsnails under the genus *Pyrgulopsis* and *Tryonia*, and ambersnails under the genus *Oxyloma* as protected species (no take).
- B. Remove the statement "as permitted by Monument regulations" in Note 5 (26). The remainder of the note was moved to #6 for publication of the Commission Order.
- C. Update the effective dates of the commission order.

**Motion:** Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 42: CRUSTACEANS AND MOLLUSKS, ESTABLISHING OPEN AREAS, SEASON DATES, AND BAG AND POSSESSION LIMITS FOR 2007 and 2008, AS PROPOSED BY THE DEPARTMENT.

AGENDA # 8

**Vote:** Unanimous  
Melton and McLean absent

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#### 9. Request to Adopt Commission Order 43: Reptiles

**Presenter:** Eric S. Gardner, Nongame Branch Chief

From May through August 2006, the Department solicited recommendations from staff, stakeholders, and government agencies for proposed changes to Commission Order 43: Reptiles, and recommended the following:

1. Modify the note and eliminate the phrase, "as permitted by Monument Regulations."
2. Change the genus name of whiptail lizards to *Aspidoscelis*.
3. Update the effective dates of the commission order.

**Motion:** Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 43: REPTILES, ESTABLISHING OPEN AREAS, SEASON DATES, AND BAG AND POSSESSION LIMITS FOR 2007 and 2008, AS PROPOSED BY THE DEPARTMENT.

**Vote:** Unanimous  
Melton and McLean absent

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#### 10. Call to the Public

There were no requests from the public to speak at this time.

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#### 11. Future Agenda Items

Mr. Ferrell captured the following actions items, none of which were future agenda items:

- Delay actively pursuing the Springville Shooting Range proposal until private funding is committed by the proponents
- Review the lease agreement with the city of Phoenix addressing Deer Valley South to determine the disposition of the existing buildings after we vacate the premises
- Work diligently through patrol efforts and signage to solve Mr. Donley's issues regarding public access on the state lands he leases
- Coordinate with ALS to determine the amount of liquidated damages
- Coordinate with ALS to establish POS licensing (e.g. Walmart) in accordance with state procurement code
- Draft a letter to ALS for the purpose of withdrawing the "stop work" order
- Propose a formula that will allocate fishing opportunities statewide similarly to the allocation formula for weapon-type allocations of big game permits

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**Motion:** Golightly moved and Hernbrode seconded THAT THE COMMISSION VOTE TO ADJOURN.

**Vote:** Unanimous

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Meeting adjourned at 11:29 a.m.

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Joe Melton, Chairman

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Michael M. Golightly, Member

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William H. McLean, Member

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Robert Hernbrode, Member

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Jennifer L. Martin, Member

ATTEST:

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Duane L. Shroufe  
Secretary and Director