

Minutes of the Telephonic Meeting of the
Arizona Game and Fish Commission
Thursday, July 19, 2007 – 9:00 a.m.
Arizona Game and Fish Department
2221 W. Greenway Road
Phoenix, Arizona 85023

PRESENT: (Commission)

(Director's Staff)

Via telephone:

Chairman Michael M. Golightly
Commissioner William H. McLean
Commissioner Robert D. Hernbrode
Commissioner Jennifer L. Martin
Commissioner Robert R. Woodhouse

In person:

Deputy Director Steve K. Ferrell
Assistant Director Mike Senn
Assistant Attorney General Jim Odenkirk

Chairman Golightly called the meeting to order at 9:00 a.m. Director Duane Shroufe was not present. Deputy Director Steve Ferrell was Acting Director for the opening of this meeting. Roll call was taken and all five Commissioners were present. Deputy Director Ferrell announced Department staff that were present. Assistant Director Mike Senn took charge as Acting Director of this meeting at 9:03 a.m. while Deputy Director Ferrell attended a meeting at the Governor's Office. This meeting followed an agenda dated July 17, 2007.

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1. State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles briefed the Commission on proposed House Resolution 2262, The Hardrock Mining and Reclamation Act of 2007. The bill was summarized by Mr. Guiles as follows:

Title I - Mineral Exploration and Development

- Eliminates issuance of patents for vein, lode, placer, and mill site claims unless certain administrative requirements are met
- Imposes an 8% of net smelter return royalty on the production of hardrock minerals from any claim under the Act.

Title II – Protection of Special Places

Identifies categories of federal lands that will not be open to hardrock mining

- National Monuments/Parks
- Congressionally designated wilderness and proposed wilderness designations by Land Management Agency
- Wild and Scenic Rivers, Areas of Critical environmental Concern
- Lands in Roadless area (conservation rule of January 2001)

Title III – Environmental Consideration of Mineral Exploration and Development

Lands open to hardrock mining would:

- Require adequate reclamation – pre-mining conditions
- Fish and wildlife protection – habitat must be restored to pre-mining conditions
- Proper revegetation – within 5 to 10 years habitat must be restored to pre-mining conditions
- Surface and ground water protection – pre-mining hydrological conditions
- Prohibition of perpetual pollution – meet water quality standards without permanent treatment
- Requires applications for such permits to contain both an operations plan and a reclamation plan, and evidence of financial assurances
- Limits an operations permit to a ten-year term (subject to renewal)
- Declares that State standards for reclamation, bonding, inspection, and water or air quality which either meet or exceed Federal standards shall not be construed as inconsistent with this Act
- Permits cooperative agreements between the States and the Secretary to govern surface management activities.

Title IV

- Establishes a fund to reclaim and restore land and water resources adversely affected by past mineral activities on certain public lands, funded by the fees and royalties noted above (2/3rds of royalty to Reclamation fund for clean up of abandoned mines)
- Establishes a fund to provide impact assistance to mining communities (1/3rd of royalty to Locatable Minerals Community Impact Assistance Fund to provide assistance to communities that are socially and economically affected by mining).

Title V

- Authorizes the Secretaries to establish and collect user fees to reimburse the United States for expenses incurred in administering this Act
- Prescribes procedural guidelines for public participation requirements
- Sets forth inspection, monitoring and enforcement requirements
- Authorizes citizen suits to enforce compliance
- Prescribes procedural guidelines for administrative and judicial review of agency actions.

Mr. Guiles discussed the proposed bill and answered questions for the Commission, assisted by Josh Avey, Habitat Branch Chief, and Jim Odenkirk, Assistant Attorney General.

Chairman Golightly asked Mr. Odenkirk if he should recuse himself due to a possible conflict of interest since his personal business supplies tires for companies that are involved in mining operations.

Mr. Odenkirk advised that it was remote that any action taken by the Commission would actually result in a loss of mining activity that would affect his business, and therefore did not see a conflict of interest.

The Department recommended that the Commission support this bill.

Chairman Golightly decided to recuse himself from voting and from further discussion on this item due to insufficient time to determine whether his vote would be prejudice or not, and further appointed Commissioner McLean as Chairman for the rest of this item.

Commissioner McLean briefed the Commission stating that the Governor’s Office supports this bill and has asked the Commission to determine whether or not they would take a position on it, and if so, what that position is. The matter will move into sub-committee hearings within the next few weeks in Congress.

The Commission discussed some of the details of the bill. Mr. Guiles reminded the Commission that the proposed bill was in the beginning stages and subject to change.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO SUPPORT HOUSE RESOLUTION 2262 HARD ROCK MINING AND RECLAMATION ACT OF 2007 AS WRITTEN TODAY IN GENERAL TERMS.

Vote: Unanimous
Golightly recused

Commissioner Martin volunteered to go to Washington DC to make an appearance before the subcommittee and provide testimony on this bill. The Commission was in consensus that Commissioner Martin represent the Commission on this issue.

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2. Executive Session

The Commission did not go into Executive Session.

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3. Call to the Public

There were no people from the public at this meeting.

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Motion: Woodhouse moved and Martin seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

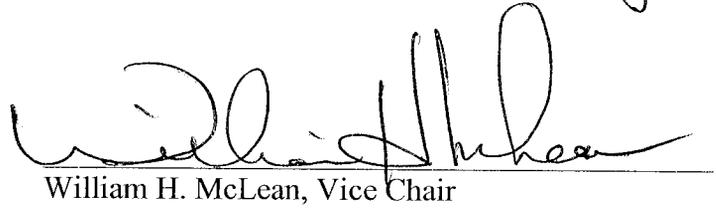
Vote: Unanimous

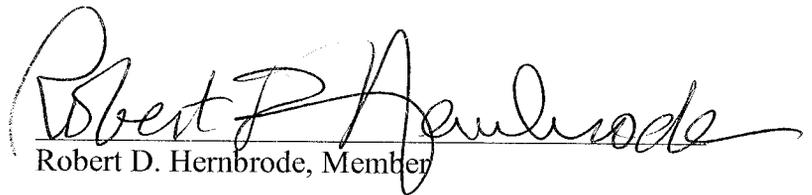
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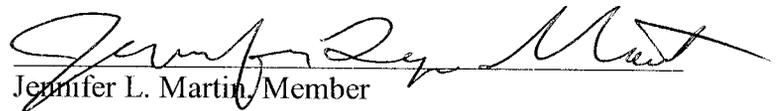
Meeting adjourned at 9:36 a.m.

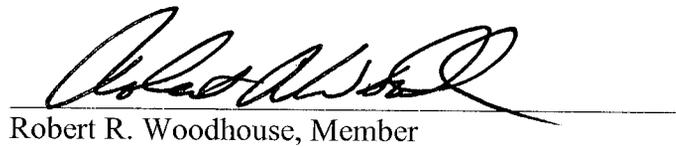
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Michael M. Golightly, Chair


William H. McLean, Vice Chair


Robert D. Hernbrode, Member


Jennifer L. Martin, Member


Robert R. Woodhouse, Member

ATTEST:


Mike Senn, Assistant Director
Acting Secretary and Director