

LANDOWNER-LESSEE/SPORTSMAN RELATIONS COMMITTEE

Minutes of Regular Meeting

Monday, July 30, 2007

Apache Gold Casino Resort and Convention Center

Committee Members Present

Sanford Cohen, OHV-Sportsmen Group
Julie Decker, Bureau of Land Management
Stephen Williams, Arizona State Land Department
Darcy Ely, Livestock Grower
Dennis Moroney, Livestock Grower
Jennifer Martin, Arizona Game and Fish Commission
James O'Haco, Livestock Grower
Joe King, Livestock Grower
Duane Coleman, Livestock Grower
Tami Emmett, Coronado National Forest
David Hoyle, Sportsmen Group

Committee Members Absent

Jon Fugate, Sportsmen Group
Joe Underwood, Sportsmen Group
Scott Heap, Sportsmen Group

Others Present

Roy Moore, Livestock Grower
Al Eiden, Landowner Relations Program, AGFD
Sal Palazzolo, Landowner Relations Program, AGFD
Mark Weise, Development Branch Chief, AGFD

Meeting Notes

The Landowner-Lessee/ Sportsman Relations Committee (Committee) meeting was called to order at 9:08 a.m. Chairman Sanford Cohen initiated an introduction of those present.

Approval of Meeting Minutes

The Committee accepted the meeting minutes for January 20, 2007.

Commissioner's Comments

This meeting was held in conjunction with the Arizona Cattle Growers Association Convention; a few ranchers took time out from various policy meetings and events to sit in on this meeting. Commissioner Jennifer Martin welcomed all in attendance. Commissioner Martin outlined some research she had done regarding allowing landowners to charge hunters a nominal fee for access to their property while still remaining indemnified from lawsuits under state statute. Commissioner Martin found examples from other states that allowed a \$50.00 charge for access, and indicated that to allow an access fee without giving up indemnification would require a change in state statute. Commissioner Martin asked the Committee if this course of action would be beneficial to landowners in Arizona.

Updates from Land Management Agencies

Julie Decker gave an update from the Bureau of Land Management (BLM). The BLM continues to work on several resource management plans. The Lower Sonoran plan will go out for public comment later this fall, and the Ironwood National Forest Plan, the Yuma Plan, the Arizona Strip Plan, and the Aqua Fria Plan are all nearly finalized. Travel Management plans will follow these plans. Chairman Cohen asked about protests of the Arizona Strip plan. Ms. Decker replied that the protests were about wilderness designation and roads and travel access.

Tami Emmett gave an update from the US Forest Service. (USFS). The USFS has held Forest Management Plan Meetings, and has found that access to forest service property is a major concern of the public. Ms. Emmett explained that due to the good relationship between the Coronado National Forest and the AGFD on access issues that USFS would like to expand that working relationship to all forests in Arizona. USFS has upcoming Forest Management Planning meetings planned in October and November and invited everyone to attend. Ms. Ely and Mr. Coleman brought up the point that the Forest Management Planning efforts are not consistent across all ranger districts, and that maps published dealing with road closures and designated camping areas are causing confusion. There is also confusion on where the maps originated, how final these plans are, and will planning start over if there is a lawsuit on the final plan. Also there is confusion due to USFS conducting both Forest Management plans and Travel Management plans at the same time. Ms. Emmett indicated she would pass on these concerns to USFS management.

Stephen Williams gave an update from the Arizona State Land Department (ASLD). He gave information regarding Senate Bill 1552, which deals with dust reduction in Maricopa, Pinal, and Pima Counties. ASLD will use current rules to close lands to meet the mandates set in the Senate Bill. ASLD can close lands to recreational use for four reasons: dust abatement, human caused environmental hazards, protection of natural features, and damaged trust land. Mr. Williams indicated that the Trust Lands most impacted would be urban trust lands, which included Desert Wells and Granite Dells areas. ASLD is trying to find out how to approach OHV use on these urban lands. Mr. Weise asked if closing trust land under the damaged trust land criteria could include damage to wildlife habitat. Mr. Williams answered that it may be included.

Updates/Current Issues

Sal Palazzolo gave an update from the Arizona Game and Fish Department (AGFD). He began with a summary of the completed 47 Ranch conservation easement, and acknowledged all the partners on the project. He continued by describing a perpetual access easement project and several short-term access projects across the state. Mr. Palazzolo discussed the Boquillas Adopt-A-Ranch project, and announced that the AGFD received a grant to do habitat work on private property. He gave a summary of cooperative efforts between AGFD, NRCS and several landowners to acquire \$2.5 million in funding for landowners to do projects that benefited both the ranch operations and wildlife.

Mr. Weise asked Mr. Palazzolo to provide an update on the Committee's action item to investigate obtaining additional support for the road maintenance program. A memo was sent outlining feasibility of purchasing a new road grader and associated support staff. Due to the large funding requirements to expand the program, other alternatives were explored including contracting with local vendors. Mr. Coleman asked if AGFD would consider reimbursement to landowners for road grader work. Mr. Palazzolo answered that would be a possibility, but all these alternatives are in early discussions. Mr. Williams asked about discussions with Caterpillar Inc. about using some test

equipment. Mr. Weise responded that AGFD has looked into this option and is awaiting recommendations from upper management.

Duane Coleman received his award for his service as a committee member.

A request for nominations for the Habitat Steward of the Year Award was announced. The deadline for this award is in September, and the award is presented at the Meet the Commission meeting in January.

Identification of Current Issues and Possible Solutions

A request to revisit the access fee proposal which Commissioner Martin began the meeting with, was offered. Commissioner Martin restated that new legislation would be required to allow landowners to receive a nominal payment for recreational access and by taking this payment the landowner would still maintain indemnification through state law. Commissioner Martin is willing to pursue this course of action if landowners feel it will be valuable. Ms. Ely indicated that landowners would find the access fees would increase workload on the ranch, and that there are many questions about charging an access fee. Commissioner Martin answered a few questions from the ranchers in attendance about the specifics of implementing these fees. The answers are summarized as follows: there would be no overall cap on the amount of fees collected by the landowner as long as each fee was a nominal fee; landowner would be responsible for collecting access fees; and AGFD would pursue changes in state law that would provide legal protection for landowners. Mr. Ohaco asked if landowners that currently have access agreements could collect these fees. Mr. Palazzolo answered that AGFD legal staff would have to determine if the public benefit used to justify the funds distributed through the access agreement would be lost if that landowner began collecting fees for access, and there was a chance collecting fees would have some impact on landowners with current access agreements.

Chairman Cohen asked if USFS has developed a standard or policy for off road travel for game retrieval on forest service land. Ms. Emmett responded that she was not aware of any standards or policy on this issue, and she would contact travel management staff on current policies or standards by next meeting.

Ray Moore brought up the issue of legally posting private property and the liability issues associated with posting private property. Mr. Moore wanted the committee to make sure all landowners in attendance were aware that unless property is posted to legal mandate, the landowner could still be liable if anything happens on your property.

Mr. Hoyle initiated discussion on problems associated with OHV use and habitat degradation. Mr. Hoyle believes that most of the conflicts with OHV use and wildlife habitat can be mitigated through increase law enforcement, and he suggested that the committee investigate the feasibility of using volunteers as law enforcement agents to enforce OHV laws. He believes there would be several people interested in volunteering for this sort of program. This would include some sort of training and the ability to write tickets on OHV violations. Mr. Hoyle then requested that the committee decide if it would be feasible to initiate a volunteer law enforcement program, determine the possibilities and limitations of what volunteers would be allowed to do, and what the Commission can do to help enforce OHV laws. Some thoughts include clarifying OHV, Game, and Trespass laws, and to supplement wildlife managers with off duty police. The committee passed a motion to investigate the feasibility of a volunteer law enforcement program (see Action Item 1).

Duane Coleman brought up the idea of user fees for all hunters that draw a tag called a land user fee. The idea was that this fee would provide funds that would go back to the area where the hunter drew a tag to repair damage done on roads and other damage. Mr. Palazzolo provided details on voucher programs in other states, where landowners receive a set sum of money for every voucher turned in at the end of the hunting season. The committee passed a motion to ask AGFD to investigate the feasibility of a voucher program in Arizona (see Action Item 2).

Meeting adjourned at 10:36am.

Next Meeting

Not addressed during the meeting (LRP staff will follow up on this item).

Action Items:

1. Investigate the feasibility of a volunteer law enforcement program, the limitations of using volunteers to take law enforcement actions, and to contact the AG office to determine legality of using non-AZPOST certified volunteers as law enforcement agents. (AGFD staff)
2. Investigate the feasibility of a voucher system and/or user fees placed on hunting tags to provide funding back directly to landowners or provide funding for projects in each hunt unit to mitigate impacts of hunting on the landscape. (AGFD staff)
3. Meeting minutes distributed. (LRP Staff)

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