

Teleconference Minutes of the
 Arizona Game and Fish Commission
 September 5, 2002 – 11:00 a.m.
 State Fairgrounds – Wildlife Building
 17th Avenue & McDowell Road
 Phoenix, AZ

PRESENT: (Telephone)

(Wildlife Building)

Chairman Michael M. Golightly
 Commissioner Joe Carter
 Commissioner Sue Chilton
 Commissioner Joe Melton

Commissioner W. Hays Gilstrap
 Director Duane L. Shroufe
 Deputy Director Steve K. Ferrell
 Asst. A.G. Jay R. Adkins

Chairman Golightly called the meeting to order at 11:05 a.m. and roll was taken. Commissioner Melton was connected via phone at 11:10 a.m.

1. Request to Amend Commission Order 2: Deer and Commission Order 4: Elk, to Prescribe 150 Additional Hunt-Permit Tags that the Department Will Issue to Those First-Come, First-Serve Applicants that Were Sold an Unauthorized Hunt Permit-Tag on August 12, 2002

Presenter: Richard Rico, Assistant Director, Special Services Division

The Department conducted the first-come/first-serve segment of the 2002 fall big game drawing on Monday, August 12, 2002. An outside vendor, Systems Consultants Incorporated (SCI) completed this portion of the process. Due to a computer programming error associated with the process, SCI inadvertently issued a total of 150 additional permits in six separate hunt units. Those hunts were as follows:

<u>Hunt No.</u>	<u>Season Dates</u>	<u>Open Area</u>	<u>Legal Wildlife</u>	<u>Number of Additional Hunt Permit-Tags Requested</u>
1079	10/25-10/28	30A	Antlered Whitetail Deer	49
1083	11/8-11/17	30B	Antlered Whitetail Deer	28
1096	10/25-10/28	34B	Antlered Whitetail Deer	64
1102	10/25-10/28	35B	Antlered Whitetail Deer	4
3078	9/27-9/30	2B	Antlerless Elk	2
3079	10/4-10/7	2B	Antlerless Elk	3

All of the individuals affected by this mistake have been notified that their tags are invalid and the dollar amounts charged to their credit cards have been refunded. They have been also notified of the telephonic conference call today to address the issue. The errors have been corrected and the Department did not anticipate those would be a problem in the future.

The Department has evaluated each of the hunts referenced above and does not believe there would be a negative biological impact associated with issuing the additional permits.

Public comment:

Paul Lesnyak, representing self, commended the Commission, Department staff and the vendor on expeditious responses on this issue.

Motion: Chilton moved and Carter seconded THAT THE COMMISSION VOTE TO AMEND COMMISSION ORDER 2: DEER AND COMMISSION ORDER 4: ELK, TO PRESCRIBE THE ADDITIONAL HUNT PERMITS OUTLINED ABOVE AND TO ALLOW THE DEPARTMENT TO ISSUE THESE TAGS TO THOSE INDIVIDUALS THAT WERE SOLD AN UNAUTHORIZED HUNT PERMIT-TAG ON AUGUST 12, 2002: HUNT 1079-49 PERMITS; HUNT 1083-28 PERMITS; HUNT 1096-64 PERMITS; HUNT 1102-4 PERMITS; HUNT 3078-2 PERMITS AND HUNT 3079-3 PERMITS.

Vote: Unanimous

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2. Emergency Commission Order 40 Change for Scott's Reservoir

Presenter: Larry Riley, Fisheries Branch Chief

A fish die-off is anticipated at Scott's Reservoir due to the scheduled draining of the reservoir for dam repairs. To minimize the loss to the angler and waste of the resource, removal of bag limits and liberalization of methods of take is advisable pursuant to R12-4-313D. Upon Commission action and 10 days public notice, this modification of Commission Order 40 would go into effect. The removal of bag limits and liberalization of methods of take will remain in effect for the remainder of the calendar year, unless the Commission takes action to restore those regulations.

Motion: Melton moved and Carter seconded THAT THE COMMISSION VOTE TO AMEND COMMISSION ORDER 40(I)(A) UNDER THE PROVISIONS OF R12-4-313(D) AND R12-4-609(B)(3) TO REMOVE BAG LIMITS ON TROUT, LARGE-MOUTH BASS AND CHANNEL CATFISH AND TO DESIGNATE A SPECIAL SEASON ALLOWING FISH TO BE TAKEN BY HAND OR ANY HAND-HELD, NON-MOTORIZED IMPLEMENT THAT DOES NOT DISCHARGE A PROJECTILE AT SCOTT'S RESERVOIR, NAVAJO COUNTY. THIS MODIFICATION OF COMMISSION ORDER 40 WILL REMAIN IN EFFECT FOR THE REMAINDER OF THE CALENDAR YEAR, UNLESS THE COMMISSION ACTS TO REINSTATE REGULATIONS.

Vote: Unanimous

3. Executive Session

- a. Legal Counsel – Commission position in *Montoya v. Manning*, 9th Circuit Court of Appeals Nos. 00-17082, 00-17394, opinion filed August 20, 2002 (previously noticed to the public by the Commission as *Conservation Force v. Shroufe*, CIV 98-0239 PHX RCB).

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

Vote: Unanimous

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Meeting recessed 11:17 a.m.

Meeting reconvened 12:10 p.m.

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3. Executive Session

- b. Legal Counsel – Commission position in *Montoya v. Manning*, 9th Circuit Court of Appeals Nos. 00-17082, 00-17394, opinion filed August 20, 2002 (previously noticed to the public by the Commission as *Conservation Force v. Shroufe*, CIV 98-0239 PHX RCB).

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION GIVE PRELIMINARY DIRECTION TO LEGAL COUNSEL TO PREPARE A POSSIBLE APPEAL TO THE SUPREME COURT AND PLACE IT ON THE SEPTEMBER AGENDA FOR A BRIEFING AND DIRECTION IN THE OPEN MEETING AND IN EXECUTIVE SESSION WITH REGARD TO PROCEEDING.

Vote: Unanimous

Mr. Adkins reiterated the direction that preparation would begin for a possible appeal and the Commission would further consider this matter at the September meeting in Springerville. Preliminary preparation would involve contacting Paul Lenzini. Commissioner Carter added he would appreciate knowing an estimated cost and time frames for the case, as well as consequences of winning or losing the case, in the briefing document.

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Motion: Carter moved and Chilton seconded THAT THE COMMISSION MEETING ADJOURN.

Vote: Unanimous

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Meeting adjourned at 12:12 p.m.

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