Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, May 16, 2003 – 8:00 a.m.
Manor House Conference Center
415 E. Highway 70, Safford, Arizona

PRESENT: (Commission)	(Director's Staff)
Chairman Joe Carter	Director Duane L. Shroufe
Commissioner Sue Chilton	Deputy Director Steve K. Ferrell
Commissioner W. Hays Gilstrap	Asst. A.G. Jay Adkins
Commissioner Joe Melton	Asst. A.G. Jim Odenkirk
Commissioner Michael M. Golightly	

Chairman Carter called the meeting to order at 8:02 a.m.

1. Executive Session

a. Purchase of real property and associated water rights
b. Aid to Navigation Memorandum of Understanding (MOU) with the Tonto National Forest
c. Legal Counsel. *State of Arizona v. Norton*, CIV 02-0402-PHX-FJM; *Montoya v. Manning*, 301. F.3d 985 (9th Cir. 2002); In Re *General Stream Adjudication for the Little Colorado River and Gila River; Mark Boge v. Arizona Game and Fish Commission & Shroufe*, CIV 2000-020754; *Mary R. LLC, et al. v. Arizona Game and Fish Commission*, CIV 2001-015313, and *Ameduri and Yee et al. v. U.S. Forest Service et al.,* U.S. District Court No. CIV 02-2495 PCT FJM; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; and in the matter of *Search Warrant No.* CR 2002-2395SW; *The Fund for Animals et al. v. Norton et al.*; and *Phelps Dodge v. Arizona Dept. of Water Resources*, LC2003-000243-001DT

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

Vote: Chilton, Gilstrap and Melton – Aye
Chair voted Aye
Golightly not present for vote
Motion carried

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Meeting recessed at 8:02 a.m.
Meeting reconvened at 9:12 a.m.

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Chairman Carter called the meeting to order at 9:12 a.m. The commissioners introduced themselves and Chairman Carter introduced Director's staff. The meeting followed an agenda dated April 24, 2003.

The Mayor of Safford, Van Talley, welcomed the Commission and Department staff.

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Awards and Commissioning of Officers

The following Department employees received awards since the last Commission meeting:

Mike Demlong, Habitat Development Program Manager, Certificate of Appreciation for Volunteer Contributions from the Center for Native and Urban Wildlife-Scottsdale Community College

Dee Pfleger, Wildlife Manger, Region IV-Parker area, 2002 National Association of State Boating Administrators "Boating Officer of the Year" Award for Arizona.

Sam Lawry, Migratory Game Bird Supervisor, Certificate of Appreciation from the West Valley Chapter of Ducks Unlimited

Kevin Bergersen, Field Supervisor, Region VI-Mesa, Distinguished Service Award for "Generosity, Boundless Energy, Gift for Teaching and Dedication" from Mesa Public Schools

Chairman Carter administered the oath of office to the following officers:

Jodi Niccum, assigned to Region IV as a Wildlife Law Enforcement Specialist
Clint Adams, assigned to Region III as Wildlife Manager in Kingman South District
James Chandler, assigned to Region IV as Wildlife Manager in Ehrenberg District
Jakob Fousek, temporary assignment to Region III as Wildlife Manager

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2. Litigation Report

State of Arizona v. Norton, CIV 02-0402-PHX-FJM; *Montoya v. Manning*, 301. F.3d 985 (9th Cir. 2002); In Re *General Stream Adjudication for the Little Colorado River and Gila River; Mark Boge v. Arizona Game and Fish Commission & Shroufe*, CIV 2000-020754; *Mary R. LLC, et al. v. Arizona Game and Fish Commission*, CIV 2001-015313, and *Ameduri and Yee et al. v. U.S. Forest Service et al.,* U.S. District Court No. CIV 02-2495 PCT FJM and *Bar D Cattle Co. v. Shroufe*, CIV2002-0872.

A copy of the report, which was provided to the Commission prior to today's meeting, is included as part of these minutes. There was nothing further to add.

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6. Desert Wells Multi-use Recreation Area Near Apache Junction as Proposed by Arizona State Land Department and the Arizona Game and Fish Department

Presenter: Fred Bloom, Development Branch Chief

During the past year, East Valley Field Supervisor Kevin Bergersen has worked with an interagency team comprised of various government entities. The team collaborated with a focus group that included members of the ranching community and OHV users to seek

long-term practical and multi-use solutions to a variety of issues including severe air quality (dust) violations; chronic vandalism; impacts from heavy OHV use and repeated criminal damage activities to private ranching improvements and federal flood control properties and structures.

The area encompasses those State Land Department lands located south of U.S. Highway 60, east of the Central Arizona Project, west of U.S. Highway 89 and north of Arizona Farm Road.

The team developed a management strategy of permanent and seasonal road closures to address both air quality violations and ranching community concerns while maintaining access into most of the area for recreation.

Officer Bergersen presented additional information; a Powerpoint presentation was given.

A project map was shown that would be reproduced on 10,000 brochures, which would be available at all 11entry sites. The total closure area for all vehicles consists of 60 square miles; however, government agencies and ranching permittees would be allowed access to perform duties as needed. Eighty (80) square miles would be designated open routes.

The key elements of the project are 142 square miles; 60 miles on the west side would be closed to motorized vehicles in order to meet the federal air quality guidelines. This will leave 82 square miles of State Land designated as open to motorized vehicle use. The open area will contain 181.24 square miles designated roads for recreational use. Hunting with a valid license would be allowed in the entire area; in the closed areas, it would have to be foot access only.

Mr. Bloom cited ARS §17-452 Subsections A, B and C.

Public comment

Those speaking in support of the multi-use recreation area: Sandie Smith, Pinal County Supervisor representing the Apache Junction area; Rolf Flake, rancher; Craig Shelley, rancher; Sandie McCullen, representing the Arizona State Association of 4-Wheel Drive Clubs and ATV clubs; Keith Flake, rancher; Phil Smith, representing the Chandler Rod and Gun Club and Chuck Hudson, Environmental Manager for the State Land Department.

Motion: Chilton moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE AND ENDORSE THE CREATION OF THE DESERT WELLS MULTI-USE RECREATION AREA PROJECT AS DEVELOPED BY AN INTERAGENCY MANAGEMENT AND PARTNERSHIP TEAM FOR ARIZONA STATE TRUST LANDS LOCATED NEAR APACHE JUNCTION IN NORTHERN PINAL COUNTY.

Vote: Unanimous

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3. Request for Commission Approval of the Sale of the Commission's Nelssen Property to the Bureau of Land Management

Presenter: John Kennedy, Habitat Branch Chief

The 200-acre Nelssen property, located along the lower Gila River, was donated to the Commission in 1994. Significant archaeological resources exist within and adjacent to the property. The Department's ability to manage wildlife and wildlife-related recreation within the Nelssen property is limited due to the high-value archaeological resources and lack of access in the area. Sale of this property to the Bureau of Land Management (BLM) is consistent with the Department's management plan for the property. The property will be managed by BLM as part of its Gila River Area of Critical Environmental Concern (ACEC) at Sears Point along the lower Gila River. The Department supports BLM management of the Nelssen property as part of the Gila River ACEC.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE THE SALE OF THE COMMISSION'S NELSSEN PROPERTY TO THE BUREAU OF LAND MANAGEMENT TO BE MANAGED AS PART OF THE GILA RIVER AREA OF CRITICAL ENVIRONMENTAL CONCERN. IN ACCORDANCE WITH A.R.S. §17-241.B., THIS SALE IS SUBJECT TO THE APPROVAL OF THE GOVERNOR AND STATE LAND COMMISSIONER.

Vote: Unanimous

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4. An Update on Current Issues, Planning Efforts, and Proposed Projects on State and Federal Lands in Arizona and Other Matters Related Thereto

Presenter: John Kennedy, Habitat Branch Chief

A copy of the printed update, which was provided to the Commission prior to the meeting, is included as part of these minutes.

Commissioner Chilton asked for an update regarding the Coronado National Forest (and other forests in Arizona) and Mount Graham and other areas that were being infested by the bark beetle. Mr. Kennedy stated the Department could provide the Commission with a written update on forest insect and disease conditions in Arizona.

Commissioner Melton noted the Integrated Natural Resource Management Plan (INRMP) update for the Barry M. Goldwater Range (Range). He asked to have entered into the record a letter dated April 23, 2003, from the Yuma County Board of Supervisors regarding the draft EIS/INRMP and the Board's unanimous adoption of Resolution No. 03-23, in support of an INRMP that maintains the current levels of public access on lands within the Range. He also believed the City Council had a resolution coming forward in support of the INRMP.

Chairman Carter asked about the status of the proposed expansion of the Petrified Forest National Forest. Mr. Kennedy stated the Department provided a comment letter to the

National Park Service (NPS) on the project. The NPS released the draft EIS and General Management Plan (GMP) for review. The GMP included the same boundary expansion as it had in the early 1990s. The Department's comments were consistent with the Commission's direction regarding two major issues: 1) access, especially adjacent to the eastern portion of the expansion area and 2) maintenance of wildlife waters if these lands go to the NPS for management. There would be no hunting in the expansion area as proposed by the NPS. Mr. Kennedy did not know if there would be an attempt to resolve those two major issues. Director Shroufe stated there were two issues. Some of the proposed boundaries cut off access to open land around them. The Department's concern was adjusting the boundary so as to not limit access to the other open lands to the east and north. The other issue is maintenance of water sources that presently exist on the proposed expansion.

Commissioner Golightly commented on the cooperative work with Federal Highways in the Lake Mead area with the new by-pass of Boulder Dam. The ability to provide water to bighorn sheep in the area was important during this time. Mr. Kennedy noted the highway projects could take up to five years.

Chairman Carter noted Arizona State Land issues on page 6 of the update. He asked about the Town of Eagar's proposed annexation being associated with the Johnson project. Mr. Kennedy stated the two were related. The Department has noted its concern with the potential development associated with the annexation. Chairman Carter asked about the annexation affecting the Commission's land in the area. Mr. Kennedy noted the annexation involved the lands associated with the Commission's Grasslands Wildlife Area and the Commission's state grazing leases at the area. In the short term, the Department did not anticipate significant adverse impacts to the operation of those lands. There would be impacts with the discharge of firearms and hunting in the area once incorporated into the town limits through annexation and followed by development.

Commissioner Melton referenced a letter to the Yuma Valley Rod and Gun Club (Jon Fugate) from the Department of Interior dealing with the issue that the Bureau of Land Management (BLM) did not have the authority to designate wilderness study areas. There would be no more wilderness study areas and there were concerns regarding the withdrawals in Arizona on national monuments. He asked if what has been set aside will not be adopted. Mr. Kennedy stated that was correct but the state BLM Office has not formally responded to the correspondence from Washington, D.C. The BLM will consider wilderness issues during the process of developing plans. The Department does not support further special land designations on the national monuments. Mr. Kennedy stated the Commission would be provided with information in future updates with respect to wilderness study areas and wilderness designation in the state.

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5. Consent Agenda

Item c. was pulled from the Consent Agenda.

a. Request for Commission Approval of a Right-of-Way Agreement between the Commission and Arizona Public Service (APS) for Operation and Maintenance of Electrical Poles and Lines through the Commission's Property at the Flagstaff

Regional Office. Department recommendation: That the Commission vote to approve a Right-of-Way Agreement between the Commission and APS for operation and maintenance of electrical poles and lines through the Commission's property at the Flagstaff regional office, and authorize the Director to execute the agreement as attached or as recommended or approved by the Office of the Attorney General.

b. Request for Commission Approval of a Lease Agreement between the Commission and the Arizona State Land Department for an Administrative Site on the Commission's Property at the Flagstaff Regional Office. Department recommendation: That the Commission vote to approve a ten-year lease agreement between the Commission and the Arizona State Land Department for an administrative site on the Commission's property at the Flagstaff Regional Office and authorize the Director to execute the agreement as attached or as recommended or approved by the Office of the Attorney General.

d. Intergovernmental Agreement between the State of Arizona and the United States Coast Guard for Aids to Navigation. Department recommendation: That the Commission vote to approve the Intergovernmental Agreement between the State of Arizona and the United States Coast Guard.

e. State Trust Fund Grant Project Narrative for the Arizona Boating Access Facilities Development and Operation Project (Wallop-Breaux F-19-D). Department recommendation: That the Commission vote to approve the F-19-D Program Narrative for the Wallop-Breaux Boating Access Facilities Development and Operation Project for Fiscal Years 2003-04 through 2008-09.

f. Approval of the 6-Year Project Narrative for the New Landowner Relations Program. Department recommendation: That the Commission vote to approve the Landowner Relations Program 6-year Project Narrative for Fiscal Years 2004 through 2009.

Chairman Carter asked to pull item d. from the Consent Agenda because of the issue related to navigational aids and potential liabilities associated with those.

Motion: Chilton moved and Melton seconded THAT THE COMMISSION VOTE TO ACCEPT CONSENT AGENDA ITEMS A, B, E AND F.

Vote: Unanimous

With respect to Item d., Fred Bloom, Development Branch Chief, stated the agreement defines the roles the Department would play with respect as to how it marks navigational aids and the authority it acts under with relation to the U.S. Coast Guard. The Department receives monies through the Coast Guard to achieve the tasks. It does not specifically talk about what the Department marks.

Chairman Carter thought the agreement did not seem to have a time frame and thought that would be appropriate. Mr. Bloom noted a time frame could be added to the agreement.

Commissioner Golightly asked about navigational aids on Lake Mary, which is going dry. Richard Rico, Assistant Director for Special Services, stated he was not aware of any formal agreement for marking upper Lake Mary. This was probably a "gentlemen's" agreement between the Department's Regional Office and the U.S. Forest Service. The 90-day notice should be directed to the Coconino National Forest.

Chairman Carter recommended that the Commission hold Item d. until the conclusion of the reconvening of the executive session to get further clarification on the issue.

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7. Statewide Shooting Range Project Update

Presenter: Kerry Baldwin, Education Branch Chief

A written summary was provided to the Commission on major issues in the program prior to today's meeting.

Mr. Baldwin noted the Department would be working with the Udall Institute to look at recreational shooting in the Tucson area. The formal process would start soon. The U.S. Forest Service (USFS), Bureau of Land Management (BLM) and the Department have been working with the prime contractors on the study. A situational study will be done in the Tucson area involving approximately 30 stakeholder groups. The study will look at recreational shooting issues and will try to create a long-term management strategy for recreational shooting.

Commissioner Golightly referenced a letter in the editorial section of yesterday's *Arizona Daily Sun* regarding the Bellemont Shooting Facility. Many of the statements in the letter were in error. He asked what could be done to respond to these gross misstatements. Mr. Baldwin noted the Department did not want to get into a "letter to the editor" war. Because the Department was an intervenor in a court case involving this shooting range, Mr. Baldwin asked Mr. Adkins to respond. Mr. Adkins stated the Department and Commission needed to be careful with regard to making or publishing public statements. He wanted to be involved in any responses prepared, if any. Chairman Carter stated there were a number of proponents of the range in Flagstaff who knew the facts. It seemed a response coming from someone who knew the issues rather than a state agency or someone outside the area would be more effective. Commissioner Golightly could supply some of the details in the supporting documents and have that person author a letter. Director Shroufe concurred with Chairman Carter's comment.

Chairman Carter asked if the Department was moving forward on congressional legislation dealing with properties, i.e., Douglas, Bellemont and Pima County area. Director Shroufe stated people in Douglas have been contacted and they are talking to Congressman Kolbe about legislation, as well as Congressman Shadegg. He had a conversation last week with Regional Forester Forsgren, who has committed to participating in the forum the Department was putting together. Mr. Baldwin was currently in the process of setting up a meeting within the next month. Mr. Baldwin stated he and Mr. Adkins had been looking at legislation that created the shooting range in Clark County, which is the model NRA was showing. All of the responsibilities and

costs are still being passed on. The County will be responsible for total remediation of the site. The model legislation may not have done what we all hoped it would do in terms of what the Department was trying to do in the context of the Commission's questions.

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8. Call to the Public

There were no comments.

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Meeting recessed at 11:00 a.m.
Meeting reconvened at 11:15 a.m.

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9. Request to Close the Rulemaking Record and Approve the Final Rulemaking package for Amendments to R12-4-401, R12-4-406, R12-4-407, R12-4-408, R12-4-409, R12-4-413, R12-4-417, R12-4-420, and R12-4-423; for the Repeal of R12-4-412; and for the Promulgation of New Rule R12-4-430 to Address Issues Associated with Chronic Wasting Disease

Presenter: Mark E. Naugle, Rules & Risk Manager

For additional background information, see Commission meeting minutes for February 21, 2003, pages 3-5; October 18, 2002, pages 14-16 and May 18, 2002, pages 24-26.

Since the February 2003 Commission meeting, the Department has not received any more written comments or requests to hold additional public meetings on the rulemaking package. If approved by the Commission, the Notice of Final Rulemaking and the Economic, Small Business and Consumer Impact Statements will be filed with the Secretary of State on May 19, 2003, to be submitted to GRRC for its July 1, 2003, meeting, with an anticipated effective date for the new rules of September 2, 2003.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION VOTE TO CLOSE THE RULEMAKING RECORD AND APPROVE THE NOTICE OF FINAL RULEMAKING AND THE ECONOMIC, SMALL BUSINESS AND CONSUMER IMPACT STATEMENTS FOR AMENDMENTS TO R12-4-401, R12-4-406, R12-4-407, R12-4-408, R12-4-409, R12-4-413, R12-4-417, R12-4-420, AND R12-4-423; FOR THE REPEAL OF R12-4-412 AND FOR THE PROMULGATION OF NEW RULE R12-4-430 TO ADDRESS ISSUES ASSOCIATED WITH CHRONIC WASTING DISEASE.

Vote: Unanimous

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10. Request for the Commission to Authorize the Department to Implement the Department's Management Plan to Address Issues Related to Chronic Wasting Disease (CWD)

Presenter: Jim deVos, Research Branch Chief

A Powerpoint presentation was given.

One of the elements the Department should have is a plan on how to deal with the upfront issues related to Chronic Wasting Disease (CWD) and, more importantly, what the Department's response will be to detection and if the prevalence increases in a particular herd.

Chronic Wasting Disease is a fatal neurological disease found in both free-ranging and captive deer and elk in several areas of the United States and Canada, but not in Arizona. Due to increased surveillance for this disease, new detections were made in several areas including New Mexico and Utah. This disease is socially important as it belongs in a family of diseases known as transmissible spongiform encephalopathies, which includes "mad cow disease" and the human form known as Creutzfeldt-Jakob Disease, even though there is no scientific link between developing these diseases and CWD.

Due to public concerns with CWD, interest in hunting can decrease. Chronic Wasting Disease is also biologically important as prevalence rates in excess of 5% can lead to local wildlife population extirpations. A key management action to minimize problems associated with CWD is early detection while prevalence is low and there are local foci rather than widespread occurrences.

Although the Department has conducted surveillance since 1998 and has had no positive cases, it is important to recognize the potential exists of a positive case and implementing a scientifically sound plan prior to detection optimizes the probability of an appropriate response by the Department. Included in the plan are the Department's approach to planning for and the response to detection of CWD.

The Department was in the process of developing media information that can be used at a moment's notice. The Department was developing a contact list of key people. Information management was only a portion of the plan. Information is being updated as new detections are found. The Department was coordinating internally. The Department was also in contact with various veterinarians from state and federal agencies.

The strategy that is being used as it relates to hunter harvest separates the state into biologically similar regions. Each of the regions is being used as a sample unit. All of sample strategies revolve around collecting samples from within those particular regions.

The Department was focusing on deer because they appear to be a much more useful diagnostic tool, particularly in the initial search. Even in the hottest regions of Colorado and Wyoming, prevalence of CWD in elk is generally around 1.2-1.3%. If there is a limited opportunity to sample, you want to go where you get the most return for the buck.

One of the most critical elements of the plan is trying to develop a logical approach as to what the Department does if a positive case is found. The response approach has been divided into both free ranging and captive wildlife. A step-wide progression has been identified based on the percentage of positive samples collected. If the percentage of infection goes over 5%, the Department would move into a different arena of

management. Chronic Wasting Disease is density dependent, and the denser the herds are, the more likely it will spread.

If there was a positive case in an Arizona licensed facility, the first step would be to immediately quarantine the facility. A trace-back would be done and shipping records would be researched to see where animals have gone. Other states or provinces would then be notified that an animal that was CWD positive left the facility and was moved into their jurisdictions. An oversight group would be established to develop a management plan for the facility. This would be on a case-by-case approach.

Motion: Gilstrap moved and Chilton seconded THAT THE COMMISSION VOTE TO APPROVE THE ATTACHED PLAN AND DIRECT THE DEPARTMENT TO IMPLEMENT THE ELEMENTS OF THE PLAN AS OUTLINED.

Vote: Unanimous

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11. Request for the Commission to Authorize the Department to Initiate New Research Projects in Both Wildlife Restoration and Sportfish Restoration

This item was pulled from the agenda at the meeting.

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12. State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

The budget package (Republican leadership) was introduced on Tuesday in the Legislature and passed out of the House this morning. The budget package will go to the Senate today. There have no changes to the Game and Fish budget as proposed or anything that affects the Department. There was a proposal to transfer $5 million out of the Heritage Fund to the General fund. There was a $1 million transfer from the Watercraft Fund to the General fund. There was a provision to transfer $692,000 from the OHV Fund to the State Parks Department for operating expenses. The baseline budget was around $23 million for each fiscal year.

The Governor will probably veto the budget package and call a special session.

Both agency bills, S 1282 (Wildlife diseases; agency orders) and S 1283 (Watercraft; boating while intoxicated), were signed by the Governor.

Deputy Director Ferrell gave a presentation regarding the budget. Handouts were provided to the Commission. He talked about the funding sweeps. With regard to the Watercraft Fund, the $1 million proposed to be swept in ‘04 was part of the education side that had a $3 million balance at the beginning of the year. This was money that the Legislature never appropriated to the Department in the past. The loss of the $1 million means the Department will be impacted by not being able to do enhanced outreach marketing. There should not be a net effect on any existing programs except that the $250,000 appropriated for education last biennium will not be in the package.

The OSPB still has $100,000, but if the JLBC budget prevails, the Department would see $100,000 decrease in outreach marketing.

The OHV sweep was a surprise to the Department. The effect of the sweep was unknown, but Mr. Ferrell believed the legislative attempt was to take next year's revenues. If that is the case, the impact may not be quite as severe as it sounds because there was a $700,000 carry forward balance in the OHV Fund, which is about a year's worth of the program's expenses.

With regard to the Heritage Fund, $5 million was proposed by the Legislature to be swept in '04. Even after '04 revenues are added to the Fund, the estimated balance at the end of next fiscal year would put one of the Heritage programs (IIPAM) in the red by $150,000 should the $5 million sweep occurs. The interest account gets thin by the end of the year but still would be in the black throughout the year. Adjustments to IIPAM programs would be necessary if the $5 million is swept from the Heritage Fund. There may be small funds in the Department that might be added to IIPAM to keep it afloat a little longer beyond October.

Effects of the current JLBC proposal on Department programs were discussed.

Chairman Carter suggested direction to the Department with respect to opportunities beyond today on the Watercraft Fund and the Game and Fish Fund, i.e., that the Commission's position be maintained in terms of the needs based on the revised numbers that were endorsed or adopted by the Commission at its February meeting, and which were prioritized, and that the Legislature and Governor's Office attempt to move closer to those numbers. The rest of the Commission concurred with this direction.

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13. Rehearing Request regarding Previous License Revocation/Civil Assessment Action by the Commission

Presenter: Leonard Ordway, Law Enforcement Branch Chief

(For background information on the Alvin Peterson case, see License Revocation/Civil Assessment Proceedings for March 21, 2003, pages 2-3.)

Mr. Peterson requested a rehearing based on criteria given in R12-4-607, D.5. He was present at today's meeting.

Commissioner Golightly asked to be recused from the proceeding as he did not participate in March. The request was granted.

Motion: Chilton moved and Melton seconded THAT BASED ON THE LENIENCY ALREADY GIVEN BY THE COMMISSION TO THE RESPONDENT, VOTE TO AFFIRM ITS ORIGINAL DECISION AND NOT GRANT A REHEARING.

Mr. Peterson stated the incident was an accident and he did not want his hunting license to be revoked for three years. He was currently 74; by the time he would be able to hunt

again, he would be 77. Mr. Ordway noted Mr. Peterson could go into the field with his children or grandchildren, but he could not hunt.

Vote: Chilton, Gilstrap and Melton – Aye
Chair voted Aye
Golightly – Recused
Motion carried

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14. Rehearing Request regarding Previous License Revocation/Civil Assessment Action by the Commission

Presenter: Leonard Ordway, Law Enforcement Branch Chief

(For background information on the Arne Peterson case, see License Revocation/Civil Assessment Proceedings for March 21, 2003, page 2.)

Mr. Peterson requested a rehearing based on criteria given in R12-4-607, D.5. He was present at today's meeting. He asked the Commission to remove the revocation time on his father's (Alvin) license and add it on to his revocation period. Chairman Carter noted the Commission could not do this as each case had to stand on its own merit.

Motion: Melton moved and Gilstrap seconded THAT BASED ON THE LENIENCY ALREADY GIVEN BY THE COMMISSION TO THE RESPONDENT, VOTE TO AFFIRM ITS ORIGINAL DECISION AND NOT GRANT A REHEARING.

Vote: Chilton, Gilstrap and Melton – Aye
Chair voted Aye
Golightly – Recused
Motion carried

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Meeting recessed at 12:40 p.m.
Meeting reconvened at 1:38 p.m.

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

Presenter: Leonard Ordway, Law Enforcement Branch Chief

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

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18. Director's and Chairman's Reports

Chairman Carter attended an Interagency Management team meeting on the Mexican wolf reintroduction program. He attended a Heritage Public Advisory Committee meeting in Springerville. He also worked on budget issues.

Director Shroufe attended a Colorado River Fish and Wildlife Council meeting. He attended a Wildlife Conservation Council meeting and a Sonoran Joint Venture meeting. He made a presentation at a conference sponsored by the School of Renewable Natural Resources at the University of Arizona. He attended a U.S./Canada/Mexico Trilateral meeting in Albuquerque. He made a Heritage Fund check presentation to the City of Scottsdale. He attended a Growing Smarter meeting and Governor's Cabinet meeting.

Director Shroufe announced the 2002-2003 Heritage Grant Awards.

Environmental Education received six applications. The amount available was $32,000. Three programs were awarded grants.

Schoolyard Habitat received five applications. The amount available was $48,000. Five schools were awarded grants.

Urban Wildlife received eight applications. The amount available was $196,000. Six agencies were awarded grants.

Public Access received one application. The amount available was $160,000. The agency was awarded a grant in the amount of $16,914.

IIAPM received 13 applications. The amount available was $320,000. Six agencies were awarded grants.

Director Shroufe stated the Department would go through the grant application process but would postpone making any decisions until we know what will happen with the Heritage Fund next year.

Director Shroufe noted he met with the Governor along with Commissioners Carter and Gilstrap that resulted in several new procedures for the Department.

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Meeting recessed at 2:15 p.m.

Meeting reconvened 2:30 p.m.

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Arizona Game and Fish Commission:	**New Mexico Game and Fish Commission:**
Joe Carter, Chairman	Dr. Tom Arvas, Chairman
Sue Chilton, Vice Chair	Alfredo Montoya, Vice Chair
Commissioner W. Hays Gilstrap	Commissioner Guy Riordan
Commissioner Joe Melton	Commissioner Jennifer Montoya
Commissioner Michael M. Golightly	Commissioner David Henderson

Chairman Carter called the meeting to order at 2:30 p.m. Each state's commissioners introduced themselves. Bruce Thompson, new Director of the New Mexico Department of Game and Fish, introduced himself. Chairman Carter made preliminary statements and then introduced Director Shroufe.

Because a quorum of New Mexico commissioners was present, items noticed on their agenda requiring action were handled.

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16. Commission Briefing on Progress in Addressing Issues regarding Mexican Wolf Reintroduction in West-Central New Mexico and East-Central Arizona

Presenter: Terry B. Johnson, Nongame Branch Chief

A Powerpoint presentation was given.

Mr. Johnson provided background information. (For reference, see Commission meeting minutes for September 14, 2002, pages 26-34.)

Staffs of the Arizona Game and Fish Department and New Mexico Department of Game and Fish have collaborated continuously while working with the U.S. Fish and Wildlife Service (FWS), other cooperating agencies and the public to make the project more responsive to local needs and to ensure a more appropriate state role.

The FWS three-year review of the Mexican wolf conservation effort culminated in a stakeholder workshop in Show Low in August 2001. The next step in the process was supposed to have been taking information from the workshop and working it through the Adaptive Management Program (AMP) among the cooperating agencies and the public to come out with recommendations that would then be implemented. Those recommendations would be for restructuring various components of the project, field activities, release protocols and other operational issues and more strategic issues. Congress intervened in summer 2001 and directed the FWS, through the budget process, to convene an independent review of the FWS's three-year review to address and evaluate the information to determine whether, in fact, it had been the frank and objective review that was intended. The workshop and recommendations went nowhere while FWS pondered the congressional direction. The public and other agencies, including the two state wildlife agencies, continued to ask for more involvement and more opportunity to participate in the project than they had.

In the summer of 2002, the FWS, faced with a September 30 deadline for the independent review to be completed, asked the two state wildlife agencies if they would conduct an

independent review. The new FWS Southwest Regional Director (Dale Hall) asked for this review. Arizona participated and presented its material at the September 2002 Commission meeting. The states' report was then submitted to the FWS for submittal to Congress.

The issues addressed in the independent review were primarily not biological or science. Science in the three-year review appeared to be solid; the issue was more about public involvement and participation in the project. The states determined there were areas where change was needed: 1) open process and 2) a seat at the table for people to make recommendations or make decisions if appropriate. The public wanted to be involved in the Interagency Management Advisory Group (IMAG). The lack of a collaborative AMP in which the governmental agencies that have authority and responsibility for managing wolves act with each other as peer collaborators in an open process precluded us from getting to the scientific issues that had surfaced through the review process.

Role and function of the state agencies were discussed in a series of meetings with Dale Hall, Director Shroufe and Mr. Johnson and New Mexico Game and Fish staff. The main issue was one of guidance. There needed to be a common vision and common path, i.e., a foundation. We started changing the dynamics between the early primary cooperators (Arizona Game and Fish, New Mexico Department of Game and Fish and the FWS). The three agencies agreed what to do; this was written in a November 8, 2002, "Summary of Discussions for Management of Mexican Wolf Recovery and Reintroduction Efforts".

A meeting was held in February 2003 with the White Mountain Apache Tribe (WMAT), U.S. Forest Service (USFS) and Wildlife Services (WS). These agencies joined the original primary cooperators, which now consisted of six primary cooperators. The primary cooperators also held work sessions and separate public meetings. At least four meetings would be held per year. Three public meetings and three work sessions were held in February, March and April 2003.

The three desired levels of adaptive management were described. The federal recovery role at the top sets, ultimately, the objectives for population targets and delisting and downlisting objectives in a recovery plan. It is the level that establishes protocols which all reintroduction efforts must meet. The FWS has the primary responsibility for recovery. New Mexico and Arizona state wildlife agencies are leaders at the lower level. Local representation needs to be more state and tribal. This is a state-tribal/state-state/tribal led interagency field effort that is reintroducing Mexican wolves in Arizona and New Mexico. This is where activities such as crafting annual work plans, outreach plans and initial evaluations of success occur. Collaboration is at the middle level. This is where the public is involved; it is where adaptive management takes place. In the central area, there are two different levels of responsibility. There is the responsibility that goes with the federal and state laws that pertain to wildlife. The Adaptive Management Oversight Committee (AMOC) consists of the primary cooperators. This is the interface between recovery and on-the-ground reintroduction. If there is need for public participation, the Adaptive Management Work Group (AMWG) exists. It is comprised of cooperators that are signatories to a MOU and other governmental entities (State Land Department, State Agriculture Department, etc.). This is also the forum for

individual members of the public and non-governmental organizations to voice concerns and issues.

Although the Commission's six issues from September 2002 have not been completed, progress has been made in addressing them. These issues were reviewed.

1. The roles and functions of the Primary Cooperators must be restructured to ensure state participation, authorities, and responsibilities as reflected in today's (9/14/02) Commission meeting discussion.
2. The administrative and adaptive management processes must be restructured to ensure opportunities for, and participation by, the full spectrum of stakeholders.
3. The Interagency Field Team response protocols must be restructured and staff capacity must be enhanced to ensure immediate response capability to, and resolution of, urgent operational issues, such as depredation incidents.
4. Project outreach must be restructured as necessary to address the Commission, Department and public concerns expressed today.
5. All actions in the project must be in strict compliance with any applicable, approved special rules, policies, protocols, management plans, and interagency agreements.
6. The project's review protocols and procedures must be restructured and improved to ensure the 5-year review is effective and efficient and an improvement over the 3-year review.

The three-tier approach is present within the draft MOU that is being worked on. The MOU will be presented to the public in July. While the MOU is being crafted, the Department is reshaping its roles, functions and relationships.

The 5-year experimental period of the Mexican wolf reintroduction ended on March 28, 2003. The Department is obligated to have the fifth year review conducted during this coming year so the Department can report the status to the Commission and public.

Many other elements are sub-sets of these six issues. There is the restructuring (revitalizing) of the recovery program itself.

The Commission directed the Department to make the Mexican wolf reintroduction project a true public/private partnership; the Department is trying to do that. The Commission asked the Department to help people understand that wolves are here. Absent a court decision, the only choice the agencies have is how to manage present and future wolf populations. The Department believes progress is being made in all areas; however, progress is slow. Whether this progress is sufficient is for the Commission to decide. The public is part of this process.

Mr. Johnson introduced some of the people involved in this effort: Richard Remington, Region I (Pinetop) Supervisor; Dan Groebner, Region I (Pinetop) Nongame Biologist; Bill Van Pelt, Nongame Mammals Program Manager; David Bergman from Wildlife Services; Colleen Buchanan and Joy Nicholopoulis; Chuck Hayes from the New Mexico Department of Game and Fish; Wally Murphy from the U.S. Forest Service and John Oakleaf, the Wolf Field Projects Coordinator for the FWS.

Public comment

David Bluestein, representing self, stressed the importance of communication in this program and was glad to see the two commissions were together. He was happy to see wolves on the ground and that they were doing well.

Margaret Bohannan, representing the Arizona Heritage Alliance, congratulated the cooperation between the two commissions, the Tribes and the FWS. The Heritage Alliance has invested over $600,000 in the Mexican wolf program. She urged the commissions to invest more funds into this program at least at past levels. She recommended changing some of the guidelines of where the Mexican wolves can go because they can't see borders and they can't read signs. She recommended that some of the Environmental Education money in the Heritage Fund go towards educating the public on the program, wolf behavior, interactions with humans, domestic animals, cattle and other wildlife.

John Boretsky, representing the New Mexico Council of Outfitters and Guides, stated the wildlife agencies needed to be aware of the New Mexico professional hunting industry. The industry had pragmatic economic concerns. The industry was being asked to pay for the wolf reintroduction. The industry was pragmatically feeding animals in New Mexico that belong to the citizens of New Mexico to animals who do not belong to the citizens of New Mexico. Pragmatically, the industry was feeding animals that have a proven economic liability to animals that have little, if any, proven economic liability. It was imperative that in the process, the states and those states' citizens have a say in the final management of the wolves on the ground.

Caren Cowan, representing the New Mexico Cattle Growers Association, stated the group opposed the wolf reintroduction from the beginning and members have to be a part of the process. She presented copies of the group's review to the Commissions. There has to be science and public participation in the next review. Costs have to be looked at. The economies in both states were being ruined.

Perry Crampton, representing self, stated the wolves belong to all of us and he wanted to see the wolves come back. They deserve to be here. He stressed working cooperatively with ranchers. Because of the wolf presence in Yellowstone National Park, the economies of nearby communities picked up and improved.

Darry Dolan, representing self, lives on an in-holding on the Gila National Forest, with a small number of livestock. This was wolf country. He felt neither alarmed nor threatened by the company of wolves. He was encouraged by their presence. He supported the reintroduction and recovery program. He feared the program was suffering; the numbers could be better. Improvements could include 1) lifting the travel restrictions on wolves and allow them to cross political and jurisdictional boundaries like every other wild animal and 2) instead of constantly picking up live wolves and throwing them into detention by being tempted by beef, dead cattle should be picked up off the range. That way, the wolves will avoid the transgressions that ended in their recapture.

Yael Graver, representing self, stated Mexican wolves balance the ecosystem and are indigenous to the Southwest. She stated ranchers should be required to dispose of

livestock carcasses so that wolves do not become habituated to livestock. Wolves should also be allowed beyond the boundaries of the forests.

Bobbie Holaday, representing self, noted progress was being made with the recovery program and primary partners have improved cooperation. There was a long way to go, however, before the goal of 100 wolves was reached.

Howard Hutchison, Executive Director of the Coalition of Arizona/New Mexico Counties, stated both states' Commissions' concerns have not been met. In addition, counties' concerns and Interagency Management group's concerns have not been satisfied. The FWS protocols have been breached and agreements and assurances have not been met. Based on the failures and years of working together having come together to no beneficial end, the Coalition and six co-plaintiffs filed a suit on May 2 for an injunction against further release of wolves and removal of the wolves currently in the wild. He cited several violations of federal acts. The suit did not signal a withdrawal from the process by the Coalition or individual counties. It is believed, at some point, the concerns of the individuals on the ground and impacts to the economies in the rural counties would be addressed.

Tom Klumker, representing San Francisco River Outfitters in Glenwood, New Mexico, and the New Mexico Council of Guides and Outfitters, was concerned the outfitting business would be affected by wolf reintroduction because he operates in the heart of wolf country. He witnessed the impact wolves have had on the Gila wilderness area. Elk hunters provide revenue to keep both state wildlife agencies operating. He asked the Commissions to protect the hunting industry.

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Several New Mexico Commissioners left the meeting because of prior commitments. They were Chairman Tom Arvas, Alfredo Montoya and Guy Riordan. Commissioners remaining were Jennifer Montoya and David Henderson, as well as Director Thompson. Commissioner Jennifer Montoya assumed duties of the Chair for the remainder of the meeting.

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Christine Landry, representing self, urged the Commissions to heed the independent, scientific Poquette report and asked that wolves be allowed to roam outside arbitrary boundaries. Disposal should be required of cattle and horse carcasses that have died from various causes. Wolves should be released directly into the Gila National Forest.

George Lemen, representing self, stated the reason why people were opposed to wolf reintroduction was because they were not given any choice. If there was public input, it would be beneficial.

Martin Moore, Ph.D., Executive Director of the Eastern Arizona Counties Organization (ECO), was opposed to the Mexican wolf reintroduction program. He asked that wolves not be allowed beyond current jurisdictional boundaries. The ECO was concerned about any new reintroductions, particularly in the wake of tumultuous times in relationship to the process. Time and money are being spent on this issue when there was a potential

situation for catastrophic forest fires in the wolf recovery zones. Time and money should be spent in returning the forests to a healthy condition. There are drought and agricultural emergencies in Arizona. Priorities should be directed to things that were really important.

Sharon Morgan, representing self, was pro-wolf. Rules need to be changed in favor of wolf recovery success: 1) there should be no boundaries; 2) ranchers should remove or bury dead livestock and 3) there should be more or better incentives to discourage illegal shootings of wolves. The wolf recovery process must be based on science, not politics.

Jenny Neeley, Southwest Associate for the Defenders of Wildlife (DOW), noted DOW has paid out over $500,000 through both its Compensation Fund and Proactive Fund, which demonstrates DOW cooperation and commitment to efforts to get wolves back on the ground in former habitats nationwide. The states were in a much better position to identify problems, as well as opportunities for proactive activities to be implemented. She asked the New Mexico Commission to pass a resolution that would support direct release of non-problem wolves into New Mexico, specifically the Gila. The Gila has a lower road and livestock density than any other place suitable for release. There would be fewer potential conflicts in this area. The DOW has been working with and provided assistance to the White Mountain Apache Tribe as well as the San Carlos Tribe on this program; all management decisions should be made by tribal wildlife management. The recovery involves bi-national cooperation and is the only place in the United States where Mexican biologists can interact with live wolves. She asked the Commissions to take actions that would result in the required disposal of livestock carcasses in a way most effective and convenient for the landowners.

Peter Ossorio, representing self, asked the Commissions to review the Poquette report as it was based on science. Eventually the states and tribes would be managing the wolves once they were recovered, delisted and part of the overall management responsibility for game and nongame species. In the public process he hoped there would be a voice for everybody, but not a veto by any one circle.

Jean Ossorio, Board of Directors member of the Southwest Environmental Center (SEC), stated the SEC recently sponsored a wolf tourism workshop for guides and outfitters. The SEC would continue to work with guides, outfitters and ranchers to help them realize economic benefits from the presence of reintroduced wolves in the region. There have been many successes in the program; however, growth of wild wolf numbers is still behind schedule and the population remains fragile partly due to the unprecedented and politically motivated rules under which the reintroduction operates. Science, rather than politics, should set the course for the reintroduction program in the future; specifically, the SEC called upon those responsible for Mexican wolf recovery to heed the recommendations of the scientific panel in the three-year review of the program. Rules should be changed regarding the practice of recapturing and relocating non-depredating wolves when they establish territories outside the artificial boundaries of the recovery area.

Anthony Povilitis, representing self, asked the Commissions to give support and encouragement to the program. To insure viable wolf populations in the long run, he urged that wolves that travel beyond the recovery area be allowed to do so to establish

new territories. Progress can mean maintenance and restoration of wildlife resources. This program would be a good test of that in the future.

Janice Przybyl, Wildlife Monitoring Program Coordinator for the Sky Island Alliance, stated the Sky Island Alliance gave full support to the Mexican wolf reintroduction program. Wolves were an integral ecological element in a healthy forest and shaped good elk herds. A wolf doesn't know boundaries and knows it has to disperse. Wolves needed to travel beyond the recovery boundaries and ranchers should be required to dispose of cattle and horse carcasses.

Michael Robinson, representing the Center for Biological Diversity, stated people were trying to confine wolves to an arbitrary political jurisdiction; this is only the start of a continual control program. Wolves are social animals but were being removed and re-released someplace else. All people collectively own wildlife. Traditional management is needed. Under current management, this population will not be viable unless they establish territories outside the recovery area.

Laura Schneberger, President of the Gila Forest Permittees Association, discussed the carcass removal and boundaries. The San Carlos Apache did not want wolves on their land due to livestock depredation; they should have a say in getting the wolves off their land. The FWS stated in the EIS wolves would not be allowed on the Reservation. As for carcass removal, did that include everything that might attract wolves, as well or should the cattle be removed altogether? Confirmed livestock killers would be released in the Gila National Forest. This was in violation of the final rule and the NEPA document. She wanted to see a full historical review to see some kind of plan as to how many wolves would be reintroduced. The boundaries are ridiculous and don't mean a thing.

Gary Wheat, representing self, was a wolf supporter. He asked that direct reintroduction sites occur in the designated area in both the primary and secondary zones. This would allow the wolves to have the largest possible land area, which would limit interaction with humans and other issues.

Karen Williams, representing the Eastern Arizona Wildlife Center, wanted continued wolf releases, but noted conditions were not conducive to doing so because of the drought and low wildlife numbers. Wolves going through the reintroduction process should be looked at to see what are the causes for these wolves to become habituated and attracted to humans. Proactive measures could be taken for turning wolves against cattle. With regard to carcass control, it was a good idea for wolves but what would happen to other wildlife populations, e.g., turkey vultures and bald eagles? The recovery progress has been slow, but it will take a long time.

Jim Withenington, representing self, stated the wolf was an important part of a healthy landscape and helped people understand what wilderness is all about. The vast majority of people to the cliff dwellings and the Gila wilderness are supporters of the wolf reintroduction program. Wolves should be free just as Americans are free.

Eleanor Wootten, representing self, was happy that the program was up and running and urged the Commissions to support it.

Tom Wootten, President of T&E, Inc, stated T&E finances research in Arizona, New Mexico and northern Mexico. He hoped both Commissions would endorse this program as Mexican wolves were one of the most endangered species in the world. He asked them to give their departments the "go ahead" and "get the show on the road".

Dr. Kevin Wright, Director of Conservation and Science for The Phoenix Zoo, stated wolves would recover if they were allowed to range in suitable habitat rather than forced to stay within political boundaries. The Three-year Biological Review by the FWS had many good recommendations that should be supported. He provided written comments and noted there were four main points in the biological review that should be supported. They were: 1) The Commission takes action to allow wolves to disperse and colonize outside of the Blue Range Recovery Area without harassment; 2) The Commission initiates more programs to educate people about wolf behavior; 3) The Commission requires ranchers on public lands to dispose of carcasses so that wolves do not view these as food sources and 4) The Commission works with the FWS and New Mexico Department of Game and Fish to support the release of wolves directly into the Gila National Forest in New Mexico.

Pete Cimellaro, representing the Arizona Deer Association, stated the process was not finished. He was a wildlife advocate and a hunter. Deer populations were at an all time low in the recovery zone. He was concerned because sportsmen have worked hard to reintroduce species. Within the recovery area there was a population of bighorn sheep that are struggling. His concern centered on how many wolves was enough. The program was worth continuing and he hoped it would succeed but not at too great a cost.

Chairman Carter stated the program has come a long way. Chair pro tem Montoya stated this was a good introduction of the issue at large since all members of New Mexico's Commission were new except for Dr. Arvas. Chairman Carter noted the Department provided a draft motion for the Arizona Game and Fish Commission.

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Meeting recessed at 5:08 p.m.
Meeting reconvened at 5:18 p.m.

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Mr. Johnson read the names of people who submitted written comment. All were in support of the Mexican wolf reintroduction/recovery program and relaxation of the boundaries. These comments would be made part of the record.

Chairman Carter noted there were many issues that still needed to be addressed. There continues to be questions about the validity of the science component of the three-year review. The issue needed to be addressed. We continue to have concerns on economic impacts; prey base and its impact on livestock and other wildlife. As human encroach upon wildlife habitat, wildlife, such as bears or javelina, have to be continuously relocated or removed. There are boundaries for elk because the Department was trying to get herds on public lands. He did not think it would be right to remove boundaries for one specific species. It would be great to look solely at science, but there was a social dimension in wildlife management today. As population trends change, it will become a greater component in wildlife management.

Commissioner Melton agreed with the elk issue. In the future, a Commission will have to decide how many wolves were enough and how the population would be controlled.

Commissioner Golightly looked forward to working with new incentives that will be brought forth. He was glad there were wolves on the ground and the Commission and Department were working toward a goal.

Commissioner Chilton noted human dimensions were not present today in the same way they were present 100 years ago. Human dimensions cannot be ignored or subordinated by someone who lives 200 miles away in an urban area or an ecotourist who has suffered no ill effects. She was concerned about the depredating wolf pack that the San Carlos Apache strongly objected to. Having a prompt response time was important.

Commissioner Gilstrap suggested that if the five-year review was good, perhaps the three-year review could be put to rest, and make the five-year review what we hang our hat on.

Commissioner Henderson was heartened by today's meeting. He looked forward to collaboration with Arizona in the future.

Chair pro tem Montoya stated the power sharing that has been recommended in elevating the roles of the states and tribes in the overall implementation of the reintroduction was a sound one. The Departments would provide an important link in improving outreach, education and communication with people on the ground.

Motion: Gilstrap moved and Chilton seconded THAT THE COMMISSION DIRECT THE DEPARTMENT TO CONTINUE WORKING ON THE SIX AREAS OF CONCERN IDENTIFIED BY THIS BODY IN SEPTEMBER 2002 TO ENSURE THAT THE DEPARTMENT AND ITS COOPERATORS BUILD ON PROGRESS MADE THUS FAR. SPECIFICALLY, THAT THE COMMISSION DIRECT THE DEPARTMENT TO CONTINUE WORKING WITH THE REINTRODUCTION PROJECT'S ADAPTIVE MANAGEMENT PROCESS ON SIX POINTS:

1) ENSURE APPROPRIATE STATE PARTICIPATION IN THE MEXICAN WOLF RECOVERY AND REINTRODUCTION EFFORTS AND RECOGNITION OF THE STATE'S AUTHORITIES AND RESPONSIBILITIES AS REFLECTED IN TODAY'S PREVIOUS DISCUSSIONS;
2) ENSURE OPPORTUNITIES FOR, AND PARTICIPATION BY, A FULL SPECTRUM OF STAKEHOLDERS;
3) ENSURE THE PROJECT'S INTERAGENCY FIELD TEAM PROTOCOLS AND STAFF CAPACITY PROVIDE FOR IMMEDIATE RESPONSE CAPABILITY TO, AND RESOLUTION OF, URGENT OPERATIONAL ISSUES, SUCH AS DEPREDATION INCIDENTS;
4) ENSURE OUTREACH EFFORTS ARE SUFFICIENT TO PROVIDE TIMELY AND ACCURATE INFORMATION TO THE PUBLC VIA A VARIETY OF MECHANISMS ON THIS PROJECT;

5) ENSURE ALL ACTIONS IN THE PROJECT ARE IN STRICT COMPLIANCE WITH ANY APPLICABLE, APPROVED SPECIAL RULES, POLICIES, PROTOCOLS, MANAGEMENT PLANS AND INTERAGENCY AGREEMENTS AND
6) ENSURE THE PROJECT'S FIVE-YEAR REVIEW IS EFFECTIVE, EFFICIENT, AND AN IMPROVEMENT OVER THE THREE-YEAR REVIEW AND COMPLETED BY JUNE 30, 2004.

IT WAS FURTHER MOVED THAT THE COMMISSION DIRECT THE DEPARTMENT PROVIDE BRIEFINGS (CONCISE SUMMARIES) TO THE COMMISSION ON THE PROGRESS IN THESE SIX AREAS VIA WRITTEN MEMORANDUM FROM THE DIRECTOR DURING THE MONTHS OF SEPTEMBER, JANUARY AND MAY OF EACH YEAR.

Chairman Carter had a question regarding the issue of the prey base and the research of the impact on livestock and the tools that we are working towards in terms of research projects that would give us a quicker response time. He asked if that should be a part of the motion. Mr. Johnson stated science was embedded in all of the bullets; those things would happen through the Adaptive Management Process.

Commissioner Chilton was very supportive of point 2, but equal participation opportunities are not necessarily afforded just by inviting everyone. She asked that the Department take steps to encourage some sort of funding that would make 2 happen wherein an equal opportunity was offered to all stakeholders.

Chairman Carter stated it was important to get agreements or processes in place with county level governments so they can also be at the table. He would also try to get Apache and Navajo Counties at the table. It was important to get elected officials involved in the process.

Vote: Unanimous

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17. Call to the Public

Zane Poor, representing self, had concerns with ARS §17-332 or Rule R12-4-121 relating to a notice for transfer of tags to children. For a number of years, he has asked the Department to publish the information in the hunting regulation booklet so that the public can know about it. The information was not included in this year's booklet; he wanted to see it in the booklet in the future.

Scott Heap, representing self, appreciated the wildlife management and education efforts done by Department personnel within the area.

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19. Commissioners' Reports

Commissioner Golightly worked on shooting range issues in Flagstaff. He met with people associated with the Hualapai Tribe's Wildlife Department regarding access issues.

Commissioner Chilton worked on the reintroduction of the Tarahumara frog. The Altar Valley Conservation Alliance met and worked on the Altar Valley Habitat Conservation Plan. The Sonoran Desert Conservation Plan Steering Committee met recently to discuss the Section 10 permit for Pima County.

Commissioner Melton worked on a waterhole project (Catchments #542 and #543) and a test station east of the Kofa Wildlife Refuge. He also worked on a waterhole project for antelope on the Cabeza Prieta in a wilderness area. He worked on a road project on the Cabeza Prieta. He attended a meeting of the Wellton Mohawk Water Users Association dealing with depredation issues.

Commissioner Gilstrap worked on the Department's budget at the Legislature. He attended a Wildlife Conservation Council meeting. He went on field trips to view areas dealing with road closures and damage caused by ATVs. He went to Ben Avery Shooting Facility to look at the offsets from the City of Phoenix.

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20. Approval and Signing of Minutes

Motion: Gilstrap moved and Melton seconded THAT THE MINUTES FOR FEBRUARY 21, 2003, MARCH 21, 2003 AND APRIL 11-12, 2003 BE APPROVED.

Vote: Unanimous

The minutes for February 21, 2003 were also signed.

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21. Future Agenda Items

Mr. Ferrell stated a written update would be provided to the Commission regarding the bark beetle problem. A rebuttal would be prepared to the editor of the Flagstaff "Daily Sun" regarding Bellemont.

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1. Executive Session

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

Vote: Unanimous

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Meeting recessed 6:02 p.m.
Meeting reconvened 6:12 p.m.

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5. Consent Agenda – cont'd.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION APPROVE THE RECOMMENDATION FOR ITEM 5.D.

Vote: Chilton, Melton and Gilstrap – Aye
Golightly – Absent
Chair voted Aye
Motion carried

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Meeting adjourned at 6:15 p.m.

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