

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, October 17, 2003 – 7:30 a.m.
Saturday, October 18, 2003 – 8:00 a.m.
F.O.P. Lodge #2, 12851 N. 19 Avenue
Phoenix, Arizona

PRESENT: (Commission)

(Director's Staff)

Chairman Joe Carter
Commissioner Sue Chilton
Commissioner W. Hays Gilstrap
Commissioner Joe Melton

Director Duane L. Shroufe
Deputy Director Steve K. Ferrell
Asst. A.G. Jay Adkins
Asst. A.G. Jim Odenkirk

1. Executive Session

- a. 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; *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; in the matter of *Search Warrant No. CR 2002-2395SW*; *The Fund for Animals et al. v. Norton et al.*; USDC D.C. 1:30-CV-00892 (RJL); 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
Golightly – Absent
Chair voted Aye

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Meeting recessed at 7:40 a.m.

Meeting reconvened at 9:08 a.m.

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Chairman Carter called the meeting to order at 9:08 a.m. The commissioners introduced themselves and Chairman Carter introduced Director's staff. The meeting followed a revision dated October 14, 2003.

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2. 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.

One spelling correction was noted under the Apache-Sitgreaves National Forests in the second paragraph. The name of the permittee for the West Fork allotment is Rob Roy Patterson.

Commissioner Chilton was pleased with the measures of success associated with forest restoration projects (page 2). It described all the successful outcomes on the ground of the healthy forests restoration project on the Black Mesa District. She read a brief summary from the update. There was commercial harvest of the timber, which added a dollar value to the state and the local area. Something productive was done with the wood that also resulted in enhancement of the environment.

Commissioner Chilton noted there was an activist group (Sky Island Alliance) that was advertising for a full-time person to create a Tumacacori Highlands Wilderness out of all of Unit 36B in southern Arizona. Mr. Kennedy noted the Department looked into the proposal and had material to provide to the Commission. The sky island project area consisted of 70,000 square miles but involved no private lands. The Department would evaluate this further; the project was in its preliminary stages. All public lands involved are managed by the U.S. Forest Service (USFS). The proposal provided to the Commission included maps. It was the Department's recommendation to work with the USFS to evaluate the proposal. The Commission would be informed monthly of issues in the Lands Update.

Chairman Carter asked about the status and timeframe of the Fort Bowie National Historic Site (page 9 of the update). If this requires congressional action, a map should be incorporated into it, similar to what was done with Las Cienegas, to assure public access to and through the area. Congressional language should include a reference with a map that identifies those routes. Mr. Kennedy stated the Department initiated efforts to develop a map this week. This map would be shared with the Commission when it's completed.

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3. Request for the Commission to Approve a Collection Agreement Between Pima County and the Commission to Facilitate the County's Acquisition of the Lord's Ranch Property

Presenter: John Kennedy, Habitat Branch Chief

The U.S. Fish and Wildlife Service (FWS) approved Pima County's proposal and request for federal assistance (under the Endangered Species Recovery Land Acquisition Program) to acquire the 640.40-acre Lord's Ranch property located within the Ironwood Forest National Monument. The Collection Agreement is necessary to provide FWS dollars, through the Department, to Pima County for the acquisition of the property. In addition, the Collection Agreement outlines the County's land management responsibilities in accordance with the County's Grant Proposal and the FWS's Recovery Land Acquisition Program.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE A COLLECTION AGREEMENT BETWEEN PIMA COUNTY AND THE COMMISSION TO FACILITATE THE COUNTY'S ACQUISITION OF THE LORD'S

RANCH PROPERTY AND AUTHORIZE THE DIRECTOR TO EXECUTE THE AGREEMENT AS ATTACHED OR AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL AND TO AMEND OR EXTEND THE AGREEMENT AS NECESSARY.

Chairman Carter referenced Item 4 b. on page 2 of the draft agreement. He believed access should be provided “within” the subject property as well as “to” it. Mr. Kennedy noted the U.S. Fish and Wildlife Service, the county and the Department would not likely have a problem with adding “within” and it would be consistent with the grant agreement the county submitted.

The mover and second agreed with the modification of the motion to include “WITHIN” IN THAT SECTION OF THE COLLECTION AGREEMENT.

Vote on motion as amended: Chilton, Gilstrap and Melton
Golightly – Absent
Chair voted Aye

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4. Request for the Commission to Approve the Proposed Revised Policy Statement on Heritage Fund Acquisitions – Second Read

Presenter: John Kennedy, Habitat Branch Chief

For additional background information, see Commission meeting minutes for September 5, 2003, pages 11-13 and 17-18; August 8, 2003, pages 5-11 and June 20, 2003, pages 4-8.

The Commission’s Policy Statement on Heritage Fund Acquisitions of Sensitive Habitat (A2.23) has been revised in response to the Heritage Fund audit (Auditor General Report Number 01-09). The Proposed Revised Policy more clearly defines the criteria a property must meet to be considered for purchase with Heritage Fund monies by clarifying how the Department interprets statutory terms used in the definition of “sensitive habitat” as defined in ARS §17-296.

The Commission approved the Proposed Revised Policy Statement at the September 2003 Commission meeting. This is the Commission’s second read of the Proposed Revised Policy.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE THE PROPOSED REVISED POLICY STATEMENT ON HERITAGE FUND ACQUISITIONS.

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

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5. Request for the Commission to Approve an Agreement for Right-of-Way Between the City of Phoenix and the Commission for Installation, Operation, and Maintenance of Underground Water, Sewer, and Fiber Optic Lines Through the Commission's Ben Avery Property

Presenter: John Kennedy, Habitat Branch Chief

The City of Phoenix requested a right-of-way through the Commission's Ben Avery property for the installation, operation and maintenance of underground water sewer and fiber optic lines that will ultimately run from Lake Pleasant to an existing line at I-17. If approved, the right-of-way and associated underground utilities will run parallel to the Carefree Highway and the southern east-west boundary of the Ben Avery property. The right-of-way involves 32 acres of Commission property and the Commission would be relinquishing certain rights on that acreage.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE AN AGREEMENT FOR RIGHT-OF-WAY BETWEEN THE CITY OF PHOENIX AND THE COMMISSION FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF UNDERGROUND WATER, SEWER AND FIBER OPTIC LINES THROUGH THE COMMISSION'S BEN AVERY PROPERTY, AND AUTHORIZE THE DIRECTOR TO EXECUTE THE AGREEMENT AS ATTACHED OR AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

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

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6. 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.

Additional information was provided regarding the tour of the Bellemont site with Commissioner Golightly, Legislative Liaison Tony Guiles and Representative Tom O'Halleran, Chairman of the Natural Resources Committee, who was impressed by the site and was very supportive.

The Tri-State Shooting Recreation Center continues to move forward with the Bureau of Land Management (BLM). The RP&P is being finalized.

The dollars received for the Ben Avery Shooting Facility (BASf) right-of-way (Item #5) would be going into the Shooting Range Fund and not the Game and Fish Fund; the Commission could allocate those funds for shooting range purposes.

A meeting was held with Commissioner Gilstrap, Legislative Liaison Tony Guiles, Kerry Baldwin and Representative John Nelson regarding running legislation to protect BASF. Representative Nelson understands the real issue about protecting BASF involves not just protecting the Commission's property, but the state land surrounding the property and the potential for the city to change zoning with a five-member vote. Key parties will be asked to attend a future meeting to discuss options and to try to come up with a resolution that would be a win-win for everyone involved. A formal resolution would be brought back to the Commission for approval.

The Department was proceeding with BLM on the realignment of the Black Canyon Trail and would move the resolution forward as quickly as possible.

Kerry Baldwin, Director Shroufe and Bill Scalzo, Director of the Maricopa County Parks and Recreation Department met earlier this week regarding Buckeye Hills. The county was moving forward on the range. Mr. Scalzo will take a package to the Parks Board and to the Board of Supervisors for a \$1.5 million utility package for the public portion of the range. An item the Department would be bringing to the Commission at the December Commission meeting is permission to spend unexpended statewide shooting range grant funds this year that were beyond the normal annual 10% holdover (\$60,000). The Department will propose spending those monies for additional final design work on the public portion on this range. These would be used as matching funds.

Work on Pima County's shooting range is progressing. Construction may start in December with a late spring or early summer 2004 completion of the first phase. The county is looking at building an archery complex similar to that at the BASF. It would be located southwest of the shooting range. Also, the Tucson Trap and Skeet Club was looking at expanding its facility.

The Pima County shooting range is not expandable on a large scale. A private shooting facility is for sale in Pima County. The Department has been participating in discussions to see if this private range can be purchased. The big obstacle is the amount of money to purchase the range. One opportunity is the long-term ability for government to purchase those ranges and there may be a way to use the local community to purchase the property on a short-term basis and then sell it to the government at a later date. This would result in immediate protection.

The first phase of the recreational shooting situational analysis in the Tucson basin is almost completed. There are going to be briefings of key organizations involved. The next phase would be to take results to the public in the Tucson basin to further discussions. Federal and local agencies have agreed that an outcome has to be identification of additional present and future range sites. Before shooting facilities or opportunities are closed, there must be alternatives provided in other places for people to go.

Chairman Carter proposed the Commission direct the Department to prepare a more detailed overview of what is seen to be long-term plans with the county. If the Department does not move aggressively, there could be law enforcement problems with wildcat shooting. There needs to be a more detailed analysis, including timelines for future plans for shooting facilities in the Pima County area.

Motion: Gilstrap moved and Chilton seconded THAT THE COMMISSION DIRECT THE DEPARTMENT TO PREPARE A MORE DETAILED SUMMARY IDENTIFYING EXISTING AND PLANNED FACILITIES AND OPTIONS THAT MAY BE AVAILABLE ON PUBLIC LANDS WITHIN PIMA COUNTY FOR THE NEXT TEN YEARS FOR SHOOTING FACILITIES.

Mr. Baldwin noted the Department was developing a shooting range workshop for land management agencies to be held in December. The Department will provide more technical advice on shooting range issues.

Commissioner Gilstrap thought it would be good to have the Commission available at the March meeting in Tucson, maybe early Thursday morning, to receive input or respond to any issues.

Director Shroufe asked Mr. Baldwin if the process being worked on with Pima County and the U.S. Forest Service with the outside vendor would be done by March. Mr. Baldwin stated Phase I would definitely be done.

Director Shroufe added funds have been identified within the parameters of the Commission's permission for the right-of-way. The Department will ask the Commission for permission to spend grant monies totaling \$60,000 at the December meeting for several reasons: 1) \$100,000 is asked each year of the Legislature and Capital Improvement Fund and those monies should be used and 2) Maricopa County will need to have some monies from the Commission for Buckeye Hills. He accepted an invitation to participate in a shooting range roundtable panel discussion in Los Angeles in November, which should help overcome some of our issues with the federal government.

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

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7. 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; *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; in the matter of *Search Warrant No. CR 2002-2395SW*; *The Fund for Animals et al. v. Norton et al.*; USDC D.C. 1:30-CV-00892 (RJL); and *Phelps Dodge v. Arizona Dept. of Water Resources*, LC2003-000243-001DT.

A copy of the report, which was provided to the Commission prior to today's meeting, is included as part of these minutes.

Mr. Odenkirk stated there was an action item as a result of discussion in executive session regarding *State of Arizona v. Norton*. This involved a challenge to BLM and its management of wild burros within a Commission-designated wildlife area.

The draft settlement agreement has been in the process of development up until this morning. Copies of the document would be available to the public later in the morning. Mr. Odenkirk gave background on the litigation.

The basis of the lawsuit is a challenge to BLM's management plans for an area known as the Alamo Lake Wildlife Area. This is a Commission-managed wildlife area. The BLM initiated a planning process several years ago to amend its existing management plans covering this area. Amendments to the plan included changes to the way BLM managed wild burros within the management area. The Department commented on and protested these changes and then brought a lawsuit to challenge the changes that were made, specifically in the way BLM would manage burros that would impact the wildlife within the wildlife area. Also, the Department had a problem with the size of the BLM's designated Herd Management Area (HMA) that encompassed the Commission's wildlife area. Part of the lawsuit was a challenge to the process in which BLM enlarged the boundary of the HMA.

Mr. Odenkirk then proceeded with an overview of the draft settlement agreement. On the issues of the management plan for burros and the boundary issue, BLM will withdraw its proposed amendment for managing burros and revert to management of burros based on existing plans. This will be done for the interim because BLM will proceed with a new round of planning, at which time they will evaluate the fish and wildlife conservation purposes for the wildlife area in determining the management of wild burros within the wildlife area. This was the main contention of the Commission in litigation, i.e., the federal Fish and Wildlife Coordination Act requires wildlife conservation to be the primary purpose for a wildlife area that is established under that Act and BLM must evaluate and consider that federal purpose in developing any management plan for wild burros. The BLM failed to do that; in the proposed settlement agreement, BLM will now do that with respect to the new planning process. As to the boundary issue, the BLM will agree in the new planning process to will re-evaluate the boundary for the Alamo HMA and it will determine, based upon manageability determinations or considerations, which would include the federal purpose for the wildlife area. It will determine if it is appropriate to include the wildlife area within its designated HMA. It is the position of the Commission that its designated wildlife area not be included in the boundary of a burro HMA. The BLM has agreed to reconsider the decision to include within the boundary the wildlife area as part of its HMA. In the interim, BLM will also undertake some on-the-ground activities to reduce the impact of wild burros within an area the Commission and Department have identified as highly sensitive riparian habitats that are important to, not only the southwestern willow flycatcher, but to other wildlife species within the wildlife area. These activities would include one or two options or both, to remove burros from specific areas that are being impacted or to install fencing that would exclude burros from sensitive areas. The existing plans for burros call for BLM to maintain a population of burros within the entire HMA of no more than 200 burros. The Commission would agree to withdraw its existing administrative protest and to file a motion to dismiss the lawsuit with prejudice.

Mr. Odenkirk recommended that the Commission vote to approve the terms of the Settlement Agreement with changes to the draft reflected in part 3, paragraph 3. This is the portion of the Settlement Agreement that requires BLM to undertake on-the-ground activities in the interim while it proceeds towards completion of its existing plans. The Commission has asked the Agreement be amended to require that BLM proceed promptly with these activities on an interim basis and insert in the same paragraph a Statement of Intent as to the goals and objectives with removal or fencing of burros as at least an identification of the party's intent as to what the parties are trying to achieve. These changes will be sent to BLM for approval.

Motion: Gilstrap moved and Chilton seconded THAT THE COMMISSION VOTE TO APPROVE THIS SETTLEMENT AGREEMENT AT THIS TIME.

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

Mr. Adkins noted a court order was just received regarding the Ameduri case (Bellemont Shooting Range). The court order affirmed the U.S. Forest Service action on the case; the Commission won this case. Director Shroufe stated he would meet with Mr. Adkins regarding where to go from here. Recommendations will be brought back to the Commission in December.

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8. State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles gave an update on the proposed legislative tours. The Governor called for a special legislative session starting on Monday, which may delay or cancel some plans. The session will be monitored for issues that may impact the Department.

Proposed legislation was briefly noted.

The House of Representatives in Washington, D.C. has passed a resolution dealing with the importance of sportsmen's contributions to society, the economic benefits and the encouragement of recruitment and retention of youths in outdoor activities. The Department has been invited to give a presentation to the rural caucus on that issue.

Chairman Carter asked about the status of the healthy forest initiative. Mr. Guiles stated he could get a copy of the latest matters and get them to the Commission.

Chairman Carter noted a recent article regarding federal agencies and sportsmen's groups with respect to access to public lands. Director Shroufe stated a MOU was signed at the national level on forming a committee. He chairs the Federal Relations Committee of the International Association of Fish and Wildlife Agencies. The committee will be the direct conduit for access issues to flow from the states to the over-arching committee organized with land management agencies and many sportsmen's groups. The first

meeting of the executive committee was held. It was hoped money ear-marked by Congress would come back locally to help land management agencies acquire permanent access.

Regarding the healthy forest initiative, Director Shroufe stated a bi-partisan group of senators reworked Title 1 of the Health Forest legislation and compromised language was attached. Changes relate primarily to pre-decision public participation and protection of old growth. The compromise language was moving.

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9. Consideration of the North Kaibab Game Cooperative Fund Budget for Fiscal Year 2004 and Presentation of the Five-Year Work Plan as Required by the Sikes Act Agreement

Presenter: Ron Sieg, Regional Supervisor, Region II

The Commission was presented with the North Kaibab Game Cooperative Fund Budget for FY 2004 and the five-year work plan for spending funds generated by the Sikes Act Cooperative Agreement with the U.S. Forest Service, Kaibab National Forest.

Synopsis of the Current and Projected Financial Status of the North Kaibab Game Cooperative Fund

Fiscal Year 2003:

Income

Beginning Balance (10/01/02; FY 02 carryover)	\$ -1,040.28
Receipts (3550 permits; \$17,750 less AGFD/FS overhead)	<u>+6,714.00</u>
SUBTOTAL	\$ 5,673.72

Project/Work Costs

Expenditures (Salaries/Materials, Vehicles)	\$ 3,043.79
Check Station (Water & Sewer)	-0-
Obligated (Est. Salaries/Materials until end of FS FY 2003)	<u>948.18</u>
SUBTOTAL	\$ 3,991.97

Estimated Carryover to FY 04

Income	\$ 5,673.72
Project/Work Costs	<u>3,991.97</u>
SUBTOTAL	\$ 1,681.75

Fiscal Year 2004:

Income

Beginning Balance (10/01/03)	\$ 1,681.75
2003 General Permit Receipts (1075 permits)	5,375.00
2003 Projected Archery Stamp sales (1725 stamps)	<u>8,625.00</u>
SUBTOTAL	\$15,681.75

Project/Work Costs

Less 10% AGFD overhead from 2003 fees	\$ 1,400.00
Less 12.44% FS overhead from 2003 fees	1,567.44
Project/Work Costs for FY 2004	<u>12,714.31</u>
SUBTOTAL	\$15,681.75

Projected Balance (9/30/04)

Income	\$15,681.75
Project/Work Costs	<u>15,681.75</u>
SUBTOTAL	-0-

Projects Proposed to be Funded by the North Kaibab Game Cooperative Budget and Other Funds Beginning in Fiscal Year 2004

Recurring Jobs:

Snow removal at Jacob Lake Check Station and maintenance, repair and renovation of wildlife waters

5-Year Plan Work projects:FY 2004:

Maintenance/repair of existing waters will be the top priority (primarily funded from Game Coop Fund)

1. Repair 5 catchments using Coop and outside grant monies

If funding/labor is available:

2. Kane Ranch Natural Lakes-pipe rail fence (volunteer labor; USFS funds)
3. House Rock Wildlife Area sage & PJ treatments (1000 acres) – combined funds (grant & USFS)
4. NEPA for west side winter range browse seeding/planting (USFS funds)

FY 2005:

1. Maintenance/repair of existing waters
2. West side winter range browse seeding/planning-NEPA & implementation
3. Construct water catchments in Table Rock area
4. Continue to livestock fence Natural Lakes

FY 2006:

1. Maintenance/repair of existing waters
2. NEPA for extensive east side PJ treatment
3. Construct water catchment at White Pockets
4. Finish Natural Lake fencing
5. Continue west side winter range browse seeding/planting

FY 2007:

1. Maintenance/repair of existing waters
2. Implement east side PJ treatment
3. Construct new water catchment
4. Continue west side winter range browse seeding/planting

FY 2008:

1. Maintenance/repair of existing waters
2. Construct new water catchment
3. Continue west side winter range browse seeding/planting

Motion: Chilton moved and Gilstrap seconded THAT THE COMMISSION VOTE TO APPROVE THE NORTH KAIBAB GAME COOPERATIVE FUND BUDGET FOR FISCAL YEAR 2004.

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

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10. Request for the Commission to Authorize the Department to Initiate a Sportfish Restoration Project to Evaluate the Potential for and the Impacts from a Striped Bass Fishery at Lake Pleasant

Presenter: Jim deVos, Research Branch Chief

The Department has noted a general decline in the quality of the largemouth bass fishery for the past 15 years at Lake Pleasant, and with the recent discovery of striped bass in the lake, concerns regarding the future of the largemouth bass fishery are growing.

The Department requested authorization to initiate a Sportfish Restoration Project to evaluate the potential for and the impacts from a striped bass fishery in Lake Pleasant. This project has three primary objectives:

1. Evaluate the striped bass population in the CAP aqueduct and determine its contribution to the Lake Pleasant striped bass population
2. Determine reproductive success and recruitment rates of striped bass in Lake Pleasant
3. Determine the energetic demands for striped bass, white bass and largemouth bass and evaluate the capacity of Lake Pleasant to maintain all three species given existing nutrient loading

These data will be used to develop a management plan for Lake Pleasant that optimizes the quality of the fishery based on nutrient carrying capacity. The project is slated to be initiated in January 2004 and be completed in June 2007. The project will be tied closely to the strategic plan. The estimated cost will be approximately \$130,000 per year. Funds will come from the Sportfish Restoration research and will not require additional funds.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION VOTE TO AUTHORIZE THE DEPARTMENT TO INITIATE A SPORTFISH RESTORATION PROJECT TO EVALUATE THE POTENTIAL FOR THE IMPACTS FROM A STRIPED BASS FISHERY IN LAKE PLEASANT.

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

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Meeting recessed at 10:25 a.m.

Meeting reconvened 10:38 a.m.

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11. Request for the Commission to Review the Recent OHV Program Report Done by the Department and Give Direction for the Department to Continue Operating Under Existing OHV Program Strategic Emphasis until Wildlife 2012 is Developed and Approved

Presenter: Leonard Ordway, Law Enforcement Branch Chief

The final report of the Off-Highway Vehicle (OHV) Program Review Team was presented to the Commission for review and reference.

The team recommended that, with minor adjustment, current strategic emphasis remain in effect until *Wildlife 2012* is developed and approved. Off-Highway Vehicle Program planning needs should be addressed and integrated into *Wildlife 2012*. Also, the team recommended reassignment or reallocation of available OHV Program resources to meet programmatic needs identified for the Education Project. The OHV Program resources currently allocated to other project areas should be maintained. Except as recommended in this review for the Education Project, program expansion should not occur unless additional authority and resources are secured. Department OHV management efforts for all affected projects internally and externally should promote clarity and consistency in OHV management among the various jurisdictions in the state, thus reducing or eliminating confusion to the affected constituents.

Motion: Melton moved and Chilton seconded THAT THE COMMISSION VOTE TO GIVE DIRECTION FOR THE DEPARTMENT TO CONTINUE OPERATING UNDER EXISTING OHV PROGRAM STRATEGIC EMPHASIS UNTIL WILDLIFE 2012 IS DEVELOPED AND APPROVED.

Chairman Carter asked where the Department was on working with public land managers regarding differences in OHV policies between BLM, U.S. Forest Service (USFS), and National Park Service. Mr. Ordway stated BLM has reached regulation consistency on their lands in the state. Sometime in November, the USFS EA will be available in the form of a decision stating there will be consistency in OHV regulations statewide in the forests. It appears everything will be closed unless specifically signed open. The Department has been invited to be a part of the implementation team to put the process in place. Regarding enforcement, the Department is working with an informal work group,

with the objective of compiling all regulations in the state dealing with OHV into one title place, similar to what was done with watercraft regulations. A draft MOU is currently being reviewed by Executive Staff regarding an informal commitment of enforcement jurisdictions to work towards that end. There were several projects going on within the state.

Commissioner Chilton hoped that during discussions, Game and Fish and sportsmen's groups effectively bring to the forefront the philosophy if something is closed for resource purposes, something needed to be opened for public access. The recreating people want to be able to get to places. The trails and pathways that have been used for decades by sportsmen to meaningfully access large areas available for recreation need to be preserved for the majority of the recreating public without undue harm to the resource.

Mr. Ordway thought BLM and USFS regulations and signage would be similar; the umbrella philosophy is the same. Commissioner Gilstrap thought it would be good if Game and Fish worked together with State Lands and State Parks to avoid duplication and maximize limited resources. He also wanted to see OHV manufacturers promote responsible use of OHVs. Mr. Ordway agreed the main point is education and the key partner is going to be the manufacturer. There must also be some latitude given in designating areas for extreme use, while protecting the resource.

Commissioner Melton stated it was important to have good maps from the different agencies and a better mapping system throughout the state would be beneficial to users. Mr. Ordway agreed and pointed out the Department was working on more detailed game management unit maps.

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

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12. Call to the Public

William Aiton, representing self, noted the drop in deer populations has resulted in a lot of hunters turning to archery. There was no control over archery. The Department was getting no feedback from archers, e.g., surveys. He asked the Department consider going to a draw for archery or doing some type of archery management. He wanted to see an archery doe hunt in the Kaibab area, with emphasis on harvesting older does.

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13. Wildlife 2006 Update

Presenter: Bruce D. Taubert, Assistant Director, Wildlife Management Division

The Department presented an annual progress report for *Wildlife 2006*.

Wildlife 2006 was the Commission's document; it was its direction to the agency on how to deal with the three sub-program areas: game management, sportfish management and nongame/endangered wildlife management.

Mr. Taubert noted the document has become very useful to the Department; it is a good communication tool. Processes in motion are tiered down from a strategic plan, to an operational plan to an implementation plan. The implementation plan sets the Commission's and Director's priorities in motion. Once feedback is received from the implementers dialogue can occur. *Wildlife 2006* is critical to allow evaluation of the implementation and operation in the agency.

Referencing a request from Commissioner Melton regarding goals for meeting criteria for endangered species, Mr. Taubert noted goal #2 on page 49 of the document, to "Restore extirpated nongame and endangered wildlife and degraded natural biotic communities, where feasible to do so." Under the objectives, there are a series of activities to be conducted to get information, but they are not species specific.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION ACCEPT THE REPORT AND DIRECT THE DEPARTMENT TO CONTINUE WITH THE PROCESS OF DEVELOPING *WILDLIFE 2012*.

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

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14. Request to Approve the Five-Year Rule Review Report for Article I, Definitions and General Provisions, Including But Not Limited to R12-4-102, Fees for Licenses, Tags, Stamps and Permits

Presenter: Mark E. Naugle, Rules & Risk Manager

The Commission was asked to approve the 2003 Article 1 Five-Year rules report for filing with the Governor's Regulatory Review Council. The Department offered two additional alternatives to allow the Commission flexibility to provide additional direction to the Department to initiate rulemaking on possible fee increases that have not been addressed in the report. These recommendations contained in the report regarding fees should be distinguished from any additional direction the Commission may give the Department to pursue additional rulemaking.

Option 1 – In-Cycle Rulemaking

The Department completed the Five-Year Rule Review for Article 1 and will proceed in early 2004 with the in-cycle regular rulemaking phase by bringing a request for docket opening to the Commission. Under this option, the following rulemaking timeline would be followed, with the rules being effective in time for implementation in the 2006 spring draw.

Rulemaking Docket Opening	April 2004
Notice of Proposed Rulemaking	December 2004
Notice of Final Rulemaking	March 2005
GRRC	May 2005
Effective Date of the Rules	July 2005

Option 2 – Out-of-Cycle Rulemaking

The Department would pursue an accelerated rulemaking schedule, with the rules effective in time for the 2005 spring draw.

Rulemaking Docket Opening	October 2003
Notice of Proposed Rulemaking	February 2004
Notice of Final Rulemaking	April 2004
GRRC	June 2004
Effective Date of the Rules	August 2004

Motion: Melton moved and Chilton seconded THAT THE COMMISSION VOTE TO APPROVE THE 2003 FIVE-YEAR RULE REVIEW REPORT FOR GAME AND FISH COMMISSION RULES, ARTICLE 1, DEFINITIONS AND GENERAL PROVISIONS, FOR FILING WITH THE GOVERNOR’S REGULATORY REVIEW COUNCIL UNDER ARS §41-1056.

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

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE THE 2003 FIVE-YEAR RULE REVIEW REPORT FOR GAME AND FISH COMMISSION RULES, ARTICLE 1, DEFINITIONS AND GENERAL PROVISIONS, FOR FILING WITH THE GOVERNOR’S REGULATORY REVIEW COUNCIL UNDER ARS §41-1056. THE COMMISSION FURTHER DIRECTS THE DEPARTMENT TO ADD FEE INCREASES FOR RULE 12-4-102, FEES FOR LICENSES, TAGS, STAMPS AND PERMITS TO THE IN-CYCLE FIVE-YEAR REVIEW REPORT AND TO INITIATE OUT-OF-CYCLE RULEMAKING UNDER OPTION TWO TO IMPLEMENT THE RULE CHANGES.

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

Because of the number of sportsmen expected at Saturday’s meeting, the Commission requested a quick overview of this item at tomorrow’s meeting.

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15. Memorandum of Understanding (MOU) Between the City of Bullhead City and the Arizona Game and Fish Department (Department)

Presenter: Fred J. Bloom, Development Branch Chief

The Memorandum of Understanding (MOU) was written to facilitate participation by Bullhead City in the Department’s Boating Access Program, specifically participation at its regional parks along the Colorado River. The MOU will accommodate future transfer of funding through collection agreements under the granting process administered by the

Boating Access Program. The City will be a new participant in the program.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION VOTE TO APPROVE THE MOU BETWEEN THE DEPARTMENT AND THE CITY OF BULLHEAD CITY.

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

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16. Review of Items Related to the Master Plan for the Department Headquarters

Presenter: Fred Bloom, Development Branch Chief

For additional information, see Commission meeting minutes for September 5, 2003, page 20, and June 20, 2003, pages 17-20.

A Powerpoint presentation was given. The Department reviewed the following items related to the Master Plan for the Department headquarters.

State Land Department and Bureau of Land Management planning for lands adjacent to and surrounding the Ben Avery Shooting Facility: The Department provided an overview of recent discussions with these agencies regarding their long-term planning objectives for these lands.

Updated cost estimates for constructing desired facilities: Current cost estimates for buildings and civil site work based on options presented in the Master Plan report were provided.

Increasing the funding limitation within the Commission's authority to issue bonds: The Department presented a brief overview of the pros and cons of pursuing this action.

Lease purchase options: A description of the Arizona Department of Administration (ADOA) lease purchase legislation and process was presented. The Department also discussed existing statutory authority available to the Commission to enter into installment purchase agreements and how that might correlate with the ADOA model.

Deer Valley North appraisal: A recent appraisal of the Deer Valley North property was presented.

Director Shroufe wanted to see the Department move ahead with the process. There should a stage-by-stage process the Department could do and establishment of a committee would be helpful if the Commission set goals and objectives. He wanted to see the Committee come to agreement with the Commission on a formal action about where the site will be; work could then begin on the development of finances and the actual architectural plan for the facility. In the meantime, other possibilities could be explored, e.g., legislation that might be needed to accommodate this movement. He wanted to set parameters.

Chairman Carter stated three priorities were needed: 1) a recommendation on site selection; 2) conceptual design based on square footage and support facilities required and 3) a financing package. A timeline should be established to bring recommendations back to the Commission.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO ESTABLISH A COMMITTEE INCLUDING VOLUNTEERS FROM OUTSIDE RESOURCES REGARDING THE THREE PRIORITIES.

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

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Meeting recessed 12:02 p.m.

Meeting reconvened 12:12 p.m.

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17. Request from Mr. Richard Sprague for a Hearing Associated with the Reinstatement of Bonus Points for his Stepson Chad Converse Related to the Fall 2003 Hunting Season

This item was pulled as Mr. Sprague withdrew his request.

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18. Rescheduling of the December 2003 Commission Meeting

Presenter: Dana Yost, Executive Staff Assistant

The Commission considered changing the scheduled date and location of the December 2003 Commission meeting (12/5-6 in Phoenix) to allow commissioners to attend the December 5, 2003, dedication of the CAP Fishing Access Site (part of the Lake Havasu Fish Improvement Project) at the Bill Williams River National Wildlife Refuge.

Discussion occurred regarding scheduling the meeting on Thursday, December 4 in Lake Havasu City. Chairman Carter noted Item #10 for Saturday was deleted from the agenda. It was an issue brought forth on audit findings and the need to comply with audit recommendations. It would be important to have a work session on it prior to the meeting in December. Chairman Carter thought the work session could be held on Wednesday afternoon on December 3. Commissioner Chilton asked to have the work session on Thursday morning. Mr. Yost noted at this time, the length of the agenda for the December meeting was unknown. There would, however, be license revocations.

Chairman Carter suggested having the work session start at 7:30-8:00 a.m. on Thursday, and then go into the agenda for the regular meeting.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION VOTE TO CHANGE THE DECEMBER COMMISSION MEETING TO DECEMBER 4, TO BEGIN WITH A WORK SESSION, IN LAKE HAVASU CITY.

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

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19. Call to the Public

There were no comments.

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20. Director’s and Chairman’s Reports

Chairman Carter recuperated from surgery he had several months ago. He participated in a portion of the Adaptive Wolf Management Program, especially in items that dealt with the MOUs. He was frustrated with the Fish and Wildlife principles involved. The Department will be aggressive and will establish timelines in proceeding with the MOU between the Department and the counties.

Director Shroufe attended the International Association of Fish and Wildlife Agencies conference in Madison, Wisconsin. He gave a presentation at the 5th annual conference of the Southwest Foundations. He attended two management team meetings. Lori Faeth in the Governor’s Office has put together monthly meetings with natural resource agency directors and he attended the first one. He attended a two-day coordination meeting with the U.S. Forest Service. He attended a Governor’s cabinet meeting in Prescott Valley. He met with Teri Raml, area manager for the Phoenix BLM District, regarding water developments on monuments, informal recreational shooting, monument planning and the trail on the west side of Ben Avery Shooting Facility. He met with the area U.S. Geological Survey director Denny Fenn and discussed fish issues on the Colorado River and lion issues in the Flagstaff area. He attended a Region II open forum. He met with Wally Covington regarding forest health issues. He met with Joe Alston, Superintendent of the Grand Canyon National Park, regarding several wildlife issues; one of the items was the USFS and Department desire to establish a process to affect USFS management on the south boundary of the park. He attended an AORCC meeting. He met with Dale Hall. He met with Dave Bergman and Dave Worthen from Wildlife Services regarding their continuing participation in the Mexican gray wolf reintroduction program.

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21. Commissioners’ Reports

Commissioner Chilton attended an Altar Valley Conservation Alliance Board meeting on the Habitat Conservation Plan. She attended a three-day public lands council meeting in North Dakota.

Commissioner Gilstrap went on personal travel and handled phone calls regarding this Commission meeting.

Commissioner Melton worked on a clean up project in the Kofa National Wildlife Refuge and spent time hunting.

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22. Approval of Minutes

Motion: Gilstrap moved and Chilton seconded THAT THE COMMISSION APPROVE THE MINUTES FOR SEPTEMBER 4-5, 2003.

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

The minutes for August 8-9, 2003, were signed.

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

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

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Meeting recessed at 12:32 p.m.

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23. Dedication of the Memorial Garden

At 4:00 p.m., the Commission participated in the dedication of the Wildlifer Memorial Garden located at the Department headquarters, 2222 W. Greenway Road, Phoenix.

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Saturday, October 18, 2003 – 8:00 a.m.

Chairman Carter called the meeting to order at 8:00 a.m. The commissioners introduced themselves and Chairman Carter introduced Director’s staff. The meeting followed a revision dated October 14, 2003.

Commissioning of Officers

The following officers received their commissions: Alicia Jontz, J. Paul Greer and Aaron Hartzell. Chairman Carter administered the oath of office.

Awards

Service pins were presented to the following employees for 20+ years of service:

- Larry Riley, Fisheries Branch Chief, 20 years
- Leonard Ordway, Law Enforcement Branch Chief, 20 years
- Terry Johnson, Nongame Branch Chief, 20 years
- Paul Puckett, Development Branch, 20 years

Barb Parrish, Executive Staff Assistant, Wildlife Management, 25 years

Jim deVos, Research Branch Chief, 30 years

Phyllis Dudczyk, Support Services, 30 years

Lee Luedeker, Wildlife Manager, 30 years

Chairman Carter noted recent awards and recognitions the Department and employees recently received.

Bruce Taubert, Assistant Director for Wildlife Management, showed a film presentation entitled, "Jessica's Hunt."

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1. Briefing on Fisheries Program Accomplishments during 2002 and 2003

Presenter: Larry Riley, Fisheries Branch Chief

Mr. Riley introduced the Regional Fisheries Program Managers who were present at today's meeting, as well as the staff of the Fisheries Branch and Department employees who were involved in the fisheries program.

A presentation was provided to the Commission highlighting fisheries management program activities, achievements, challenges and accomplishments since last October. Insights were also provided into challenges and activities for the months to come.

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2. Public Process to Determine If Biennial Amendments to Commission Order 40 (Fish) is Advantageous and Appropriate

Presenter: Larry Riley, Fisheries Branch Chief

The Commission was briefed on the concept of a biennial Commission Order 40 process and the initiation of public input on the proposal.

Mr. Riley noted the Department was striving to make the fishing regulations easier to use for the public, i.e., making it a fishing guide. The public would be asked to comment on the concept of setting up regulations for a two-year period.

There are advantages to doing so. One of the things to determine is what the values are in savings. One of the disadvantages was limitation or constriction on the Commission's ability to modify the fishing regulations if that was required. With a two-year run, regulations may not reflect the most recent changes. There may be opportunities to insert changes as needed. In general, this would maintain quite stable regulations over a two-year period; increase the Department's ability to communicate those effectively to the public and would reduce the annual investment in reviewing and revising the regulations.

Commissioners Melton and Chilton preferred to have an annual process.

Chairman Carter also had concerns even though there were advantages with continuity and publication of the regulations. He was concerned about achieving what the Department set out to do given the dynamics of Arizona's conditions.

The Commission might want to look at several things: 1) an evaluation of the cost analysis and savings associated given the publication of additional regulations and modifications; 2) a strategy regarding communicating changes to insure the angling public is aware of them and 3) and the public's views.

Mr. Riley noted there were two steps the Department needed to take before coming back to the Commission with a proposal. The first step would involve a thorough investigation of cost savings and the benefits to the Commission regarding efficiency gained and benefits to the public in terms of improved communication. The second stage would be getting concurrence from the public regarding the idea. The Department hoped to come back to the Commission before next October to convey what it had learned. The Department would present recommendations for fishing regulations in October 2005; this would not alter the current schedule.

Commissioner Gilstrap thought that following the process would result in a lot of fringe benefits and perceived it to provide some kind of internal audit. It would be a vehicle to help in internal management.

Motion: Gilstrap moved and Melton seconded THAT THE FISHERIES BRANCH EVALUATE THE INTERNAL EFFICIENCIES OF THE POTENTIAL OF A TWO-YEAR SETTING OF REGULATIONS AS OPPOSED TO THE PRESENT ANNUAL SCHEDULE, INCLUDING PUBLIC COMMENT.

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

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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 Year 2004

Presenter: Larry Riley, Fisheries Branch Chief

A Powerpoint presentation was provided.

As part of the public input process, the Department hosted six public meetings statewide and conducted a statewide survey by mail of licensed anglers.

Trout-Legal fish and daily bag and possession limits:

Convert Coyote/Mamie, Home and Wildcat Creeks to artificial fly and lure, single barbless hooks, catch and release waters.

Streams of different lengths and carrying capacity have been proposed for Apache trout recovery on the Apache-Sitgreaves (A-S) National Forests. The recovery goal is to replicate each of the 13 known relict populations of Apache trout. The Department intends to allow sportfishing on these replicate streams when and where sportfishing does not threaten the success of a population.

While special recovery streams are small and support equally small populations, recent population estimates have identified several are below a population threshold considered sufficient to support added mortality such as harvest by angling. Very small populations of Apache trout may be at risk of losing genetic integrity over time; populations of less than 500 adults may be put at further risk from mortalities caused by sportfishing harvest. Special regulations are needed for these small populations to reduce the risk of loss genetic diversity. Four recovery populations exist that are managed under statewide trout regulations (6 trout limit) and have small populations (less than 500 adults) of Apache trout: Soldier Creek, Coyote/Mamie Creek, Home Creek, and Wildcat Creek. These small wild Apache trout streams are being proposed for special regulation. Soldier Creek, one of the 13 known relict populations of Apache trout, is very small and will be proposed for closure.

Commissioner Chilton wanted to see an explicit reference included to the local governments, residents and businesses and to survey them. Mr. Riley stated these people could be targeted and presentations could be made before city councils or chambers of commerce and ranchers in the area.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO ADOPT THE PROPOSAL AS WRITTEN, ESTABLISHING COYOTE, MAMIE, HOME AND WILDCAT CREEKS IN APACHE COUNTY AS CATCH AND RELEASE USING ARTIFICIAL LURES AND FLIES WITH SINGLE BARBLESS HOOKS ONLY.

Public comment

Jerry Nelson, representing Southwest Walleye Anglers, spoke regarding doing the fishing regulations biennially. It was important to take care of emergency rule changes.

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

Channel Catfish – Legal fish and daily bag and possession limits:

Management recommendations were proposed for channel catfish in three northern Arizona lakes; Lower Lake Mary, City Reservoir, and Santa Fe Reservoir. The recommendations include reduction in bag limits commensurate with fishing in urban areas.

Motion: Melton moved and Chilton seconded THAT THE COMMISSION VOTE TO ADOPT THE PROPOSAL AS WRITTEN REDUCING THE BAG AND POSSESSION

LIMIT FOR CHANNEL CATFISH AT LOWER LAKE MARY, SANTA FE RESERVOIR, AND CITY RESERVOIR IN COCONINO COUNTY TO FOUR CHANNEL CATFISH.

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

Closed to Fishing:

On the A-S, close Soldier Creek to fishing and temporarily close Snake Creek and Bear Wallow Creek to fishing (planned for repatriation of Apache trout for re-establishment and recovery).

Soldier Creek contains one of the 13 known relict populations of Apache trout, an important population for conservation.

The Department also proposed to temporarily close streams after a renovation while new replicate populations of Apache trout are being established. These streams will remain closed until their populations are re-established to the stream's carrying capacity. A total of eight streams are scheduled that require temporary fishing closures during the next several years while the populations are expanding. Not all would need to be closed at once. Fishing could be allowed to continue until the time nears for renovation. Under the current renovation schedule, two streams would need to be closed in 2004 because of stream renovations in 2003 and 2004 (Snake Creek and Bear Wallow Creek).

Motion: Chilton moved and Gilstrap seconded THAT THE COMMISSION VOTE TO ADOPT THE PROPOSAL AS WRITTEN, CLOSING SOLDIER CREEK, SNAKE CREEK AND BEAR WALLOW CREEK IN APACHE COUNTY TO FISHING. SNAKE CREEK AND BEAR WALLOW CREEK CLOSURES ARE INTENDED TO BE TEMPORARY, AWAITING ESTABLISHMENT OF FISHABLE POPULATIONS OF APACHE TROUT.

Chairman Carter had concern with using the word, "temporarily." The question was when the Commission would see the issue again. He hoped there would be some kind of timeline in bringing it back to the Commission for consideration.

Chairman Carter asked if the Commission would consider modifying the motion with a timeline. Mr. Riley stated a closure date could be included; in this case, THE CLOSURE WOULD BE THROUGH DECEMBER 31, 2005.

The maker and second of the motion agreed to modification of the motion.

Vote on amended motion: Chilton, Gilstrap and Melton
Golightly – Absent
Chair voted Aye

Live Bait Use Seasons

Allow unlimited use of sunfish and carp in waters where taken as bait in the Verde River from Sullivan Dam downstream to the Salt River.

Motion: Gilstrap moved and Chilton seconded THAT THE COMMISSION VOTE TO ADOPT THE PROPOSAL AS WRITTEN, ALLOWING THE USE OF SUNFISH AND CARP AS LIVE BAIT IN THE WATERS WHERE TAKEN IN THE VERDE RIVER FROM SULLIVAN DAM DOWNSTREAM TO THE SALT RIVER.

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

Motion: Chilton moved and Gilstrap 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 2004.

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

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Meeting recessed at 9:45 a.m.

Meeting reconvened at 10:00 a.m.

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4. Request to Adopt Commission Order 25: Raptors

Presenter: Terry B. Johnson, Nongame Branch Chief

The Department solicited recommendations for proposed changes to Commission Order 25. The only recommendation received was to add the western screech owl to the list of species allowed to take for falconry purposes. The recommendation was evaluated with regard to federal falconry regulations, comparison to falconry regulations of other western states, biological information provided, and the public's desire and need for a change in the ruling.

The Department received seven comments on the proposed addition of screech owls: two in favor and five opposed. None of the arguments against adding the species provided a compelling argument. Conversely, the proposal to add the species is consistent with the Department's criteria that statewide populations be sufficient to withstand regulated take, and the species be eligible for falconry use under federal law. Thus, the Department recommended adding the western screech owl to the list of species eligible for capture under Commission Order 25.

The Department recommended the following:

1. Add the western screech owl to the list of species allowable for take for falconry purposes in 2004.
2. Change the age of eyas peregrine falcons allowed for take from between 18-27 days to between 10-27 days of age.
3. Change all dates to refer to the appropriate calendar years.
4. Change wording and notes as necessary to ensure consistency with other Commission Orders previously approved by the Commission

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 25: RAPTORS, ESTABLISHING OPEN AREAS, SEASON DATES, AND BAG AND POSSESSION LIMITS FOR 2004, AS PROPOSED BY THE DEPARTMENT.

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

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5. Request to Adopt Commission Order 41: Amphibians

Presenter: Terry B. Johnson, Nongame Branch Chief

The Department solicited recommendations for proposed changes to Commission Order 41. The only recommendation received was to add the tiger salamander (waterdogs) to the list of closed-season species statewide, thus reducing the bag and possession limit to zero. Ten letters were received with this recommendation and one letter opposed it. The Department evaluated arguments presented for (potential contribution to the spread of chytrid fungus) and against the recommendation, as well as with regard to other rules and regulations and relevant biological factors.

The Department does not recommend closing the season statewide for tiger salamanders because 1) the use and transport of waterdogs as baitfish, including the potential spread of chytrid fungus, is regulation by Commission rule (R12-4-316) and proposed changes to this rule should be directed to the rule review process; 2) release of salamanders, other than use as baitfish, is already prohibited by R12-4-402 and 3) the proposed change would effectively close the season on a relatively ubiquitous species in many parts of its range while also prohibiting the collection of introduced individuals in other parts of the range.

No substantive changes were made.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 41: AMPHIBIANS, ESTABLISHING OPEN AREAS, SEASON DATES, AND BAG AND POSSESSION LIMITS FOR 2004, AS PROPOSED.

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

6. Request to Adopt Commission Order 42: Crustaceans and Mollusks

Presenter: Terry B. Johnson, Nongame Branch Chief

No substantive changes were made.

Motion: Chilton moved and Melton seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 42: CRUSTACEANS AND MOLLUSKS, ESTABLISHING OPEN AREAS, SEASON DATES, AND BAG AND POSSESSION LIMITS FOR 2004 AS PROPOSED BY THE DEPARTMENT.

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

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7. Request to Adopt Commission Order 43: Reptiles

Presenter: Terry B. Johnson, Nongame Branch Chief

The Department solicited recommendations for proposed changes to Commission Order 43. Several recommendations were received: reduce bag and possession limits for western diamond-backed and Mojave rattlesnakes for four per year (from four per day) or in possession; add the Mexican gartersnake, narrow-headed gartersnake, and box turtle to the list of closed-season species; and add the brown vinesnake, thornscrub hook-nosed snake, green ratsnake, prairie rattlesnake, Sonoran shovel-nosed snake, yellow-bellied racer, and black kingsnake to the list of closed-season species.

The Department did not recommend changing the bag and possession limits and seasons for 2004 because the proposals had not been subject to widespread public review. The Department plans to evaluate these proposals further and solicit additional comment during the 2005 Commission Order review process.

The Department received 13 letters in support of the proposal to add the milksnake to the list of closed-season species to Cochise County only. The Department recommended adding milksnakes to the list of closed-season species for Cochise County only.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 43: REPTILES, ESTABLISHING OPEN AREAS, SEASON DATES, AND BAG AND POSSESSION LIMITS FOR 2004 AS PROPOSED.

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

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14. Request to Approve the Five-Year Rule Review Report for Article I, Definitions and General Provisions, Including But Not Limited to R12-4-102, Fees for Licenses, Tags, Stamps and Permits – Cont'd from Friday, October 17, 2003

Director Shroufe briefed the public that yesterday the Commission took action to open the rulemaking process to increase to the maximum fee allowable by statute for big game tags. The Legislature allowed the Department to increase license and tag fees by 30% about four years ago. The Commission implemented increases for all the licenses; the tags, at that time, were not increased to the maximum amount. Public comment would be taken.

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11. Fisheries Management Issues Related to Decommissioning of the Arizona Public Service Child's-Irving Power Plant and Proposed Restoration of Fossil Creek to Promote Conservation of Native Fishes

Presenter: Bruce D. Taubert, Assistant Director, Wildlife Management Division

Handouts were provided to the Commission.

Fossil Creek is on the Tonto and Coconino National Forests and is a major tributary to the Verde River. The Department discussed previous Commission guidance on fisheries management approaches in relation to proposed restoration of Fossil Creek to promote native fish conservation. A chronology of events was given.

Decommissioning Process and Return of Flows to Fossil Creek (FERC and APS): The Arizona Public Service Company (APS) operates a 7-megawatt hydroelectric facility consisting of two developments: Child's and Irving. In November 1999, APS committed to ceasing power production at the facility and returning full flows to Fossil Creek by December 31, 2004.

Returning full flows to Fossil Creek will enhance habitats for several fish and aquatic species downstream of the power plant. Stehr Lake is a small impoundment created to provide an alternate source of water for the Child's power plant during shutdown. This lake is a small warmwater sport fishery that also provides habitat for resident and migratory birds.

Overcrowding of aquatic vegetation and siltation over the years has made Stehr Lake inaccessible to anglers. Returning full flows to Fossil Creek (removal of the diversion flume) will eliminate Stehr Lake and associated wildlife values in the area. As mitigation for the loss of sportfishing opportunity at Stehr Lake, APS and the Department have agreed to work cooperatively to establish a warmwater fishery at Tremaine Lake. Presently, this plan involves APS funding for the initial stocking of sportfish.

The Department is coordinating with the Coconino National Forest to discuss the need for any future recreational and access improvement projects.

Under the Preferred Alternative, the Federal Energy Regulatory Commission (FERC) is proposing that APS completely or partially remove the Fossil Springs dam as part of the

remediation. This alternative was developed based on FERC policies on decommissioning and U.S. Forest Service (USFS) concerns regarding potential legal and safety obligations of leaving the dam in place. Arizona Public Service proposes to remove sediment accumulated behind the dam to facilitate dam removal. Once the dam is removed, flood events will displace the remaining sediment downstream. The Department is working with all the stakeholders on the full dam removal alternative to ensure a balance between safety and legal considerations and to ensure the site continues to provide a barrier to upstream movements by non-native and invasive species. The USFS will evaluate potential alternatives regarding the management of recreational uses along Fossil Creek following decommissioning, e.g., access, camping, etc.).

Future Management of Fossil Creek: Following construction of the Central Arizona Project (CAP), the Bureau of Reclamation (BOR) initiated formal Section 7 consultation in 1991 with the U.S. Fish and Wildlife Service (FWS) on the potential effects to native fishes, specifically the spread of non-native aquatic species from the Colorado River through the canal system to the Gila River basin.

The FWS 1994 Biological Opinion (BO) was challenged in the District Court and resulted in FWS development of a revised BO issued in 2001. The 2001 BO concluded that CAP would adversely affect five threatened and endangered species and adversely modify critical habitat for three of those species.

The 2001 BO incorporates reasonable, prudent measures and commitments to avoid CAP-related impacts to listed species and critical habitat. The measures include construction and operation of a single drop-type fish barrier in Fossil Creek and other specific drainages of the Gila River basin. As a result, BOR and the USFS are considering the development of a fish barrier and chemical renovation project that focuses on protecting and restoring the existing native fish in Fossil Creek. The project would comply with the 2001 BO by isolating the middle and upper reaches of Fossil Creek from upstream movements of non-native aquatic species.

Fossil Creek has been identified as a priority area for these measures due to increasing potential for non-native fish and aquatic species moving upstream. Native fish species are declining. The stream is one of a few perennial streams in Arizona with multiple species of native fish remaining and existing low flows in Fossil Creek provide an opportunity to implement effective restoration acts. The BOR proposal involves two major components: construction of a fish barrier 4.5 miles upstream of the Verde River confluence to prevent upstream movement of non-native aquatic species and chemical application in 8.8 miles (between Fossil Springs dam and the proposed barrier site) of Fossil Creek to eradicate existing non-native fish populations.

The Department continues to request lead agencies develop and evaluate a full range of reasonable alternatives for future management of Fossil Creek. The Environmental Assessment is scheduled to be available for public review and comment in late 2003.

Commissioner Chilton was pleased the Department was coordinating with local people. She wanted to see the actual motion reflect that fact.

Motion: Chilton moved and Melton seconded THAT THE COMMISSION VOTE TO AUTHORIZE THE DEPARTMENT TO TAKE A FLEXIBLE AND COMPREHENSIVE APPROACH TO STRUCTURING THE FOSSIL CREEK RESTORATION PROJECT CONTINGENT UPON SUCCESSFUL COLLABORATION WITH AND GENERAL CONCURRENCE BY THE AFFECTED LOCAL RESIDENTS AND BUSINESSES, LOCAL GOVERNMENTS AND ANGLERS, CONSERVATION AND OTHER INTERESTS.

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

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14. Future Agenda Items

For discussion and possible action in December: Increasing the number of special big game license-tags for certain species, at a minimum, elk, deer, black bear, and maybe javelina and turkey. This may require legislation during the next session.

Add to the Statewide Shooting Range update a preparation of a detailed summary identifying existing, planned and potential shooting sites within Pima County encompassing the next 10-year time frame.

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11. Fisheries Management Issues Related to Decommissioning of the Arizona Public Service Child's-Irving Power Plant and Proposed Restoration of Fossil Creek to Promote Conservation of Native Fishes- cont'd.

Public comment

Sandy Bahr, Conservation Director for the Sierra Club, stated the Sierra Club was supportive of restoring a native fishery in Fossil Creek. Based on the motion, she was slightly disturbed that conservation interests were not included. She noted several conservation organizations and groups (The Nature Conservancy, Center for Biological Diversity and Sierra Club) have been working on Fossil Creek restoration and the decommissioning of the dam. It was important to include those groups in the direction.

Chairman Carter stated all stakeholders should be at the table and he read the language to already include anglers and conservation groups. Ms. Bahr heard the motion not to include them.

Mr. Taubert re-read the motion as stated earlier:

Motion: Chilton moved and Melton seconded THAT THE COMMISSION VOTE TO AUTHORIZE THE DEPARTMENT TO TAKE A FLEXIBLE AND COMPREHENSIVE APPROACH TO STRUCTURING THE FOSSIL CREEK RESTORATION PROJECT CONTINGENT UPON SUCCESSFUL COLLABORATION WITH AND GENERAL CONCURRENCE BY THE AFFECTED LOCAL RESIDENTS AND

BUSINESSES, LOCAL GOVERNMENTS AND ANGLERS, CONSERVATION AND OTHER INTERESTS.

Based on legal advice from Mr. Adkins, Chairman Carter stated this item was open for reconsideration. The vote was retaken and was the same as before.

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

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Meeting recessed at 10:35 a.m.

Meeting reconvened 11:00 a.m.

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Commissioner Golightly was present telephonically for Item 8. He was present when the meeting reconvened.

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8. Consideration of Applications for Special Big Game Hunt License-Tags for Mule Deer, White-tailed Deer, Antelope, Elk, Turkey, Javelina, Bighorn Sheep, Buffalo and Black Bear for 2004-2005

Presenter: Tice Supplee, Game Branch Chief

A packet of information was provided to the Commissioners who were present in person.

The Department received applications for Special Big Game License-Tags from the following non-profit organizations:

Arizona Antelope Foundation (AAF): Two antelope tags-one to be auctioned at the Arizona Desert Bighorn Sheep Society fundraiser banquet in March 2004 and the other to be auctioned at the Arizona Elk Society fundraiser banquet in March 2004 or Arizona Deer Association fundraiser banquet in 2004.

Arizona Deer Association (ADA): Two mule deer tags and Two white-tailed deer tags-the two mule deer tags and one white-tailed deer tag to be auctioned at the annual fundraising banquet in February 2004 and the other white-tailed deer tag to be auctioned at the SCI-AZ fundraising banquet in January.

The ADA requested consideration for any Special Big Game License-Tags that are not specifically awarded to other conservation groups.

Arizona Desert Bighorn Sheep Society (ADBSS): Two bighorn sheep tags-one to be auctioned at either the Foundation for North American Wild Sheep Convention in January 2004 or at the ADBSS fundraiser in March; the other to be raffled at the ADBSS hunter award banquet in September.

The ADBSS would also auction any other tag at its fundraiser that the Commission would like to award.

Arizona Elk Society (AES): Two elk tags-one to be auctioned at the AES fundraising banquet in March 2004 and one to be raffled with the drawing to be held at the AES annual meeting in August.

The AES was willing to auction any other tags the Commission may elect to issue.

Mule Deer Foundation (MDF): One mule deer tag; One white-tailed deer tag and One buffalo tag-all to be auctioned at the MDF annual convention and exposition in February.

National Wild Turkey Federation (NWTF): Two turkey tags-one to be auctioned at the NWTF annual convention; the second to either be raffled, auctioned or sold by the Arizona Chapter of the NWTF.

Rocky Mountain Elk Foundation (RMEF): Two elk tags and One buffalo tag-one elk tag to be auctioned at the Flagstaff RMEF banquet in 2004 and the other to be raffled as a fundraising project among the Arizona RMEF chapters; the buffalo tag to be auctioned at one of the Arizona RMEF Chapter's annual banquets.

Safari Club International, Arizona Chapter, Tucson (SCI-AZ): One white-tailed deer tag; One buffalo tag; One black bear tag; One javelina tag and One turkey tag-all to be auctioned at the SCI-AZ fundraiser in January 2004.

Safari Club International, Phoenix Chapter (SCI-PHX): One white-tailed deer tag and One antelope tag-both to be auctioned at the SCI-PHX annual banquet in February.

Ms. Supplee noted corrections and additions to the matrix provided to the Commission showing the history of revenue generated from the Special big Game License-Tag Program from 1994-2003.

Ms. Supplee gave information on the program for voluntary donations by big game hunters of application fees if unsuccessful. The program raised \$40,582.19 during the fall 2003 draw. The money is allocated through the Habitat Partnership Committee process.

The Department recommended that the Commission award the 2004 sponsorship of Special License-Tags based upon 1) the organization being specific to the big game species; 2) past participation by the organization and 3) if the tag will be raffled or auctioned.

Public comment

The following members of the public representing big game organizations gave comments.

Name	Organization	Species
Cookie Nicoson	Arizona Elk Society	Elk
Dan Hunter	Rocky Mtn. Elk Foundation	Elk
Ron Eichelberger	Arizona Elk Society	Elk
Bill Keebler	Ariz. Antelope Foundation	Antelope
Bill Keebler	ADBSS	Bighorn Sheep
Mark Kuhn	SCI-AZ Chapter	Withdrew turkey & white-tail requests
Shane O'Dell	SCI-PHX Chapter	Antelope & whitetail
Rick Redpath	Mule Deer Foundation	Mule deer & whitetail requests
Pete Cimellaro	Arizona Deer Association	Whitetail & mule deer

Members of the public representing themselves were:

Dan Pedersen was concerned that the Rocky Mountain Elk Foundation was considered as an out-of-state group. It was an Arizona organization and was staffed with Arizonans. The Commission should consider that no matter where the headquarters might be, the heart was in Arizona.

Pete Cimellaro stated everyone in the room wanted to do the right thing. Regarding elk, there were two organizations wanting tags. One was a state-driven organization with a focus on Arizona only. The two elk tags have become a pawn between these two organizations. He commended the hard work of the members of the Arizona Elk Society. He was grateful to the Rocky Mountain Elk Foundation and the Arizona Elk Society, but the Commission must consider which one does the best job at marketing the Special License-Tags. It should be the Arizona organization that has set the standard.

Motion: Gilstrap moved THAT THE COMMISSION GIVE TWO ANTELOPE TAGS TO THE ARIZONA ANTELOPE FOUNDATION; BLACK BEAR, ONE TAG TO THE ROCKY MOUNTAIN ELK FOUNDATION AND ONE TAG TO SCI-ARIZONA; TWO BIGHORN SHEEP TAGS, ONE AUCTION AND ONE RAFFLE, TO THE ARIZONA DESERT BIGHORN SHEEP SOCIETY; BUFFALO, ONE TAG TO THE ROCKY MOUNTAIN ELK FOUNDATION AND ONE TAG TO SCI-PHOENIX; ELK, ONE RAFFLE TAG AND ONE AUCTION TAG TO THE ARIZONA ELK SOCIETY; JAVELINA, ONE TAG TO SCI-ARIZONA AND ONE TO SCI-PHOENIX; MULE DEER, TWO TAGS TO THE ARIZONA DEER ASSOCIATION; TURKEY, TWO TAGS TO THE NATIONAL WILD TURKEY ASSOCIATION AND WHITE-TAILED DEER, TWO TAGS TO THE ARIZONA DEER ASSOCIATION, WITH ONE BEING AUCTIONED BY SCI-ARIZONA.

Ms. Supplee noted SCI-Phoenix did not request any leftover tags.

Commissioner Gilstrap amended his motion THAT THE JAVELINA TAG GO TO THE ARIZONA DEER ASSOCIATION AND THE BUFFALO TAG TO GO TO THE ARIZONA DESERT BIGHORN SHEEP SOCIETY.

It was noted the Rocky Mountain Elk Foundation did not request any leftover tags. Ms. Supplee reminded the Commission the following organizations requested leftover tags: ADA, ADBSS and AES.

Commissioner Gilstrap amended his motion THAT ONE BLACK BEAR TAG GO TO SCI-ARIZONA AND ONE BLACK BEAR TO THE ARIZONA ELK SOCIETY; BUFFALO, ONE TO SCI-ARIZONA AND ONE TO THE ROCKY MOUNTAIN ELK FOUNDATION.

Ms. Supplee reiterated the motion that was consistent with the requests:

Two antelope tags to the Arizona Antelope Foundation
One black bear tag to the AES and SCI-AZ
Two bighorn sheep tags (raffle and auction) to the ADBSS
One buffalo to RMEF and the other to SCI-AZ
Two elk tags (raffle and auction) to the AES
One javelina to SCI-AZ and the other the ADA
Two mule deer tags to the ADA
Two turkey tags to the NWTF
Two whitetail tags to the ADA

Commissioner Melton seconded the motion.

Commissioner Chilton asked if the Commission could vote on just the antelope, black bear, bighorn sheep, mule deer and the turkey tags.

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Commissioner Golightly stated his phone's battery was going dead and he needed to get to another phone.

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Meeting recessed at 12:00 Noon

Meeting reconvened 12:04 p.m.

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Commissioner Golightly was connected telephonically at 12:04 p.m.

Commissioner Chilton asked if the maker and second of the motion would agree to vote on antelope, black bear, bighorn sheep, mule deer, white-tailed deer and turkey as offered in the initial motion. After discussion, javelina was added to the list.

Commissioners Gilstrap and Melton agreed.

Vote on Modified Motion: Unanimous

Motion: Gilstrap moved and Melton seconded THAT THE ELK AND BUFFALO TAGS BE VOTED ON AS A GROUP AND THAT ONE BUFFALO TAG GO TO SCI-ARIZONA AND ONE BUFFALO TAG GO TO RMEF; ONE AUCTION AND ONE RAFFLE ELK TAG GO TO AES.

Amendment to motion: Golightly moved and Chilton seconded THAT THE COMMISSION VOTE ONLY ON THE BUFFALO TAG AT THIS TIME.

Vote on Amended Motion: Chilton, Gilstrap and Golightly – Aye
Melton – Nay
Chair voted Nay
Motion carried 3 to 2

Mr. Odenkirk stated the amendment was to separate out the vote. The Commission now needed to vote on the buffalo tags alone.

Motion: Gilstrap moved and Melton seconded THAT UNDER THE SPECIES OF BUFFALO, ONE TAG TO RMEF AND ONE TO SCI-ARIZONA.

Vote: Unanimous

Motion: Gilstrap moved and Melton seconded THAT ONE AUCTION ELK TAG AND ONE RAFFLE ELK TAG GO TO THE ARIZONA ELK SOCIETY.

Commissioner Golightly offered an amendment to the motion.

Amendment to the motion: Golightly moved and Chilton seconded THAT ONE AUCTION ELK TAG GO TO ROCKY MOUNTAIN ELK AND ONE AUCTION ELK TAG GO TO THE ARIZONA ELK SOCIETY.

Commissioner Melton opposed two auction tags as it eliminated the grassroots people from having a chance. He preferred to see one of these tags go to a raffle. Commissioner Chilton stated she would accept a change.

Amendment to the motion: Golightly moved and Chilton seconded THAT ONE AUCTION ELK TAG TO THE ARIZONA ELK SOCIETY AND ONE RAFFLE ELK TAG GO TO THE ROCKY MOUNTAIN ELK FOUNDATION.

Vote on Amended Motion: Chilton and Golightly – Aye
Gilstrap and Melton – Nay
Chair voted Nay
Motion failed 3 to 2

The Commission proceeded to vote on the original motion to grant one auction and one raffle elk tag to the Arizona Elk Society.

Vote on Original Motion: Chilton, Gilstrap and Melton – Aye
Golightly – Nay
Chair voted Aye
Motion carried 4 to 1

Commissioner Chilton explained her vote in that she could not win any other way. She appreciated the work of both elk groups. Chairman Carter stated the Commission recognizes the contributions. In an effort to ease some of the difficulties, the Department has been asked to review the issue and come back at the December meeting regarding opportunities to seek legislation that would increase the number of tags without biologically impacting the species.

Commissioner Golightly disconnected at 12:22 p.m.

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Meeting recessed at 12:22 p.m.

Meeting reconvened at 12:32 p.m.

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9. Hearing on Proposed Commission Order 29 for Special Big Game Hunt License-Tag Seasons for Mule Deer, White-tailed Deer, Antelope, Elk, Turkey, Javelina, Bighorn Sheep, Buffalo and Black Bear

Presenter: Tice Supplee, Game Branch Chief

Recommended open areas and season dates for the special license-tag hunts were:

Mule Deer: September 1, 2004-February 28, 2005

Valid for Units 1-16A (except Camp Navajo) and 17A-45C (except Fort Huachuca, but including the Kofa NWR)

White-tailed Deer: September 1, 2004-January 31, 2005

Valid for Units 6A, 6B (except Camp Navajo), 8, 21, 22, 23, 24A, 24B, and 27-36C (except Fort Huachuca)

Antelope: August 1-October 9, 2004

Valid for Units 1-10 (except Camp Navajo), 12A, 12B, 13A, 13B, 15A, 15B, 17A, 17B, 18A, 18B, portions of 19A, 19B, 21, 30A, 31, 32, 34B, 35A (except Fort Huachuca), and 35B

Elk: September 1-December 31, 2004

Valid for Units 1, 2B-10 (except Camp Navajo), 12A, 12B, 16A (except Mohave County Park Lands), 17A, 17B, 18A, 18B, 19A, 19B, 21, 22, 23, 27, 28, 31 and 44A

Javelina: October 1, 2004-March 31, 2005

Valid for Units 1-6B (except Camp Navajo), 8, 10, 15A, 15B, 15C, 15D, 16A (except Mohave County Park Lands), 17A-24B, 27-37M (except Fort Huachuca) and 29-44B

Turkey: April 1-May 31, 2004

Valid for Units 1, 3B-10 (except Camp Navajo), 12A, 13A, 13BS, 17A, 17B, 20A, 22, 23, 27 and 35A (except Fort Huachuca)

The NWTf requested two (2) tags for Gould's turkeys in the application letter. The Department recommended opening Unit 35A to the special turkey license-tag hunt, which will make both tags valid for Gould's turkeys. Both special license-tag turkeys will likely be harvested from Unit 35A.

Bighorn Sheep: October 1, 2004-January 31, 2005

One special license-tag will be valid for Units 9, 10, 12A, 12B, 13A, 13B, 15A, 15B, 15C, 15D and 16A.

The second special license-tag will be valid for Units 1, 16B (north of Lake Havasu City), 22, 27, 28, 31, 32, 37A, 39, 40A, 40B, 41, 43A, 43B, 44A (east of the Swansea Road), 44B, 45A, 45B, 45C (including the Kofa NWR), 46A, and 46B (including the Cabeza Prieta NWR)

The ADBSS requested Unit 24B be added to the area open to the auction tag holder. To date, the general draw hunter has yet to harvest a bighorn sheep in this unit. The permit process established in the species management guidelines recommends only a single ram should be removed from this population annually. The Department recommended this unit not be included in the areas valid for the special license-tag holder to hunt until after the general draw hunter harvests an animal in this unit.

Buffalo: September 1, 2004-June 30, 2005

Valid for Units 12A and 12B (House Rock herd)

Black Bear: March 19-May 31, 2004

Valid for Units 1, 3B, 27, 31 and 32

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 29: SPECIAL HUNTS, AS PROPOSED (WITHOUT 24B).

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

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10. List of Species for Which Heritage "IIAPM" Funds Can be Expended

This item was deleted as noted on the revision.

12. Native American Tribe Presentation regarding Mexican Wolf Reintroduction in Arizona and New Mexico

Presenter: Terry B. Johnson, Nongame Branch Chief

Steve Titla from the San Carlos Apache Tribe gave a Powerpoint presentation to the Commission to familiarize them with the impacts of the Mexican gray wolf's reintroduction to the San Carlos Apache Tribe.

Mr. Titla talked about the history of the Tribe and industries that were introduced to the Tribe.

Cattle were introduced to the San Carlos Apache; today the entire Reservation is comprised of the cattle industry. Cattle play a key role in Apache subsistence. Since the Mexican wolf reintroduction in the northeastern portion of the Reservation in 1998, the fall roundup numbers have dropped dramatically. Currently the Apache Tribe was facing economic hardship and harm.

The Council directive now is that all wolves must be removed from the Reservation upon sight, so the Tribe has been working with the U.S. Fish and Wildlife Service (FWS) to carry out that policy.

Mr. Johnson stated the management of the wolf on the San Carlos Apache Tribal lands is under the authority of the Tribe and coordination for management is with two federal agencies (FWS and Wildlife Services) in terms of depredation control. The Department has no role in the control and there was no policy other than respecting their tribal authorities. The Department supports the overall wolf management project that is responsive to local needs.

Chairman Carter encouraged the San Carlos to participate in the Adaptive Management Program. The issue of compensation needs to be further investigated.

Public comment

Bobbie Holaday, representing self, stated the Alpine staff did not believe all cattle losses experienced were due to the wolves. Cattle losses could be due to drought. There was also a heavy density of mountain lions, bears and coyotes and there was no effort to remove cattle carcasses. The Alpine staff also stated that at the present time, there were no wolves on the San Carlos Reservation. The White Mountain Apache have wolves on their land and they don't have the problems the San Carlos Tribe does.

Mr. Titla stated the Tribe has lived with drought and predators for many years. The numbers of calves have fallen dramatically since 1998. Regarding the Alpine staff, they are not out frequently enough to say there were no wolves. Tribal people have observed uncollared wolves on the Reservation.

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13. Call to the Public

Dan Hunter, representing self, suggested only elk and bighorn sheep tags are offered for raffles. He would like to see antelope and mule deer offered as well for raffle.

Pete Cimellaro, representing the Wildlife Conservation Council (WCC), stated the WCC has been working on the development of a conservation bonus point plan. The draft is at the point of being finalized. It was a starting point to work with the Commission and Department. Because Article 1 was being opened, this suggestion was timely. The WCC promoted good stewardship, conservation and involvement of sportsmen in field projects. This would give sportsmen an opportunity to participate at a higher level than they have in the past. This also would build a conservation ethic with young hunters. Over a period of time, working for a specific number of hours, they could receive a conservation bonus point. It would be similar to the current hunter education bonus point. The WCC would be bringing its recommendation to the Commission after its October 28 meeting.

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Motion: Gilstrap moved and Chilton seconded THAT THE MEETING ADJOURN.

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

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Meeting adjourned 1:20 p.m.

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