

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, April 16, 2004 – 7:30 a.m.
Saturday, April 17, 2004 – 8:00 a.m.
Fraternal Order of Police Lodge #2
12851 N. 19th Ave., Phoenix, AZ

PRESENT: (Commission)

(Director's Staff)

Chairman Sue Chilton
Commissioner W. Hays Gilstrap
Commissioner Joe Melton
Commissioner Michael M. Golightly
Commissioner Joe Carter

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

Chairman Chilton called the meeting to order at 7:40 a.m.

1. Executive Session

- a. Sale or Lease of Real Property
- b. 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 and *Arizona Biological Society et al. v. BLM, IBLA appeal no. 2002-412*.

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

Vote: Unanimous

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Meeting recessed at 7:40 a.m.

Meeting reconvened at 9:10 a.m.

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Chairman Chilton called the meeting to order at 9:10 a.m. The commissioners introduced themselves and Chairman Chilton introduced the Director's staff. The meeting followed an agenda dated March 26, 2004.

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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; *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, *Arizona Biological Society et al. v. BLM, IBLA appeal no. 2002-412* and issues associated with potential litigation over the status of black-tailed prairie dogs and mountain plovers, and Mexican garter snake.

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

Commissioner Carter stated that based on the briefing a settlement agreement was reached regarding *State of Arizona v. Norton*, and was awaiting execution by the Bureau of Land Management. This should occur within the next week.

Motion: Carter moved and Gilstrap seconded THAT THE DEPARTMENT BE DIRECTED TO NOW DEVELOP A TIMELINE ASSOCIATED WITH THE PLANNING PROCESS FOR BURRO MANAGEMENT WITH BLM AS WELL AS TIMELINES AS TO WHEN THERE WILL BE ACTION ON THE GROUND WITH RESPECT TO BURROS POPULATIONS, PARTICULARLY IN THE ALAMO HERD AREA.

Vote: Unanimous

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

Presenter: Bob Broschied, 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.

Chairman Chilton read into the record a response letter dated April 15, 2004, from Jaburg and Wilk to Attorney General Terry Goddard regarding Chairman Chilton's alleged conflict of interest by Sandy Bahr of the Grand Canyon Chapter of the Sierra Club, related to the proposed Tumacacori Highlands Wilderness proposal. For additional background information, see page 12 of the minutes of the March 13, 2004, Commission meeting. This letter was entered as part of the record of the meeting.

Mr. Broschied noted an update on page 2 regarding the Black River Burn project. Representatives from the Department's Region I office met with the acting Alpine District Ranger earlier this week. Funding shortfalls for ranger district staff have

necessitated a commitment of primarily fire personnel to timber activities. This was in response to the Healthy Forests Restoration Act. The district has pulled out of the project based on funding and staffing levels.

Commissioner Carter focused on the Mount Graham red squirrel issue. He paraphrased a letter written in September 2002 from the Department to the U.S. Fish and Wildlife Service (FWS). The letter requested that the Recovery Team be resurrected. This was based on what appeared to be, from survey protocol in place for 10 years, the loss of habitat caused by the bark beetle infestation and the Clark Peak fire. The FWS responded in October 2002 and indicated it would create sub groups: one was technical in implementation and the other dealt with science. This has gone on for three years. The science group has met twice in three years; the other group has only met once. The recovery plan has been in place for 12 years and it has not been reevaluated; the criteria developed in 1992 existed today.

Motion: Carter moved and Melton seconded THAT THE DEPARTMENT BE DIRECTED TO WORK WITH THE FISH AND WILDLIFE SERVICE AND THE FOREST SERVICE TO TRY TO MOVE AHEAD AND RAISE THE PRIORITY OF THIS EFFORT. THERE HAS BEEN NO ACTION IN OVER THREE YEARS DESPITE THE LOSS OF HABITAT AND TO AGGRESSIVELY REEVALUATE TO SEE WHAT THE STATUS OF THE SPECIES IS TODAY AND WHAT MIGRATION HAS OCCURRED SINCE THE LOSS OF THE DESIGNATED HABITAT AREA.

Terry Johnson, Nongame Branch Chief, stated the Department has been sitting at meetings and has not seen priority on this issue on the part of the FWS in the teams. The Department has been unsuccessful in its encouragement. The Department has been participating in and leading the bi-annual surveys on Mount Graham to gather information on squirrels and the habitat they occupy. There is more information than there was two or three years ago.

Vote: Unanimous

Commissioner Carter stated discussion occurred at the March Commission meeting regarding the wilderness proposal and a motion was approved to name a commissioner to work with land management agencies, the Department and congressional delegation, Governor's Office, etc.

Motion: Carter moved and Gilstrap seconded THAT COMMISSIONER MELTON BE NAMED AS THE COMMISSIONER TO REPRESENT THE COMMISSION TO WORK WITH THOSE BODIES AS THEY CONSIDER SPECIAL DESIGNATIONS FOR THIS WILDERNESS AREA.

Commissioner Carter explained Commissioner Melton was knowledgeable of the issues and had experience in special designations.

Vote: Unanimous

Commissioner Melton referenced the INRMP and EIS on the Barry M. Goldwater Range. The Department of Defense was having problems raising money to get the new INRMP

process going through. Director Shroufe stated the original INRMP had to be revised a second time. It now has to be revised a third time. There may be a problem with funds, but it was a congressional mandate. There should be money to take care of the INRMP.

Commissioner Carter mentioned the New Mexico Game and Fish Commission and Department formally acted to participate in the Adaptive Management Program for the Mexican wolf.

Commissioner Gilstrap referenced the Black River Burn Project. Mr. Broschied confirmed nothing would happen for about three years as there was a problem with staffing at the Alpine District. Commissioner Gilstrap suggested looking at alternative ways to fund the project, either through special projects or Habitat Partnership grants. Mr. Broschied stated it was a Habitat Partnership funded project (\$80,000 of Arizona Desert Bighorn Sheep Society money). It was approved about 18 months ago. There were several components to this project. One of them was completing the NEPA documentation. The HPC grant was only a portion of the overall costs of the project.

Commissioner Melton commented that an antelope buck had been captured on the Cabeza Prieta National Wildlife Refuge, and was put in the captive breeding area.

Public comment

Blaine Bickford, representing the White Mountain Rod and Gun Club, commented on the Black River Burn. The Department and sportsmen's organizations have done their parts, but a degree of action was missing from the Alpine Ranger District. This district has historically been slow to react to sportsmen's and wildlife's needs. The real danger was on the south slope. He urged the Department and Commission to become more assertive with the Alpine Ranger District regarding this matter.

Director Shroufe followed up by stating the same situation occurs every year. The aggressiveness can be increased to get cooperation from the District.

Mr. Bickford noted the Arizona Desert Bighorn Sheep Society normally funds on-the-ground projects, but pitched in money for the NEPA. This was not a sheep-specific project, but would benefit different species.

Director Shroufe commented Commissioner Carter would give a report on support for the Mount Graham forest health project. Commissioner Carter stated Graham County, through the Eastern Counties Association, had requested federal funds to do some 19 site-specific projects on Mount Graham related to the Healthy Forests Initiative. The land management agency usually doesn't have the funds to make it happen. Congress was asked to provide \$974,000 for the Sky Island Demonstration Project to address a number of public safety, wildlife and site-specific property protections on Mount Graham. About 2000 acres are in the project, and range in size from 2-30 acres. In discussions with Congressman Renzi's staff and Senator Kyl's staff, markup is underway and this should be included in the coming year's budget. The monies should be earmarked specifically for these projects. A positive meeting was attended with the new Coronado Forest Supervisor on this and other related issues.

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4. State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Handouts were provided. The Senate and House are not hearing bills any more at this point; budget negotiations are ongoing.

The Ben Avery Shooting Range bill (H 2158) passed the Senate with no additional amendments and is on its way to the Governor for signature. The hunting; transfer of permit bill (H 2179) was stalled in the Senate and never received a hearing. It is dead for the rest of the session. The DUI Council and Fund (H 2184) failed to get a hearing in one of the House committees. It was amended to a Senate bill and is on its way to the House for a final vote.

H 2549 (Healthy Forest Pilot Program), H 2693 (Forest Health & Fire Safety) and S1212 (Forests; Healthy Forest Pilot Program) were mentioned. Commissioner Gilstrap suggested the Commission support the third bill (the combination of the two). Mr. Guiles stated support in the Legislature would be for a bi-partisan bill.

Term limits for Game and Fish Commissioners (H 2137) failed in the Senate.

Immunity legislation was revived again with changes recommended by the attorneys. No vote occurred in the committee due to limited support. The Department had been working with the Chair of the Natural Resources Committee on language that would be agreeable with stakeholders. A copy of suggested language on the amendment was distributed. The language was based on other states' statutes. Exceptions were a concern with the Department. Some exceptions are: damage to plants or crops and damages to livestock, poultry, etc. With an exception, it was thought the Department would assume liability for actions not currently in statute. The Commission was asked to review the suggested language and work with Senator Bender.

Motion: Golightly moved THAT THE COMMISSION OPPOSE THE INTENTION OF THIS BILL. There was no second.

Commissioner Gilstrap suggested that Messrs. Guiles and Odenkirk review the language again to include what the Commission would be comfortable with and bring it back to the Commission to get its support, and to then meet with the bill's sponsor. Commissioner Carter agreed and noted the bill may impact many stakeholders. He wanted the Department to present the options available for a position of support by the Commission for an immunity bill.

Commissioner Chilton was concerned about having a gigantic, all encompassing bill. We were missing an opportunity of having a simple thing for immediate immunity from highway collisions with wildlife. This part is not as controversial as some of the others. Mr. Odenkirk stated this would not be an uncontroversial proposal. The Trial Lawyers Association would oppose any immunity, even if it was carved out for a special exception on motor vehicles on highways. Mr. Guiles noted language would be presented to the Commission later today.

The State Trust Land Reform language discussed in March has been changing. He did not want to give the Commission any direction until parties agreed on the final language.

Commissioner Carter encouraged the Commission to give consideration to having the Department coordinate a meeting with the Arizona congressional delegation during summer recess to discuss activity regarding the funding issue and how it is being spent on reaction rather than being proactive on forest health issues and to talk about legislation that would set sideboards for some administrative functions.

Commissioner Gilstrap mentioned the State Land initiative referendum is relevant legislation on which the Commission should take a position. He asked that, if and when language was available, a special telephonic meeting may have to be called.

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Meeting recessed at 10:30 a.m.

Meeting reconvened at 10:48 a.m.

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5. Statewide Shooting Range Project Update

Presenter: Don Winslow, Acting Education Branch Chief

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

Commissioner Melton mentioned an archery shooting range in Yuma had a lead problem. The range was developed near old lead mine tailings. He asked the Department to meet with constituents to have a meeting about conducting a clean up of the area.

Commissioner Golightly asked about an update on the Ben Avery Shooting Fund. Mr. Winslow stated the Department needed to gather more information before an update can be prepared. Commissioner Golightly asked the Department to prepare a letter to the Governor for his signature, and any other commissioners who wanted to sign, asking her to release the land exchange document for Bellemont. He asked that the letter be hand delivered and marked "confidential." Commissioners Gilstrap and Carter were willing to sign the letter. Commissioner Golightly felt the letter should be a public document, but it should be marked "confidential" for assurance it would be delivered successfully to her.

Mr. Winslow stated he and Mr. Baldwin looked at wildcat shooting in the Tucson basin. A public meeting is scheduled for May 22.

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6. Bellemont Shooting Range

This item was not presented at this meeting.

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7. Consent Agenda

- a. Request for Approval of a Road Right-of-Way Agreement with the Hopi Tribe for the Raymond and Chevelon Wildlife Areas. Department recommendation: That the Commission approve the right-of-way agreement with the Hopi Tribe to allow permanent access to the Raymond and Chevelon Wildlife areas.
- b. Request for Commission Approval of a Memorandum of Understanding between the Bureau of Land Management and the Arizona Game and Fish Commission regarding Cooperating Agency Status during the Development of Resource Management Plans for Three National Monuments and Five Planning Areas. Department recommendation: That the Commission vote to approve a Memorandum of Understanding between the Bureau of Land Management and the Arizona Game and Fish Commission regarding cooperating agency status during the development of Resource Management Plans for three national monuments and five planning areas, and authorize the Director to execute the agreement as attached or approved by the Office of the Attorney General.
- c. Request for Commission to Approve a Revised Memorandum of Agreement (MOA) between the U.S. Army Corps of Engineers and the Commission to Provide Guidance and Oversight to the Department regarding Acceptance, Expenditure and Administration of In-Lieu Fees for Future Off-site Mitigation Projects in Arizona. Department recommendation: That the Commission vote to approve a Memorandum of Agreement between the Commission and the U.S. Army Corps of Engineers for the purposes for providing general oversight and guidance to the Department regarding acceptance, expenditure and administration of in-lieu fees for future off-site mitigation projects in Arizona and to authorize the Director to execute the MOA as attached or as approved by the Attorney General's Office.

This item was pulled for further information and discussion.

- d. Request for Commission Approval of a Memorandum of Understanding between the Bureau of Land Management, National Park Service, and the Arizona Game and Fish Commission regarding Cooperating Agency Status during the Development of Management Plans for the Grand Canyon-Parashant and Vermilion Cliffs National Monuments and the Arizona Strip Resource Planning Area. Department recommendation: That the Commission vote to approve the Memorandum of Understanding between the Bureau of Land Management, National Park Service and the Arizona Game and Fish Commission regarding cooperator agency status during the development of Resource Management Plans for the Grand Canyon-Parashant and Vermilion Cliffs National Monuments and the Arizona Strip Resource Management Planning Area, and authorize the Director to execute the agreement as attached or approved by the Office of the Attorney General.

- e. Request for Commission Approval to Enter into an Agreement with the Arizona State University, East Campus, to Facilitate Cooperative Research and Management Actions. Department recommendation: That the Commission vote to approve the Department to enter into an agreement with the Arizona State University, East Campus, that will facilitate collaboration on wildlife-oriented research and management practices.

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION APPROVE THE CONSENT AGENDA ITEMS A, B, D, AND E.

Vote: Unanimous

- c. Request for the Commission to Approve a Revised Memorandum of Agreement (MOA) between the U.S. Army Corps of Engineers and the Commission to Provide Guidance and Oversight to the Department regarding Acceptance, Expenditure and Administration of In-lieu Fees for Future Off-site Mitigation Projects in Arizona.

Presenter: Bob Broschied, Habitat Branch Chief

Commissioner Golightly stated he received a phone call from Will Garrison, who is one of the superintendents for F&F Construction. The Department would be sent \$44,600 for mitigation. Commissioner Golightly stated F&F was presented with three options to which they could send this money. The special conditions permit states payment would be made to an agency or organization performing habitat restoration within the Hassayampa River watershed. He asked what the option was for the contractor to award this money. Director Shroufe stated the Department has input into what the mitigation should be and how much. Three entities were given to show the Department was not trying to serve just itself.

Motion: Melton moved and Carter seconded THE DEPARTMENT’S RECOMMENDATION.

Vote: Unanimous

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8. Call to the Public – There were no comments.

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9. Landowner Relations Program (LRP) Presentation to the Commission

Presenter: Mark Weise, Development Branch Chief

A Powerpoint presentation provided a brief overview of the various components of the Landowner Relations Program and how they are utilized within the Department. The presentation included information related to the implementation of the Landowner Incentive Program (LIP), the Big Game Stewardship Program and the Farm Bill. An update was also given on the Respect and Adopt-A-Ranch Programs, as well as ongoing projects and grant/resource opportunities.

10. Science and the Administrative Process for Requesting Federal Delisting of the Hualapai Mexican Vole

Presenter: Bill E. Van Pelt, Nongame Mammals Program Manager

The Department gave a Powerpoint presentation on the status of the Hualapai Mexican vole, and the scientific and administrative process implemented to determine the appropriateness of, and subsequently to request, federal delisting of this species.

Mr. Van Pelt reviewed the life history and listing history of the species; the field investigations and their results; genetic evaluations the Department considered in its decision that will be forwarded to the U.S. Fish and Wildlife Service (FWS); the risk factors the FWS went through in listing the species and the Department's response to those risk factors as a result of the work it had done and current status of the delisting.

The first genetic analysis was conducted in 1993. Seventy-one specimens from 12 different populations were provided to the University of New Mexico to analyze. Additional animals were collected in 1993-95, which were analyzed. In 2001 the Department contracted with the Northern Arizona University to analyze all the specimens together.

To summarize the genetic work, it was determined there were at least six, and as many as 15, populations. This demonstrated the Mexican voles were not as rare as initially thought. Distribution was much larger than just in the Hualapai Mountains and threats would not be as great on this animal.

The Department recently sent the genetic information to a taxonomist recommended by the FWS. The conclusion of the taxonomist is all the voles in Arizona are of one species and there was not enough genetic material to demonstrate subspeciation. It was his recommendation that the Mexican vole was one species, which was the Mogollan Mexican vole.

In order for the Department to petition the FWS, it needed to address the risk factors or reasons why the vole was originally listed. The risk factors were:

1. The present or threatened destruction, modification or curtailment of its habitat or range.

It was felt the animal occurs over a greater area in greater number than previously thought. The risk was not imminent.

2. Over-utilization for commercial recreational, scientific or educational purposes

The numbers show there should be no over-utilization of this species. In addition, scientific collecting could be monitored through the Department's process.

3. Disease or predation

Studies show the threat of over predation is greatly reduced.

4. Inadequacy in existing regulatory mechanisms

The Department manages the vole under Commission Order 14: Other Mammals and Birds. The Department can prohibit take of this species through the Order. There are regulatory mechanisms.

5. Other natural or man made factors affecting the species' continued existence

The vole is tolerant of drought conditions and there were management actions that could probably contribute to this animal, e.g., prescribed burns may provide habitat for this animal.

The Department will be including the taxonomic review in a letter to the FWS and will request a delisting of the species.

Chairman Chilton was frustrated because human costs of this diversion of Game and Fish resources and attacks on rural populations were not recognized. This was a counterfeit listing.

Commissioner Carter stated species should be identified when the Department believes the science was not adequate or the habitat needs were underestimated and used as a basis for listing by either petition or action by the FWS.

Commissioner Melton clarified that if there were no Heritage monies, the Department would not be doing these types of research projects because it is well stated they have to be nongame species. The Heritage Fund is specific to nongame species. Mr. Van Pelt stated that prior to the Heritage Fund, very limited funds were allocated toward nongame species.

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11. Status of the Desert Tortoise in Arizona

Presenter: Roy C. Averill Murray, Amphibians and Reptiles Program Manager

The desert tortoise occurs in Arizona as two populations that are legally, if not entirely biologically, distinct. The Mohave Desert population occurs north of the Colorado River. It was federally listed in 1990 as threatened. The Sonoran Desert population ranges south and east from the Colorado River to southeastern Arizona and into Mexico. The U.S. Fish and Wildlife Service determined in 1991 the Sonoran population did not warrant protection under the Endangered Species Act (ESA), in part because of the adequacy of other regulatory protections, as well as interagency management and conservation efforts.

A Powerpoint presentation was given on the past two decades of desert tortoise conservation efforts in Arizona, and described how past, present and future actions related to maintaining the species without further need for federal listing under the ESA.

Most of the tortoises in Arizona belong to the Sonoran population. The Department and other state and federal agencies formed the Arizona Inter-agency Desert Tortoise Team (AIDTT) in 1985. This team was formalized in 1995 with a MOU, followed by a management plan for the Sonoran population in 1996. In 2000 an updated status report was produced that reviewed the data collected since 1990.

The listing factors were reviewed that contributed to the Mohave population listing and how they apply to the Sonoran population based on the 2000 status report and current information. These include urbanization, unrestricted vehicle use, military operations and grazing, which have little effect on the Sonoran populations. The direct impact of roads has an effect on tortoise populations. Fire is a concern in the Sonoran desert, primarily due to the increase of invasive, exotic plants. Over-utilization factors are not a big issue in the Sonoran Desert. Raven predation in the Mohave is a serious issue for younger tortoises; it is not a serious issue in the Sonoran Desert. Diseases (URTD and shell disease) have potential effects. Non-ESA Regulations are similar for the two populations. Extended drought can be serious for tortoises in both populations. Fragmentation was a factor in the Mohave Desert population; roads and agricultural development may provide barriers to interchange between mountain ranges, etc., in the Sonoran Desert.

The Department has had an active tortoise program the last 8-10 years. This is based strongly on the Heritage Program. There are challenges presented by the tortoise's life history and demography. Tortoises can live up to 60-100 years. They have a slow reproductive rate and it takes a long time to reach sexual maturity. Juveniles are termed the "lost generation" because they are almost impossible to find; research is a challenge. The Department has been the leader, along with the Bureau of Land Management, which has provided significant funding, in monitoring populations and conducting telemetry-based studies. The telemetry-based studies have focused on reproductive and spatial ecology.

Heritage Funds have been used to study population genetics, on-going diseases, and foraging and nutrition through the Department's external grant program.

There have been a few declines in local populations.

The AIDTT is developing a State Conservation Agreement for the Sonoran tortoise to address population declines and to look at threats that, if left unmanaged, could cause problems. Stakeholders will be invited to participate in an Open House being planned for June 16. The Department is also involved in a reevaluation of the Mohave Recovery Plan; a final report on the reassessment will soon be forthcoming. One of the main recommendations is better coordination of research with management actions to determine the effectiveness of the actions.

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Meeting recessed at 12:35 p.m.

Meeting reconvened at 1:10 p.m.

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4. State and Federal Legislation – cont'd.

Mr. Guiles stated the Department was directed to return with language to address concerns on immunity legislation.

The revised language removes reference to damage to property, plants or crops and damage to livestock and poultry.

The wording will be, "Except for willful or malicious conduct directly contributing to injury or death, public entities and public employees are immune from suit and shall not be liable for any injury or death to any person that involves any wildlife, or is caused directly or indirectly by any wildlife as defined in Section 17-101."

Motion: Gilstrap moved and Carter seconded THAT THE LANGUAGE AS DEFINED BY TONY GUILLES BE SUPPORTED BY THE COMMISSION.

Vote: Unanimous

Commissioner Gilstrap noted there was news release related to Congressman Don Young's legislation. Director Shroufe stated this legislation would provide a steady flow of funds for state wildlife grants, for example. The original proposal contained \$350 million a year for 15 years. Some of the unpopular things may be removed to make the legislation less problematic in the future.

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14. Director's and Chairman's Reports

Chairman Chilton stated she, Commissioner Golightly, Mike Senn, and Director Shroufe met with the Governor a week ago to discuss the lion issue in Sabino Canyon. The Governor seemed to be unaware of documents sent to her by the Department, e.g., lion protocol and of the scientific input that had gone into the Department's decision to take action against the lion. The Department had a duty to act based on a threat to public safety. The understanding from the meeting was that the Department would try to keep the Governor informed of present and imminent controversial issues. The Governor wanted to meet quarterly. Chairman Chilton spent a week in Washington, D.C. and spoke with various individuals regarding land management, endangered species, and forest health issues.

Director Shroufe attended the Wildlife and Natural Resources Conference. One of the outcomes was a project regarding standards and guidelines for managing wildlife in wilderness study areas. After seven years, Kathleen Clarke delivered the signed document. Director Shroufe attended a Pacific Flyway Council meeting. He attended a meeting with Fred Pease, Department of Defense liaison from Washington, D.C. He was in Arizona trying to assemble a committee that was featured in Senator McCain's Omnibus defense spending bill last year. This particular committee would look at Sonoran pronghorn. Director Shroufe chaired a Sonoran Joint Venture meeting. He attended a meeting with Herb Guenther, Director of the Department of Water Resources, and others in the Governor's Office regarding the San Carlos Reservoir issue. It appears the lake will be dead this year because the Tribal Council cancelled the water order.

Director Shroufe attended an AORCC meeting. The Heritage revenue forecast appears to be bright and was 20% ahead. The Department might reach its \$10 million this year.

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12. Hearings on License Revocations for Violations of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession or 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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13. Call to the Public

There were no comments.

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15. Commissioners' Reports

Commissioner Carter participated in meetings with the Eastern Arizona Counties, Graham County, new supervisor of the Coronado Forest and representatives from Senator Kyl's office regarding the Sky Island Demonstration Project and a number of other healthy forest issues. He received many comments on Commission Order 10: Lion.

Commissioner Melton attended the Arizona Elk Society banquet. He flew to the North Kaibab to participate in a browse study.

Commissioner Gilstrap spent time at the Legislature, and attended a meeting regarding the Scholastic Clays Program.

Commissioner Golightly spent time at the Legislature. He attended a meeting with the Governor along with the Director, Commissioner Chilton and Mike Senn. The Governor wanted to communicate with the Commission.

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16. Approval of Minutes

Motion: Carter moved and Golightly seconded THAT THE MINUTES FOR MARCH 13, 2004 AND MARCH 16, 2004, BE APPROVED.

Vote: Unanimous

The minutes for February 13, 2004, were signed.

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1. Executive Session – cont'd.

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION RECONVENE INTO EXECUTIVE SESSION.

Vote: Unanimous

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Meeting recessed at 2:35 p.m.

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Saturday, April 17, 2004 – 8:00 a.m.

Chairman Chilton called the meeting to order at 8:00 a.m. The commissioners introduced themselves and Chairman Chilton introduced the Director's staff. The meeting followed an agenda dated March 26, 2004.

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Awards and Commissioning of Officers

20-year service pin recipients: Duane L. Shroufe, Director; Ron Day, Law Enforcement Program Coordinator; Dave Hunt, Chief Pilot; Jim Hinkle, Region I Wildlife Manager; Rod Lucas, Region VI (Mesa) Supervisor; and Richard Rico, Assistant Director for Special Services.

25-year service pin recipients: Steve Ferrell, Deputy Director and Steve Andrews, Region II Law Enforcement Program Manager.

30-year service pin recipient: Brad Jacobson, Region IV Fisheries Program Manager

Shikar-Safari Award recipient – Scott Poppenberger, Region III Wildlife Manager

The Commission presented the members of the Yuma Valley Rod and Gun Club with a certificate of appreciation for all their time, effort, resources and labor to advance the cause of wildlife management and wildlife conservation.

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1. Hunt Permit-Tag Application Schedule for Fall 2004 and Spring 2005 Hunts

Presenter: Richard Rico, Assistant Director, Special Services

The Department provided the Commission with information related to the proposed application schedule for the fall 2004 and spring 2005 big game hunts. This included the proposed dates for accepting applications, associated deadlines, when permits would be mailed to successful individuals and timeframes for issuing refund checks to unsuccessful applicants. The same information was provided for sandhill crane, pheasant and raptor applications, along with the timeframes for potential first come/first serve applications.

Motion: Melton moved and Carter seconded THAT THE COMMISSION VOTE TO APPROVE THE HUNT PERMIT-TAG APPLICATION SCHEDULE FOR THE FALL 2004 AND SPRING 2005 HUNTS.

Vote: Unanimous

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Meeting recessed at 8:45 a.m.

Meeting reconvened at 9:00 a.m.

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2. Consideration of Proposed Commission Orders 2-5, 7-10, and 26 for 2004-2005 Hunting Season

Presenter: Tice Supplee, Game Branch Chief

Ms. Supplee introduced the team who worked on the hunt recommendations: Brian Wakeling, Big Game Supervisor; Mark Zornes, Predator and Furbearer Biologist; Mike Rabe, Small Game and Migratory Bird Supervisor; John Wills, Game Specialist, Region III (Kingman); John Goodwin, Game Specialist, Region II (Flagstaff); David Cagle, Game Specialist, Region I (Pinetop); Bob Henry, Game Specialist, Region IV (Yuma); Jim Heffelfinger, Game Specialist, Region V (Tucson) and John Hanna, Game Specialist, Region VI (Mesa). Also introduced were Amber Munig, Statistician, and Scott Zalaznik, Data Specialist.

Commission Order 10: Lion

The Department recommended a change to legal animal this year from “any lion” to “any lion except spotted kittens or females accompanied by spotted kittens.” Additionally, the Department evaluated the units recommended for multiple bag limits for mountain lion.

The Department recommended closure to the multiple bag in Units 16A South and 18B South because the bighorn sheep transplant for this area has been postponed until such time as bighorn sheep become available. Units 13A and 13B have been split, and a multiple bag is recommended at five for 13A South to benefit a deer population that is below management objectives and 10 for 13B South to benefit a bighorn sheep population that is below management objectives. Boundaries in both of these units have been described to better focus sport harvest. Units 15B, 15C and 15D have been added to units with a multiple bag to address declining bighorn sheep populations. The boundary in Unit 28 South has been modified to better focus sport harvest in an area with a bighorn sheep population below management objectives.

Last year’s harvest for mountain lions was 293 animals, which is inside the strategic objectives at this time. Harvest of mountain lions tends to be minimal during the summer months. About one spotted kitten per year is taken.

Motion: Melton moved and Carter seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 10-MOUNTAIN LION, AS PROPOSED.

Public comment

<u>Speaker</u>	<u>Representing</u>	<u>Oppose/Support CO 10</u>
Mike Burris	President, Wildlife Conservation Council	Support

Speaker	Representing	Oppose/Support CO 10
Eric J. Vidana	Self	Support
Lori Smith	Self	Support
Glenn Sheldon	Self	Support
Michelle Harrington	Center for Biological Diversity	Oppose-postpone decision until after 5/1 lion workshop
Sandy Bahr	Sierra Club-Grand Canyon Chapter	Delay decision on bag limit for lion until after 5/1 mtg.; supported a limited season for the take of female lions
Cara Lowe	The Cougar Fund	Postpone decision until after 5/1 lion workshop
Stephanie Nichols-Young	Animal Defense League of Arizona & The Fund for Animals	Postpone decision until after 5/1 lion workshop
J. Steven Smith	Arizona Houndsman Assn.	Support
Jerry Stewart	Self	Support
Ken Eaton	Self	Support
Jonathan Kibler	Self	Support
Charles Stewart	Self	Support
William Stewart	Self	Support
Pete Cimellaro	Self	Support
Dick Elliott	Self	Support
Blaine Bickford	Self	Support
Scott Heap	Southeastern Arizona Sportsman's Club	Support
Lance Altherr	Arizona Hunters Who Care	Support
Julie Hammonds	Self	Oppose

Speaker	Representing	Oppose/Support CO 10
Rich Veit	Phoenix Varmint Callers	Support
Dan Hunter	Self	Support
Kurt Bonnewell	Arizona Trappers Assn.	Oppose/Change is not Necessary
Bill Marshall	Central Arizona Guides Assn.	Support
David Hoyle	Self	Oppose/Change is not Necessary
Linda Wiles	Self	Support
Jim Solomon	Outdoors Arizona	Support
Mark Bool	Self	Support
Mike Sacco	Self	Support
Jim Shea	Self	Support
Luigi Baratta	Self	Support
Lara Schmit	Flagstaff Activist Network	Support
Phil Smith	Self	Support
Linda LeBlay	Self	Oppose CO/support restriction in the hunting season
Sue Barsky	Self	Oppose

Mr. Zornes explained mountain lions can and do have young throughout the year; however, there is a definite birth pulse in the desert starting in late April going into June or July.

Ms. Supplee offered the Department's hunt structure for mountain lions was conservative. The one mountain lion bag per year is a desirable restriction. Hunting lions is challenging and difficult. The harvest has been relatively stable, in the vicinity of 200-300 animals, for decades. The fact that we have a sustainable harvest at these levels with no apparent loss of mountain lion distribution in the state leads the Department to believe it has a conservative hunt program. Focus is being increased in certain areas because of the situation for other species, e.g., bighorn sheep.

Ms. Supplee continued that the Department historically indexed mountain lion populations. The Department has not recently done this to calibrate the status of the lions with field collection data. This was in a recommendation package the Department was preparing for wildlife conservation funding for the next fiscal year. We are interested in maintaining sharp science. The Department also collects data from the hunting public to assist in keeping track of lion distribution. The Department works with estimation, which is a generalized and elusive number. The science of ascertaining the quantity of lions is a topic of discussion within the science community.

Commissioner Carter asked the Department to give the purpose of the proposed lion workshops as opposed to what is being addressed today. Deputy Director Ferrell stated the scope of the May 1 meeting would be much narrower than population management on a statewide basis. The meeting was established in response to all of the public input received specifically on the Sabino Canyon issue. The public wanted the Department to have a forum to discuss management of lions in the urban interface; that will be the subject in May. There will be two subject areas presented:

1. How to prevent instances similar to Sabino Canyon in the future. Breakout groups will discuss public education, legislation, research and additional funding needs in order to prevent human/lion conflicts in the urban interface.
2. The second area will address those times when the Department fails to prevent conflicts and how it will react. The public would be asked to look at and comment on ways the Department could improve its lion protocol.

Vote: Unanimous

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Meeting recessed at 10:47 a.m.

Meeting reconvened at 11:05 a.m.

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Commission Order 9: Bear

No change was recommended for the 2004 bear seasons from the 2003 season, with the exception of a recommended decrease of two sows in the harvest objective in Unit 22 from seven to five bears and an increase of one sow to the harvest objective for the archery-only bear hunt in Unit 23N from one to two. The sow objective on Fort Huachuca in Unit 35A was increased by one to two.

Motion: Golightly moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 9-BEAR, AS PROPOSED.

Public comment

Russ Files, representing self, commented on the split of Unit 30A. Mr. Heffelfinger stated field personnel were concerned the bear densities in the Dos Cabezas might be fragmented and might not be sufficiently robust.

Vote: Unanimous

Commission Order 8: Buffalo

A total of 71 permits were recommended for fall seasons. On the House Rock Wildlife Area, 55 permits were offered; on the Raymond Ranch Wildlife Area, 16 permits were offered. Population management hunt opportunities would be offered.

Director Shroufe stated several years ago the Commission directed the Department to look into the management of bison on House Rock and Raymond Ranch. In the last three or four months, the Department has been engaged in discussions with the Grand Canyon National Park. The Department would endeavor to finalize the plans the Commission directed it to do several years ago. The Commission would be actively engaged in looking at this problem.

Ron Sieg, Region II (Flagstaff) Supervisor, referenced a memo dated April 14, 2004, from the Director to the Commission. The memo was read by Mr. Sieg and is included in these meeting minutes.

Mr. Sieg noted the National Park Service (NPS) contention has moved from the bison being livestock to being non-native wildlife. The mandate of the NPS is to preclude any non-native wildlife from entering into the park. Mr. Sieg noted that 99% of the bison herds in the United States contain some cattle DNA.

Commissioner Carter thought this issue would have a political dimension. There would be involvement by high-level elected officials in the state, as well as some of the congressional delegation. He hoped the Commission would be actively involved in the process. Commissioner Golightly stated this was a serious issue to him and it should be to the sportsmen.

Motion: Melton moved and Carter seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 8-BUFFALO, AS PROPOSED.

Vote: Unanimous

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3. Consideration of Proposed Commission Orders 11-18 for 2004-2005 Hunting Season

Presenter: Tice Supplee, Game Branch Chief

Commission Order 16: Quail

There were no changes recommended from last year.

Motion: Melton moved and Carter seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 16, AS PROPOSED.

Public comment

Linda Pfister, representing the Arizona Quail Alliance, stated the survey showed a majority of hunters support a lower limit because they want a more stable population and a sustainable harvest. Without good management, Mearns' quail hunting would experience "boom and bust years." With good management, the Department would see "cycling" (peaks and drops that come up at more regular intervals). She asked to go back to the eight bird bag limit for Mearns' where it would not affect natural mortality and to have a sustainable harvest.

Bill Branan, representing Audubon, noted Mearns' quail were both a watchable and huntable species. Watching adds five times as much to the economy as hunting. The goal of hunting is a pleasant day. Cutting the Mearns' bag limit will increase the watching component, increase the reproduction component, bring total statewide harvest closer to Department goals, and will support the statewide economy.

G. L. Sanders, representing self, believed the state was running out of quail.

John Levy, representing self, thought the Gambel's and scaled quail were in bad shape and wanted to see a reduction in the bag limit and a curtailment in the season.

Dr. Tad Pfister, representing the Arizona Quail Alliance, stated in 2000, the management strategy for Mearns' quail would be based on the three-year study technical guidance bulletin #4. Since then, and as a result of the Arizona Quail Symposium and the multi-state program, many of the theories and conclusions in the bulletin are no longer valid. He cited several new principles and dogmas. The AQA asked the Commission to return to an eight bird bag limit and end the season January 31. After four years of an eight bird bag limit, the largest level of quail harvest level of Mearns' quail was recorded. Now, the harvest was lower. Hunters are saying reduce the bag limit.

C. J. Biller, representing self, asked that the Commission go with the Department recommendation.

Ms. Supplee replied there have been two years at the 10 bird bag limit. Commissioner Carter expressed frustration. Commissioner Golightly did not know the reason why the bag limit and season dates for quail were set in April. It would be better to wait to set the bag and seasons in September, after the summer rains. Ms. Supplee stated the current hunt structures are inherently conservative in their nature. The Department believed what was recommended would not do any harm. Scaled quail harvest, however, had more to do with habitat and habitat management than with hunting strategies. Delaying this action until September would not enhance the management process for Gambel's or scaled; summer rain data is not relied upon to set recommendations for Mearns' either.

Commissioner Gilstrap asked if the Mearns' quail limit were to be reduced to eight, would there be a negative impact. Ms. Supplee stated the Department was unable to discern any influence on participation of harvest based on the numbers and we were well inside tolerances. It would be difficult to analyze information when numbers change. Mr. Rabe stated recommendations were made on the basis of sustainable populations. He believed 10 was a sustainable bag limit for Mearns' quail; a bag limit to 8 would not be

visible to most hunters. There would not be any harm in dropping the bag limit from 10 to 8. Commissioner Gilstrap thought the reduction would help in being more consistent over a long period of time.

Ms. Supplee noted that as the season progresses, the additive nature of the hunt does increase. Shortening the season does cut that factor. She did not know how much difference it would make to end the season on January 31. If the Commission did change the season date, it would have to be kept long enough to measure and it introduced a law enforcement issue with a differential closure.

Commissioner Melton stated there was an attempt to micro-manage Mearns' quail from year to year. He noticed a reduction in the number of quail. Opportunities to impact them depend on sportsmen. He preferred to get several years' data before changing from year to year.

Chairman Chilton agreed that whatever the Commission decides, it needs to be done for a few years. Ms. Supplee stated that if there should be a season change, it should be for all three species, and that it be an earlier closure for quail species. She noted a new data set is created whenever variables are changed. Collected localized information could be enhanced using the hunter log, as well as expanding the wing barrel program to obtain better site area information. Mr. Rabe stated it made him nervous to change both parameters of the hunt season at once (shorter season and lower bag limit). To shorten the season two weeks for all quail species would be little more than a token issue since not much harvest occurs late in the season. If the objective was to cut additive harvest, the season should be cut a month, at the minimum. The bag limit would have to be cut to five before seeing any significant reduction in harvest; this would be harsh on hunters.

Commissioner Golightly preferred a smaller bag limit. He also preferred setting quail seasons after the summer rains. Commissioner Gilstrap asked the maker of the motion to amend to an eight Mearns' quail bag limit. This should be left in place for some time. Commissioner Melton, mover of the motion, preferred to accumulate four years' data with the 10 bird bag limit; if there's a change every two years, the Department will not get necessary data. Commissioner Carter thought that an eight bird bag limit wouldn't accomplish much. He was frustrated with the issue. His concern was continuity for evaluation purposes. Chairman Chilton preferred to shorten the season and reduce the bag limit for quail to five. Going to an eight bird bag limit would not have an impact. She has read studies on quail the last few years, and what science is saying is little is done unless the limit is five or under and the season is shortened to deal with the additive nature. Lowering a bag limit to 10 or eight has little effect on the harvest and survival of the species, but does have an impact on people's perceptions.

Commissioner Carter withdrew his second to the motion. The original motion died due to lack of a second.

Motion: Gilstrap moved and Golightly seconded THAT THE GENERAL QUAIL BAG LIMIT WOULD READ 15 QUAIL PER DAY IN THE AGGREGATE, OF WHICH NO MORE THAN EIGHT MAY BE MEARN'S QUAIL AND POSSESSION WOULD BE 30 QUAIL IN THE AGGREGATE AFTER OPENING DAY WITH NO MORE THAN 15 GAMBEL'S, SCALED OR CALIFORNIA, AND AFTER NOVEMBER 19, A 30

DAY POSSESSION LIMIT MAY INCLUDE MEARNS' QUAIL, OF WHICH NO MORE THAN EIGHT MAY BE TAKEN IN ANY ONE DAY.

Vote: Gilstrap, Golightly and Carter – Aye

Chair voted Aye

Melton – Nay

Motion carried 4 to 1

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2. Consideration of Proposed Commission Orders 2-5, 7-10, and 26 for 2004-2005 Hunting Season – cont'd.

Commission Order 8: Buffalo

Public comment

Ron Eichelberger, representing self, commended the Department and Commission for putting emphasis on the House Rock buffalo hunt. This is a hunt that should not be lost. He was concerned about the 30 permits being offered in the first hunt there; in the past, the most hunters at House Rock were 14. Tremendous pressure would be put on the bison.

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Meeting recessed 12:50 p.m.

Meeting reconvened 1:30 p.m.

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Commission Order 2: Deer

This year 36,325 permits were recommended for the general deer seasons, which was a decrease of 700 permits from last year. Adjustments to permits occurred statewide, as some units improved while others continued to decline. Statewide fawn:doe ratios improved over last year for white-tailed and mule deer, but large scale population improvements from last year's low levels, influenced by the record statewide drought, have not occurred.

The juniors-only deer seasons were recommended for 2,000 permits distributed statewide, which was a 1,050 increase from last year-1,000 of which were increases in the Unit 12A antlerless hunt. The remaining 50-permit increase was recommended in Unit 24A as a result of a hunt schedule rotation. Muzzleloader permits were recommended at 760. Juniors-only muzzleloader permits were the same as last year (30).

Rotations for deer this year: a juniors-only hunt from Unit 23 to Unit 24A; muzzleloader deer hunts from Unit 24B into Unit 24A and from 12B to 12A East.

The Department recommended hunter opportunity in Unit 12B should be partitioned to allow access to the Paria Plateau by only a portion of hunters. Therefore, most permits were recommended for Unit 12B West, with only a small number valid for the entire unit.

The Department recommended a 1,500 permit juniors-only antlerless hunt in Unit 12A West.

Concern was expressed by the public regarding the archery harvest in Unit 13A. The Department felt archery deer harvest was low statewide. Beginning with the August 2004 archery hunts, Commission rule, as certified, requires all archers to report their deer harvests.

The Department recommendation for the whitetail deer hunt in Unit 36B was for no changes in antlered including two 1000 permit seasons. Commissioner Chilton noted there were no other units that had two 1000 permits. She knew that unit and having two consecutive 1000 permit hunts was a lot.

Mr. Heffelfinger described the management summary data for those hunts. Hunt success for whitetail increased to 20% from 18% last year. Biologically the harvest was not too high. The mule deer herd in Unit 36B was under harvested.

Chairman Chilton noted all of Unit 36B was included in the Tumacacori Highlands Wilderness proposal.

Public comment

Steve Fairaizl, representing Logan Simpson Design (LSD) and Arizona Deer Association, gave a presentation on the alternative analysis of the data on the Kaibab mule deer herd in Unit 12A-West. The analysis was three-fold: 1) review of the scientific literature; 2) interviews with big game biologists in adjacent states 3) interaction with biologists from the Arizona Game and Fish Department. The presentation was given in two parts: population data and range utilization data.

Because population estimates are computer generated, there was a question of reliability between paper deer and real deer. The LSD recommended an initiation of intensive population survey to ground truth and reset the model to help resolve this issue.

Another question was whether or not cliffrose was the dominant food item for mule deer. The lack of deer proof enclosures raises the question about the data of when use occurs, use by other animals and plant productivity during drought years. Results of current studies may show that cliffrose utilization does not represent the true conditions of winter range.

There was a 66% reduction in buck harvest since the beginning of doe hunts in 1999 in Unit 12A-West, but only a slight decrease in population estimates. There is a lack of intense population survey data, specifically aerial survey data, to ground truth and reset the model.

To determine the true condition of the winter range, there is a need for enclosure data, more random distribution and additional browse transects and data on usage of other plants in the winter range.

There was not enough data to justify the 1500 permits recommended for does in 2004. Mr. Fairaizl recommended a decrease in the number of doe permits in Unit 12A-West.

The ADA recommended that the Department should be directed to collect more data to base hunt recommendations and to conduct a thorough public involvement process before next year. An intensive aerial population survey should be conducted monthly that would cover the entire winter range. The information could then be plugged into a population based model to test the theory of the carrying capacity on the Kaibab with a second model. Secondly, additional data was needed on range utilization. The LSD would be capable of securing this data and could cooperatively work with the Department. Ms. Supplee noted the population component was proposed for current year funding from the Special Big Game Deer tag account. Protocols need to be determined to help explore funding partnerships for the vegetative component.

Danny Butler, representing Arizona Deer Association (ADA), agreed with Mr. Fairaizl. It would be a good thing to back off this year on the doe hunts to see if we can get some stable numbers. He also recommended lowering the number of buck permits for this year on the North Kaibab.

Ben Cluff, representing Northern Arizona Deer Hunters, suggested lowering the number of buck permits and having no doe permits on the North Kaibab. The archery hunt should be changed to a draw.

Jay Esplin, representing ADA, recommended no doe permits on the North Kaibab.

Steve Chevront, representing ADA, referenced the doe hunts on the North Kabab. The deer were not there. There should be no doe hunt on the North Kaibab. A physical count should be taken this year.

Scott Heap, representing Southeastern Arizona Sportsman's Club, was concerned about the deer and antelope from a predator management standpoint. The Department should be more active in predator management, especially during fawning.

Pete Cimellaro, representing ADA, thought the Department did not have enough data to make a complete recommendation for the North Kaibab. Substantial questions are raised with use of the model; a population survey needs to be done this year. The ADA was opposed to 1500 doe permits on the North Kaibab.

John Mullins, representing the Arizona Bowhunters Association, thought it should be mandatory for all hunters to call in their deer harvests.

Kevin Harris, representing ADA, agreed with Mr. Cimellaro's comments.

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Meeting recessed at 2:40 p.m.

Meeting reconvened 2:55 p.m.

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Ms. Supplee made some minor notations for the record on this Order. A note would be added to the regulations, "Successful archers must report their harvests within 10 days by contacting the Department on a toll free phone line 1-866-903-DEER." Permits were also authorized for Fort Huachuca and Camp Navajo.

Commissioner Melton asked how the Department would compensate for the 1500 antlerless permits that would be lost to juniors. Ms. Supplee stated it would take 300 permits to meet the 2% for juniors. These permits would have to be offloaded from the general seasons, or the Commission could waive the 2%.

Chairman Chilton suggested having 300 antlerless permits for the North Kaibab for juniors. By doing this, hunt pressure would be alleviated from other areas. Ms. Supplee noted that by doing this, the estimated harvest would be 200 does. Commissioner Melton agreed with Chairman Chilton, but noted there were 500 antlerless permits for juniors last year on the North Kaibab.

Motion: Melton moved and Carter seconded THAT THE COMMISSION APPROVE COMMISSION ORDER 2: DEER, EXCEPT FOR THE PARTICULAR HUNT, WHICH IS OCTOBER 22-25, 12A-WEST, KAIBAB-NORTH, ANTLERLESS DEER TO 500 INSTEAD OF 1500. THIS WOULD INCLUDE THE PRESENTATION BY THE DEPARTMENT, INCLUDING THE VERBAL NOTES MENTIONED TODAY REGARDING THE CALL-IN NUMBER, ETC.

Mr. Cimellaro pointed out only 300 permits would meet the quota. Ms. Supplee stated the Department needed to have a more in-depth look into the data.

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Meeting recessed 3: 15 p.m.

Meeting reconvened at 3:20 p.m.

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Ms. Supplee noted the total would be 250 for the West Kaibab antlerless deer, which results in a total of 750 juniors-only deer permits statewide.

Commissioner Carter noted the Commission had the flexibility to keep the antlerless permit number on the North Kaibab for juniors at 500 for this year until completion of the assessment process.

Amended Motion: Golightly moved and Carter seconded THAT THE COMMISSION ADOPT COMMISSION ORDER 2: DEER, WITH THE AMENDMENTS OFFERED BY MS. SUPPLEE; AND FURTHER, REDUCE THE DEPARTMENT RECOMMENDATION OF 1500 ANTLERLESS DEER PERMITS ON 12A-WEST UNDER THE JUNIORS ONLY DEER TO 500 PERMITS.

Vote on Amended Motion: Unanimous

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Commissioner Carter left the meeting at 3:30 p.m.

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Commission Order 3: Pronghorn

The recommendation for the general season was 353 permits. The recommendation for archery was 416 permits; muzzleloader was 92 permits. A total of 12 juniors permits was recommended.

Ms. Supplee noted a date correction in the Order. In Unit 1, the season dates should read September 24 through September 29 rather than September 17 through September 22. Camp Navajo offered an antelope hunt (4 military; 2 civilian).

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 3-PRONGHORN, AS DELINEATED BY MS. SUPPLEE.

Public comment

Pete Cimellaro, representing the Arizona Antelope Foundation, supported the recommendation. He read into the record the resolution in support of the adaptive management plan developed by the Department and the Coconino National Forest for the pronghorn on Anderson Mesa.

Vote: Gilstrap, Melton, Golightly – Aye
Chair voted Aye
Carter – Absent
Motion passed

Commission Order 4: Elk

The following elk permits were recommended: general seasons, a total of 13,635; archery, 5,108; muzzleloader, 1,233 and juniors, 1,025.

Permits for antlerless harvest were increased in Units 4A, 5B South, 7W, 9, 10 and 19A. Antlerless permits have decreased in Units 1, 2, 3, 4B, 5BN, 6B, 7E, 23 and 27.

Parts of Units 6A (Verde Valley) and 23 (Canyon Creek) have new limited opportunity hunts that represent permit increases. General limited opportunity permits were recommended to increase from 67 to 892. The limited opportunity archery seasons were recommended for 110 permits and no limited opportunity muzzleloader season was recommended. In Commission Order 26, 1,360 restricted nonpermit-tags were recommended as the maximum for elk.

Rotations for elk hunts this year were: early general season bull elk hunts would rotate from Units 3B, 4B, 7 and 23 South into Units 1, 3A and 3C, 8 and 21. Muzzleloader elk seasons would rotate from Units 1, 3A and 3C, 5A, and 22S, and rotate into Units 3B, 4B, 5B South and 23 South. Archery-only elk hunts would rotate from Unit 21 and into Unit 22 South.

The juniors-only season in Unit 6A North and West was changed to Unit 6A North and South.

The November 28-December 1 general antlerless elk hunt in Units 1, 2B, and 2C was discontinued and additional antlerless permits were added to the December 17-24, 2004 hunt.

The Unit 12A and 12B general limited opportunity elk hunt was reinstated. The general season limited opportunity elk hunts in Units 4B and 5A were recommended for closure, but six archery-only limited opportunity elk hunts in the same area totaling 40 permits were recommended. Archery-only seasons were likely to be more compatible in proximity to the Winslow area. Additionally, 15 archery-only (2 hunts) and 45 general permits (2 hunts) were recommended for Units 6A, 19A, and 21 in the Verde Valley. General limited opportunity elk hunts in Units 15A, 15B, 17A, 17B, 18A, 18B, 19B, 20A, and 20C were divided into a southern area (Williamson Valley/Skull Valley/Kirkland hunt area within Units 17A, 17B, 20A, and 20C) and northern area (Units 15A, 15B, 17A north of Walnut Creek Road, 18A, 18B, and 19B) to direct hunters into areas to meet management objectives.

Corrections to the Order were noted. There will be a footnote 38 that will explicitly close portions of Units 1 and 27 within the Alpine Valley. This is to address private land closures and concerns with elk hunting in the area. Unit 12A and 12B limited opportunity hunt shows up twice in the Order and one should be stricken.

Military and civilian elk permits were noted for Camp Navajo.

Public comment

Eric Kershey, representing self, commented on the 10% decrease in archery elk permits. He proposed averaging elk tags over a three-year period to lessen the impact on archers. The surveys should be mandatory.

Dick Henry, representing the Payson Natural Resource Committee (PNRC), read the objectives of the management plan for the PNRC. He expressed concern regarding the Unit 22 elk herd. Too many cows were being killed. He wanted to see a decrease in cow permits or no cow permits at all. Mr. Hanna stated survey data shows current stabilization of the elk herd. With the recommendation of 185 cow permits and with predicted hunt success, 61 animals should be removed. Using the population index with the modeling, 520-530 adult cows are in the population. The objective was to maintain the herd size at 500.

David Sipe, representing self, agreed with Mr. Kershey's comments.

John Koleszar, representing the Arizona Elk Society, supported the recommendation with the caveat to keep a close eye on the number of cow permits.

John Mullins, representing the Arizona Bowhunters Association, agreed with Messrs. Kershey and Koleszar.

Ms. Supplee commented on the use of a three year allotment expressed by several members of the public. It would help because there would be no dramatic changes. The Department could come back next year using a five-year average from this point forward.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 4-ELK, AS AMENDED.

Vote: Gilstrap, Melton, Golightly – Aye
Chair voted Aye
Carter – Absent
Motion passed

Commission Order 5: Turkey

A total of 4,785 permits was recommended for the fall general turkey season. The archery-only fall turkey season in Unit 13A was recommended for closure.

A recommendation of 100 juniors-only season turkey permits with the same season dates as the general fall season was made. The juniors hunt opportunity previously offered in Unit 23 was moved to Unit 12A.

An archery military-only season was offered on Camp Navajo.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 5-TURKEY, AS PROPOSED.

Vote: Gilstrap, Melton, Golightly – Aye
Chair voted Aye
Carter – Absent
Motion passed

Commission Order 6: Javelina

Recommendations for this Order would be acted on at the August Commission meeting.

Commission Order 7: Bighorn Sheep

A total of 82 permits was recommended. Units 15B, 15C, 44A, 45A and 45B suffered substantial population declines. Sheep suffered a disease outbreak causing temporary blindness in Unit 37A; this unit was recommended for closure in 2004. Units 12A and 12B West were separated from Unit 13A, resulting in permit allocations of two for Unit 13A and two for Units 12A and 12B West. Unit 12B East and 16A were recommended for a one-permit increase each.

The Black River hunt area in Units 1 and 27 for Rocky Mountain bighorn sheep was recommended for date changes of November 1-30 from the October 15-November 1 dates previously offered.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 7-BIGHORN SHEEP, AS PROPOSED.

Vote: Gilstrap, Melton, Golightly – Aye
Chair voted Aye
Carter – Absent
Motion passed

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3. Consideration of Proposed Commission Orders 11-18 for 2004-2005 Hunting Season

Presenter: Tice Supplee, Game Branch Chief

Commission Order 11: Tree Squirrel

No changes from last year.

Commission Order 12: Cottontail Rabbit

No changes from last year.

Commission Order 13: Predatory and Fur-bearing Mammals

No changes from last year.

Commission Order 14: Other Birds and Mammals

No changes from last year.

Commission Order 15: Pheasant

Permit numbers for the general hunts was increased from 20 to 30 permits per hunt. The structure and timing of the hunts remain the same as last year.

Commission Order 16: Quail

This Order was acted on earlier; see minutes on pages 19-22.

Commission Order 17: Chukar Partridge

No changes from last year.

Commission Order 18: Blue Grouse

No changes from last year.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDERS 11-15 AND 17-18, AS PROPOSED.

Vote: Gilstrap, Melton, Golightly – Aye
Chair voted Aye
Carter – Absent
Motion passed

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2. Consideration of Proposed Commission Orders 2-5, 7-10, and 26 for 2004-2005 Hunting Season – cont’d.

Commission Order 26: Population Management Seasons

These were recommended for generally the same units as last year; however, Units 6A, 19A and 21 were added to the general season elk hunts.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 26-POPULATION MANAGEMENT SEASONS, AS PROPOSED.

Public comment

Zane Poore, representing self, recommended allocating one tag per species per year on these hunts. Ms. Supplee noted Mr. Poore’s suggestion would require a rule change. He recommended a hunter should not be able to have two opportunities even if he was unsuccessful.

Vote: Gilstrap, Melton, Golightly – Aye
Chair voted Aye
Carter – Absent
Motion passed

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4. Call to the Public

There were no comments.

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5. Consideration of Proposed Commission Order 23: Trapping for the 2004-2005 Season

Presenter: Tice Supplee, Game Branch Chief

Participation by trappers increased in 2003-04; however, harvest data was not currently available for the previous year but would be compiled in May.

No changes were recommended.

Motion: Gilstrap and Golightly seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 23, AS PROPOSED.

Vote: Gilstrap, Melton, Golightly – Aye
Chair voted Aye
Carter – Absent
Motion passed

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6. Request to Amend Commission Order 25: Raptors

Presenter: Terry B. Johnson, Nongame Branch Chief

This Commission Order was certified at the October 2003 Commission meeting and authorized the Department to issue eight permits for the take of nestling peregrine falcons for the purpose of falconry during established seasons.

The Commission authorized the Department to issue these permits under the assumption the U.S. Fish and Wildlife Service (FWS) would have finalized and made available to the public by February 10, 2004, a management plan to guide the states in establishing limits for the take of nestling peregrine falcons for falconry purposes. The FWS's plan was not ready by the established deadline and all license fees were refunded to successful applicants by the February 27, 2004, deadline.

On March 10, 2004, the FWS made the final peregrine falcon management plan available to the public. Upon receipt of the plan, the Department decided to reissue peregrine falcon permits to successful applicants for the 2004 falconry season (to begin May 1, 2004). This option requires the Commission to vote to amend Commission Order 25 to authorize the reissuing of the falconry permits.

Public comment

Shawna Lawry, representing the Arizona Falconers Association, supported the take of peregrines for falconry.

Tim Riordan, a Master Falconer, expressed appreciation to the Commission for not giving up on this issue.

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

Vote: Gilstrap, Melton, Golightly – Aye
Chair voted Aye
Carter – Absent
Motion passed

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8. Request to Close the Rulemaking Record and Adopt the Notice of Exempt Rulemaking to Amend R12-4-802, Wildlife Area Restrictions, as Part of the Annual Hunt Recommendation Process

Presenter: Mark E. Naugle, Rules and Risk Manager

For additional background information, see Commission meeting minutes for June 21, 2003, page 26.

Motion: Melton moved and Golightly seconded THAT THE COMMISSION VOTE TO CLOSE THE RULEMAKING RECORD AND ADOPT THE NOTICE OF EXEMPT RULEMAKING TO AMEND R12-4-802, WILDLIFE AREA RESTRICTIONS AS PART OF THE ANNUAL HUNT RECOMMENDATION PROCESS. THE AMENDMENT WILL RESTRICT TARGET OR CLAY PIGEON SHOOTING TO DESIGNATED AREAS IN THE ARLINGTON WILDLIFE AREA (LOCATED IN UNIT 39).

Vote: Gilstrap, Melton, Golightly – Aye
Chair voted Aye
Carter – Absent
Motion passed

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9. Request to Close the Rulemaking Record and to Approve the Notice of Final Rulemaking and the Economic, Small Business and Consumer Impact Statement for Proposed Amendments to R12-4-102, Fees for Licenses, Tags, Stamps, and Permits

Presenter: Mark E. Naugle, Rules and Risk Manager

For additional background information, see Commission meeting minutes for January 16, 2004, pages 12-13, and February 13, 2004, pages 10 and 17.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION VOTE TO APPROVE THE NOTICE OF FINAL RULEMAKING AND THE ECONOMIC, SMALL BUSINESS, AND CONSUMER IMPACT STATEMENT FOR AMENDMENTS TO R12-4-102, FEES FOR LICENSES, TAGS, STAMPS, AND PERMITS, TO INCREASE FEES WHERE APPLICABLE TO THE MAXIMUM ALLOWED BY STATUTE, TO BE FILED WITH THE GOVERNOR’S REGULATORY REVIEW COUNCIL.

Vote: Gilstrap, Melton, Golightly – Aye
Chair voted Aye
Carter – Absent
Motion passed

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10. Request to Approve a Notice of Rulemaking Docket Opening for Article I, Definition and General Provisions

Presenter: Mark E. Naugle, Rules and Risk Manager

For additional background information, see Commission meeting minutes for October 17, 2003, pages 14-15.

Motion: Melton moved and Golightly seconded THAT THE COMMISSION VOTE TO APPROVE A NOTICE OF RULEMAKING DOCKET OPENING FOR THE AMENDMENT OF THE ARTICLE 1, DEFINITIONS AND GENERAL PROVISIONS IDENTIFIED IN THE FIVE-YEAR RULES REVIEW REPORT APPROVED BY THE COMMISSION AT THE OCTOBER 2003 COMMISSION MEETING.

Mr. Naugle explained the request from the Arizona Desert Bighorn Sheep Society (ADBSS). In the five-year rules review the Commission approved the amendment of R12-4-114 for permit-tags to identify species. The ADBSS asked for further evaluation of the rule in the regular rulemaking process to consider additional amendments to that rule. The request was to add bighorn sheep to the 10% maximum bonus point hunter pool. They also wanted to limit it to no more than three Rocky Mountain sheep permits contributing to the statewide pool. The Article 1 team would further evaluate this.

Vote: Gilstrap, Melton, Golightly – Aye
Chair voted Aye
Carter – Absent
Motion passed

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7. Options for Elk Management in Areas Where Management Objectives Are to Keep Elk Numbers at the Lowest Possible Level

This item was deferred to the May 2004 Commission meeting.

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12. Future Agenda Items

Mr. Ferrell reviewed action items. There was only one carryover from today's meeting to the next meeting (#7). Director Shroufe handed out the draft May agenda to the Commission.

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11. Call to the Public

Garth Carter stated his monthly hunting magazine is distributed nationwide. It reports how a hunter can apply for hunts in the different states. If a nonresident wants to apply for points only, it will cost him to do so. No other state asks for the money upfront for the license and the tag fee; then it must be forfeited to get a point. He thought this was excessive and it could alienate residents and nonresidents. He recommended the Department look into this to make sure this was the way it wanted to go. It was definitely a pro-resident situation.

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

Vote: Gilstrap, Melton, Golightly – Aye
Chair voted Aye
Carter – Absent
Motion passed

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Meeting adjourned at 5:00 p.m.

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