

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, May 14, 2004 – 8:00 a.m.
Pinetop Regional Office
2878 E. White Mountain Boulevard
Pinetop, AZ

PRESENT: (Commission)

(Director's Staff)

Chairman Sue Chilton
Commissioner W. Hays Gilstrap
Commissioner Joe Melton
Commissioner Michael M. Golightly
Commissioner William H. McLean

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 8:05 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; *Phelps Dodge v. Arizona Dept. of Water Resources*, LC2003-000243-001DT; *Arizona Biological Society et al. v. BLM, IBLA appeal no. 2002-412* and *Center for Biological Diversity v. Norton* 03 CV-01558 RCL.
- c. Legal Counsel regarding the Silverbell Bighorn Sheep Herd.

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

Vote: Unanimous

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Meeting recessed at 8:05 a.m.

Meeting reconvened at 9:28 a.m.

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Chairman Chilton called the meeting to order at 9:28 a.m. Chairman Chilton introduced the new Commissioner McLean, who, in turn, gave a brief bio sketch. The other commissioners introduced themselves and Chairman Chilton introduced the Director's staff. The meeting followed a revision dated May 11, 2004.

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10. Review of Proposals to Address Constitutional Concerns with Existing Regulations that Limit the Number of Nonresident Permits

Presenter: Scott Bales, Private Attorney

Mr. Bales made a presentation on behalf of the Arizona Sportsmen for Wildlife (ASW). The group's proposed rulemaking was related to the case *Montoya v. Manning*, 301. F.3d 985 (9th Cir. 2002). A copy of a letter dated May 10, 2004, to Chairman Chilton from Pete Cimellaro, President of the Arizona Sportsmen for Wildlife (ASW), has been made part of the meeting minutes.

The Commission considered options to address the constitutional concerns that Arizona's limitation on the number of nonresident permits substantially affects interstate commerce.

Mr. Odenkirk noted the issue was significant enough that it should be discussed in executive session. Any decision should be delayed to a later time. Mr. Bales stated the ASW was asking the Commission to give direction to Department staff to investigate this as the basis for further action.

Director Shroufe explained there were several ways to get a new rule in the process. One was that a proposal could be accepted as an official petition that would allow the Department to evaluate it. Because of pending litigation, any discussion should occur in executive session. The other way would be for the Commission to give direction to the Department to start the petition for rulemaking process.

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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.

The Commission had no concerns or questions.

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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.

Commissioner Melton referenced a letter from the Yuma Valley Rod and Gun Club (YVRGC) and a Bureau of Land Management (BLM) map regarding managing for wilderness characteristics in the Sonoran Desert National Monument (SDNM) and the Phoenix South Resource Management Plan. The map highlighted the original 17 wilderness study areas (WSAs). The letter from the YVRGC stated WSAs could not be proposed according to a court decision that eliminated new study areas not involved under the Federal Land Management Policy Act of 1976. After a certain date, all the areas had to be reviewed and either made a wilderness or dropped. This lawsuit stopped them from coming forth with other areas. Most of the lands were buffer areas around wilderness areas; now they have been changed to citizens' proposed areas to be managed for wilderness characteristics. This was in the planning process on the SDNM. He was concerned about BLM managing for wilderness characteristics. The Wilderness Bill states this cannot be done without approval by Congress. He wondered if the sporting community was given the chance to give input.

Mr. Broschied reviewed the YVRGC letter and five of the points were true, except perhaps on the 16 WSAs proposed by the Arizona Wilderness Coalition. He had not seen the citizens' proposal and could not verify if the same areas were included in the BLM plan.

Commissioner Melton did not want the Department to enter the picture too late or to have its comments ignored by the federal land managers. Mr. Broschied stated the planning process was in the early stage. He did not recommend any further direction from the Commission at this time until all opportunities, as well as all avenues for resolving concerns, have been exhausted.

Commissioner Gilstrap asked about the Black River prescribed burn. Mr. Broschied stated the Department was trying to work with sportsmen's groups and the U.S. Forest Service (USFS) to identify any additional actions to keep the project going. The Department planned on meeting with the USFS, the Arizona Desert Bighorn Sheep Society and the Elk Foundation to discuss the broader issue of enhancing the Rocky Mountain bighorn sheep population in Region I.

Chairman Chilton stressed the importance of putting pressure on the USFS to implement forest health initiatives. Director Shroufe stated he would invite Harv Forsgren, Regional Forester, to the next meeting.

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4. State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Handouts were provided. A status report was given regarding where the budget was in the Legislature. The Senate passed the budget last week; it was favorable to the Department. There was one provision regarding OHV funding that would continue to

transfer \$692,000 to the State Parks Department from the Game and Fish allocation. The Department worked with House members on an amendment to take the allocation off the top before it is distributed to the State Parks Department and Game and Fish. There was wide support for this in the House and there will be a floor amendment to address that issue. The House approved every project in the Capital budget except for one, Silver Creek Hatchery. The House transferred \$1.8 million of Heritage monies to the Commission on the Arts to fund its entire operating budget. The Department was working with members to correct some of the actions. It was noted the Governor doesn't have veto line authority this year.

The OHV and Heritage monies are on the same bill. There was still a long way to go with the budget. Commissioner Gilstrap stated a key issue was to make sure different individuals who are submitting amendments to bills on our behalf are coordinating with each other to ensure understanding. Mr. Guiles noted this was occurring.

Mr. Guiles added the DUI bill would appropriate money to the Game and Fish Department to set up a database. An agreement was worked out with the Department of Transportation and this would require spending less money than anticipated. The bill is moving forward.

Staffs from Senator McCain's office and Congressman Flake's office went on Department field trips.

The Governor vetoed a terrorism bill because there were already statutes in place to address some of these problems and she had concerns regarding free speech.

Regarding healthy forests, the Department has not been invited to sit at the table. The Department did sit on the Governor's Forest Health Committee. The Governor's Office is negotiating with legislators to bring something to the floor during this session. It has not yet been determined if a special session will be called to deal with State Trust Land reform. Commissioner Gilstrap thought both of these were critical issues as far as wildlife management is concerned. There may need to be a teleconference meeting to weigh in on those two bills. The State Land reform is very challenging.

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5. Statewide Shooting Range Project Update

Presenter: Don Winslow, Acting Education Branch Chief

Mr. Adkins noted the stay order in the 9th Circuit Court was denied; there is no stay order in effect.

Mr. Winslow gave an update on the lead mine issue in the Yuma area. A meeting was attended yesterday. One recommendation was to look at a long-term planning process for the group. Another recommendation was to provide assistance with the grant program. The lead issue is there. The County received a grant from the Arizona Department of Environmental Quality to do an assessment.

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6. Consent Agenda

- a. Collection Agreement with the City of Gilbert for the Transfer of Heritage Carry-Forward Monies to the Gilbert Parks and Recreation Department. Department recommendation: That the Commission vote to allow the Department to executive a collection agreement with the City of Gilbert.
- b. Collection Agreement with the City of Phoenix for the Transfer of Heritage Carry-Forward monies to the Phoenix Parks and Recreation Department. Department recommendation: That the Commission vote to allow the Department to execute a collection agreement with the City of Phoenix.
- c. Collection Agreement with Maricopa County for the Transfer of Heritage Carry-Forward Monies to Maricopa County Parks and Recreation. Department recommendation: That the Commission vote to allow the Department to execute a collection agreement with Maricopa County.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION VOTE TO ACCEPT THE CONSENT AGENDA.

Vote: Unanimous

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7. Request for Consideration of the Petition by Mr. John Reed to Amend R12-4-407 Exemptions from Special License Requirements for Restricted Live Wildlife

Presenter: Carlos Ramirez, Rulewriter

John Reed submitted a petition to amend R12-4-407. The requested amendment would be to allow importation and sale of live crayfish in facilities meeting escape and habitat conditions where escape is unlikely and the surrounding habitat is not favorable to the proliferation of the proposed species.

Mr. Reed also submitted an application to the Department of Agriculture for an Aquaculture Facility License; the request was denied. The Department recommended to the Department of Agriculture that Mr. Reed's request to culture red claw crayfish be denied based upon the listing of that family of crayfish as restricted live wildlife under R12-4-406 in 1989.

The Department believes acceptance of the petition would result in significant threats to wildlife through direct and indirect interactions and potential disease/parasite introductions. Providing an exemption for live possession of crayfish species can result in the establishment of new species in the wild, even though that may not be the intent of the requestor. Habitats and environmental conditions within Arizona are suitable for establishment in the wild. Therefore, concerns exist over known potential impacts to Arizona wildlife, as well as potential impacts associated with lack of biological knowledge (including diseases/parasites) of exotic crayfish, in general and red claw crayfish, specifically.

The Department received several public comments in opposition.

Public comment

Jim Walters, representing self, opposed the request and raising crayfish in Arizona. They destroy wildlife.

Motion: Gilstrap moved and McLean seconded THAT THE COMMISSION VOTE TO DENY THE PETITION SUBMITTED BY MR. JOHN REED TO AMEND R12-4-407.

Vote: Unanimous

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8. Request for Consideration of Mr. Adrian Simon's Petition to Amend R12-4-104, Application Procedures for Issuance of Hunt Permit-Tags by Drawing, to Address Concerns Over the Number of Individuals that May Apply as a Group for Low Permit-Tag Hunts

Presenter: Carlos Ramirez, Rulewriter

Mr. Simon requested an amendment to R12-4-104, which would limit the number of individuals who may apply as a group to two for hunts with 45 or fewer tags, and would only allow individual applications for hunts with 15 or fewer tags.

The objective of the proposed amendment would be to create more equitable draw odds for all individuals who apply for hunts with limited number of tags.

The Department previously addressed written comments similar to Mr. Simon's concerns in its five-year review of Article 1, Definitions and General Provisions, which was approved by the Commission on October 17, 2003. The Department determined that in order to restrict the number of individuals applying for limited tag hunts would require a change to the draw system, as well as modification to the computer programs monitoring the draw. The general public would also find the procedure unnecessarily confusing if adopted. The proposed amendments would require applicants to follow different procedures for regular and limited-tag hunts.

Mr. Ramirez noted this petition would be added to the Article 1 regular rulemaking process for analysis.

Motion: Gilstrap moved and McLean seconded THAT THE COMMISSION VOTE TO DENY THE PETITION SUBMITTED BY MR. ADRIAN SIMON TO AMEND R12-4-104.

Vote: Unanimous

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

Presenter: Tice Supplee, Game Branch Supervisor

A briefing was given to the Commission on options to make elk tags more available in areas where management objectives are to keep elk numbers at the lowest possible level, such as the North Kaibab in Unit 12A.

A minimum of six options would influence the ability of deer hunters to take elk during their hunts.

A. Make over-the-counter nonpermit tags available to anyone who wants to participate in an elk hunt in a given area – Commission Order 4 could be modified to include open areas for which a nonpermit tag could be purchased over-the-counter at Department offices and other license dealers. The nonpermit tag could be for bull, antlerless or any elk during a period either overlapping or excluding existing hunts. These tags could be purchased by anyone. As such, hunter conflicts or crowding issues could result. In areas of low elk density, costs of elk nonpermit tags may limit hunter interest in purchasing them. Because nonpermit tags are not limited through the draw, the 10% cap on bull permits would not apply. Scheduling an over-the-counter elk hunt to avoid overlapping with the deer hunt might result in low hunter participation and would not capitalize on the deer hunters already in the field. This option could be implemented without any modification to existing rules.

B. Implement a population management hunt – A population management hunt for bull, antlerless or any elk already authorized for many units, including the North Kaibab under Commission Order 26, could be implemented irrespective of deer seasons. Costs for these restricted nonpermit tags could be reduced by up to 75%. The hunter pool for this hunt would not be limited to the successful deer permit-tag holders so there could be conflicts among hunters for various species. Scheduling the population management hunt to exclude the dates for the deer hunt would not capitalize on the deer hunters already in the field; however, this option could be implemented without any modification to existing rules.

C. Establish a limited opportunity hunt with a large number of permits – The Commission under Commission Order 4 could authorize these hunts. Hunters applying for this hunt through the draw would use accumulated bonus points and the 10% cap would limit the number of bull permits issued to nonresidents. Any leftover permits awarded in the first-come, first served issuance of leftover tags would not influence the permit holders' bonus points, but would limit participation by nonresidents. It is likely there would be leftover permit tags after the draw; it is likely many hunters would go hunting on opening day when no other permitted hunts were open. Leftover tags could be purchased by anyone, including those who held tags for other species and could be used during existing hunts or at other times. Some hunters might apply for these hunts not knowing the situation and subsequently complain about the lack of elk and loss of bonus points. This option is currently available and could be implemented without any modification to existing rules.

D. Establish a deer-elk season – The Commission could direct the Department to consider revision of Rule R12-4-318 to establish a deer-elk season. This season could be opened through Commission Order. The hunter would need to purchase a valid tag for both species. Bonus point accrual would need to be addressed under R12-4-107. A timeline for this revision has not been established.

E. Modify existing Commission rules to allow for the issuance of elk tags to deer hunters exclusively – If R12-4-114 were modified, the Commission could establish greater limitations in issuing either (1) restricted nonpermit tags through the hunter pool and population management hunts or (2) over-the-counter nonpermit tags only to hunters who held permit tags in hunts for which dates and open areas completely overlapped. Further consideration would probably need to be given to increasing the bag limit on elk, which could be addressed through Commission Order without amending the rule. If the Commission wished to pursue this, it could direct the Department to consider this as part of the Article 1 rules package (currently open for revision). Implementation would occur in October 2005.

F. Modify existing Commission Rules to Allow for the Conversion of a Deer Tag to an Elk Tag – If statutes and Commission rules were modified, the Commission could authorize the conversion of a deer tag into an elk tag in preauthorized units. Elk and deer tags are distinct under ARS §17-333 and each tag validates a hunting license to take the specified animal. This would require modification to R12-4-114 and R12-4-302 (F) and (G). The addition of a combined deer-elk tag would also require statutory change. Additionally, this approach might require modification of R12-4-102 because currently there is a price differential between elk and deer tags. If implemented, this would allow deer hunters to consciously choose to harvest an elk in units where the Commission authorized. If this approach were exercised, the conversion of a deer tag into a permit for other species should also be considered. If the Commission wished to pursue this, it could direct the Department to consider this as part of the Article 1 rules package and to pursue change to state and to Article 3 rules.

The specific example used by the Commission in suggesting this review involved pursuing elk on the North Kaibab (Unit 12A). Elk have been seen rarely and randomly on the North Kaibab for about seven years, and the Commission has authorized hunts for them since 1998 when 20 tags were authorized and no animals were taken. Two elk were harvested with five tags in 1999; one taken with 10 tags in 2000; four were taken with 50 tags in 2001. In 2002 two hunts were held with 50 and 15 tags each; no elk were harvested in either hunt. In 2003, no elk hunts were held because of the low hunt success in previous years. Since 1997, regional personnel have asked successful deer hunters at the check station if they had encountered elk during the hunt. Routinely, about 10 hunters report seeing elk, often the same herd. Rarely are more than 15 individual elk reportedly observed. Elk migrate on to the Grand Canyon National Park where hunting is prohibited.

Discussion continued regarding Option E. Mr. Ramirez pointed out that between the time of adoption of the Commission Orders in April and publication of the hunt regulation booklet in May, there are several additional steps that have to be done with rulemaking. Two phases would occur between April and October. It is possible that the rule as drafted would go unchanged in the time period from when the hunt regulations come out and when they would become effective.

Ms. Supplee pointed out Option B could be implemented today if the Commission was willing to go with the scenario of people from the hunter pools being eligible and trying to restrict it to those with a permit-tag for deer.

Commissioner Gilstrap thought it would be best to have elk-free zones statewide. It would be best to look at a rule that would allow flexibility to utilize it in other areas, e.g., Alamo Lake. Ms. Supplee agreed.

Dana Yost, Executive Staff Assistant, offered clarification with regard to the effective date. Because of the draw structure and how the Department sells tags and without the rule being in place and effective in April 2005, those tags could not actually be sold due to the fact that the rule may not be effective in time for the hunts. If this occurred, the Department would have to offer refunds. Under rule timelines, the earliest the rule could be implemented would be for the fall 2006 hunts.

Ms. Supplee noted that if this rule were to be pulled out of cycle and put on to a "fast track," it could happen by fall 2005. Mr. Ramirez stated it would be possible to bring this issue back next month and include it into the Article 1 regular rulemaking; the timeline does allow for additional time.

Ms. Supplee summarized comments that Option D would require, at a minimum, opening R12-4-318 (season definitions) and R12-4-107. Option E would require modification of R12-4-114, 102, 101, and 115. Option F would require an amendment to statute (ARS §17-333 and R12-4-114, 102 and 302 (use of tags).

Motion: Golightly moved and McLean seconded TO REMOVE ANY OPTIONS DEALING WITH STATUTORY AMENDMENTS AND TO DEAL WITH THOSE OPTIONS THAT AMEND ARTICLE 1 RULES ONLY.

Vote: Unanimous

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Meeting recessed at 11:25 a.m.

Meeting reconvened 11:45 a.m.

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11. Science and Native Fish Conservation

Presenters: Robert H. Bettaso, Native Fish Program Manager
Andy Clark, Region (Kingman) III Fisheries Program Manager

Mr. Bettaso gave a Powerpoint presentation on the biological and legal status of the desert pupfish and Gila topminnow, and the ongoing statewide conservation efforts to recover, downlist and delist both species.

Mr. Clark gave a briefing on upper Verde River issues including impacts to native fishes (with particular attention to spikedace), sportfishes, and aquatic, riparian, and upland habitats. Bob Posey, Region III (Kingman) Supervisor, presented more background and his viewpoints on this issue. The Department is looking forward to doing active management vs. monitoring on the River.

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12. Call to the Public

Al Kreutz, representing self, gave an update on various groups' conservation efforts in Region I. The White Mountain Flyfishing Club was hoping the Commission would allow Becker Lake to be established as a catch-and-release Blue Ribbon fishery.

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Meeting recessed at 12:55 p.m.

Meeting reconvened 1:33 p.m.

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

Presenter: Leonard Ordway, Law Enforcement Branch Chief

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

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14. Call to the Public

There were no comments.

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15. Commissioner Committee Appointments

Presenter: Duane L. Shroufe, Director

For additional information, see minutes for the January 13, 2004, Commission meeting, pages 20-21.

Discussion occurred on appointment of a replacement commissioner to the Heritage Public Advisory Committee (HPAC) for the remainder of 2004 through January 2005 to replace former Commissioner Joe Carter.

The following are committee appointments through the remainder of the year:

Heritage Public Advisory	Gilstrap	Chairman
Habitat Partnership	McLean	Chairman
Landowner-Lessee/ Sportsman Relations LLSR	Melton	Liaison/Member
LLSR	McLean	Backup
Shooting Range Economic Development	Gilstrap Melton	Chairman Member
Wildlife Assets	Golightly	Member

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16. Director's and Chairman's Reports

Director Shroufe announced the recipients of this year's Heritage Grant awards.

Director Shroufe attended a Colorado River Fish and Wildlife Council meeting. He attended a meeting with representatives from the National Archery Trade Association; a MOU will be developed that will benefit Arizona in terms of an archery programs in schools and construction of archery shooting ranges. He participated in a conference call of the Executive Committee meeting of the International Association of Fish and Wildlife Agencies. States have expressed interest regarding the 10% cap issue; Minnesota has sued North Dakota for discrimination against nonresident hunters.

Chairman Chilton looked at javelina and whitetail habitat in southern Arizona. She attended a Southern Arizona Cattle Growers meeting. She attended a meeting of the Altar Valley Conservation Alliance.

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17. Commissioners' Reports

Commissioner Golightly spent time on legislative issues; he also spent time on Lee's Ferry. Commissioner Gilstrap spent time in Missouri. Commissioner Melton worked on waterhole projects. Commissioner McLean noted the Arizona Senate just recently confirmed him.

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18. Approval of Minutes

Motion: Melton moved and Gilstrap seconded THAT THE MINUTES FOR THE APRIL 16-17, 2004, COMMISSION MEETING BE APPROVED.

Vote: Unanimous

The minutes for March 13 and March 16, 2004, were signed.

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19. Future Agenda Items

Director Shroufe directed the Commission's attention to a memo he sent them earlier in the week regarding the bison issue on the Grand Canyon National Park. Ron Sieg, Region II (Flagstaff) Supervisor, was trying to get some dates from the commissioners to go to the North Kaibab and the Park to look at damage and to better understand the situation. The issue would be discussed at a future Commission meeting.

After further discussion, the Commission decided on tentative dates of June 4 and 5 for a workshop and tour of the area.

Mr. Ferrell noted future agenda items: report on progress or future impediments faced regarding forest health prior to the next Commission meeting. Regional Forester Harv Forsgren would be invited to the next meeting.

Another item was to expand the already open rulemaking for Article 1 to include all the rules within this Article to facilitate harvest of elk in no-elk zones statewide.

Commissioner Gilstrap wanted to either have a budget workshop the day before the June Commission meeting or to have Mr. Ferrell meet with one or two commissioners on the budget prior to the June meeting. Director Shroufe stated if there enough items for the agenda, the meeting would be definitely on Friday and possibly on Saturday. Mr. Ferrell will schedule appointments with individual commissioners to discuss the budget prior to the meeting on Friday.

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14. Call to the Public

Pete Cimellaro, representing the Sportsmen for Wildlife (SFW), gave an overview of the organization. There was also a group called Sportsmen for Wildlife Conservation. The SFW was a political group that felt the need to be involved in politics; they wanted to be active in the Legislature and with the agencies. The SFW wanted to work with the agency and the Commission and to promote the work of the Department. Arizona sportsmen are the backbone of the wildlife programs and they should have the ability to participate.

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Director Shroufe presented Assistant Attorney General Jay Adkins with a certificate of achievement. Mr. Adkins was retiring and this was his last Commission meeting.

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

Vote: Unanimous

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Meeting recessed at 3:10 p.m.

Meeting reconvened at 5:22 p.m.

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1. Executive Session

In the case *Center for Biological Diversity v. Norton*, a motion was needed in public session in order to take action.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION SEND A LETTER TO THE GOVERNOR ASKING HER TO APPROVE THE COMMISSION'S INTERVENTION IN CENTER FOR BIOLOGICAL DIVERSITY V. NORTON, WHICH IS A CHALLENGE TO THE FAILURE OF THE FISH AND WILDLIFE SERVICE TO DESIGNATE CRITICAL HABITAT AND A RECOVERY PLAN FOR THE JAGUAR.

Vote: Unanimous

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Meeting adjourned at 5:25 p.m.

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