

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, January 20, 2006 – 8:00 a.m.
Doubletree Paradise Valley Resort
5401 North Scottsdale Road
Scottsdale, Arizona 85250

PRESENT: (Commission)

(Director's Staff)

Chairman W. Hays Gilstrap
Commissioner Melton
Commissioner Michael M. Golightly
Commissioner William H. McLean
Commissioner Robert Hernbrode

Director Duane L. Shroufe
Deputy Director Steve K. Ferrell
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Shelley Cutts

Chairman Gilstrap called the meeting to order at 8:00 a.m. The Commissioners introduced themselves and Chairman Gilstrap introduced the Director and the Director's staff. This meeting followed an agenda dated January 13, 2006.

Awards and Commissioning of Officers – None at this time.

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1. Litigation Report

A copy of this report was provided to the Commission prior to today's meeting and is included as part of these minutes. There were no further updates from Mr. Odenkirk and the Commission had no comments or questions.

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2. Presentation on Arizona's Open Meeting Law and Constituent Communications

Presenter: Shelley Cutts, Assistant Attorney General

Using a Power Point presentation, Ms. Cutts briefed the Commission on the Open Meeting Law (OML) as it relates to email, with particular emphasis on constituent communications. In July 2005, the Arizona Attorney General issued a formal opinion regarding email and Arizona's OML. The opinion addressed circumstances where email communications among members of a public body would violate the OML. Ms. Cutts discussed portions of the OML opinion, how it impacts Commission communication with constituents, and also provided some practical advice.

Commissioner Golightly asked about the difference between an email and a telephone conversation with a constituent, where two other Commissioners names and opinions are mentioned by the constituent, and how should a Commissioner address that situation.

Ms. Cutts replied that there is no difference between an email and a telephone conversation in regards to the OML, and if a constituent wants to discuss the opinions of two or more other Commissioners, the Commissioner engaged in this conversation needs to say to the constituent

that they cannot have a discussion about the opinions of other Commissioners because that could constitute a violation of the OML.

Chairman Gilstrap commented that a Commissioner may not be aware that they are not the only Commissioner to receive an email or have a personal conversation with a constituent.

Commissioner McLean asked a hypothetical question regarding a news reporter inquiring of each Commissioners opinion on an issue, unbeknown to each Commissioner, and then the reporter prints it; would the Commission then be in violation of the OML if they read the paper.

Ms. Cutts replied that reading the paper would not violate the OML and further, that a Commissioner can have a one on one conversation with a reporter or any constituent and share his opinion without violating the OML as long as that conversation does not involve a quorum of Commissioners.

Commissioner McLean stated that he believed the Attorney General's opinion was too narrow because there could be circumstances where a Commissioner needs to express his views and opinions, openly and candidly, and maybe explain how they differ from another Commissioner. Commissioner McLean stated that he would like to have had the opportunity to provide input on the Attorney General's opinion and that if it is now too late for meaningful discussion and dialogue, then he requested that the Department apply for permission to hire outside council to litigate this issue with the Attorney General's Office.

Ms. Cutts stated that she would go back to the Attorney General's Office and raise the concerns of the Commission, and see if the formal opinion review process could be expanded. Further, Ms. Cutts pointed out that what prompted this opinion were intentional violations of the OML, and that included with this briefing was the objective to provide the Commission with information that would help them to avoid unintentional violations.

The Commission further discussed and asked questions of Ms. Cutts regarding hypothetical situations.

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3. Presentation by the Hunting and Shooting Sports Recruitment and Retention Team Leader including a summary of key findings and recommendations outlined in the Team Report.

Presenter: Jon Cooley, Pinetop Regional Supervisor

Using a Power Point presentation, Mr. Cooley briefed the Commission on the Hunting and Shooting Sports Recruitment and Retention Team's report and recommendations. The Department's Hunting and Shooting Sports Recruitment and Retention Team was assembled in September 2004 to gather and analyze data, and make recommendations for actions and activities to help the agency retain and recruit individuals into hunting and shooting sports recreation. The presentation outlined key objectives of the Team and recommendations on strategies and activities for the Department to pursue to encourage and increase participation in hunting and shooting sports recreation in Arizona.

Commissioner Hernbrode commented that activities for the purpose of hunting and shooting sports recruitment and retention needed to be activities that really make a difference and not just “feel good” activities, and that making a difference should be the overriding theme.

Commissioner McLean stated that at the April Commission meeting, there will be some specific issues regarding hunt opportunity with archery hunts, white-tail hunts and youth hunts in general, and requested that the Department have some specific reference to what’s been recommended today and some application of that to those changes that the Department is tentatively recommending to be approved by the Commission in April. Additionally, Commissioner McLean requested an analysis, if possible, of how this applies to that component of archers represented by the bowhunters position with regard to the proposed substantial change in September archery opportunity for bulls in moving some of those hunts to other times.

Commissioner Melton commented that the Department has a lot of good and constructive youth programs, in particular the set-aside wheat fields, which creates a lot of field opportunities for hunting birds. Commissioner Melton also mentioned predator management hunts, specifically in regards to coyotes, and requested that the Department provide the Commission with a presentation on that particular predator management hunt.

Commissioner Golightly asked how many public surveys were sent out to collect data for this report, to which Mr. Cooley stated that approximately 50,000 were sent out and approximately 6,800 responded. Commissioner Golightly confirmed with Mr. Cooley that the number one issue noted in the surveys was lack of opportunity, and requested that the Department put those survey results out in the media, perhaps via a news release and on the Department’s website, sometime between now and April, so that constituents know there is some science behind hunter opportunity issues that the Commission has looked into.

Chairman Gilstrap stated that there is some open space around Luke Air Force Base where it might be a good opportunity to work with some of those landowners on small game and migratory bird set-aside fields, and that it would be advantageous being so close to the metropolitan area.

Commissioner Hernbrode added that in many cases where landowners were not open to general hunting, those doors opened when the landowner was approached with a request for a mentored youth hunt opportunity.

Public Comment

Bill Larson, retired Game and Fish Department Hunter Education Coordinator, addressed the Commission in regards to one of the Team’s recommendations to possibly reduce the number of Hunter Education hours from 20 to 14 (to be mentioned also in the upcoming agenda item number 6). Mr. Larson’s comments included that he did not believe the Hunter Education Course for the State of Arizona should be changed; the basic class consists of 16 hours of classroom interaction and 4 hours of shooting range time; the current course includes subjects such as conservation, wildlife management, firearms safety, survival and first aid; through evaluation forms at the end of classes, the Department has averaged a 93% approval rating; and that Arizona consistently has had one of the lowest accident rates in the country. Additionally,

14 hours is the average Hunter Education course across the country and Mr. Larson did not want to see Arizona become average, but rather maintain a quality program.

Director Shroufe reported to the Commission on some of the Team's recommendations that have already been approved by the Commission and are being implemented: 1) The hunt guidelines have been re-engineered, 2) the Department is looking into the internet issue on Hunter Education and refining the course, 3) the hunt regulation books are being revised, 4) a recreation public use permit has been applied for on BLM land, 4) the position for the Shooting Range Coordinator is in process, 5) partnerships with private groups are being developed for hunting areas close to the metropolitan area, and 6) the hunting newsletter has been initiated.

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Meeting recessed for a break at 10:08 a.m.

Meeting reconvened at 10:23 a.m.

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

Presenter: Bob Broscheid, Habitat Branch Chief

A copy of the Lands Update report was provided to the Commission prior to today's meeting and is included as part of these minutes. The update addresses decisions or activities since the December 2005 Commission meeting. This update is in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding decisions and actions on all state and federal lands in Arizona.

Mr. Broscheid introduced Diana Hawks and Dennis Curtis from the Bureau of Land Management (BLM) who were present to brief the Commission and answer questions in regards to the recently completed Arizona Strip Draft Plan and Draft Environment Impact Statement (EIS) for the Grand Canyon-Parashant National Monument, Vermillion Cliffs National Monument and the Arizona Strip Field Office.

Ms. Hawks and Mr. Curtis briefed the Commission and provided copies of the Arizona Strip Draft Plan/Draft EIS (CD and Reader's Guide), a Summary of the Preferred Alternative, and maps. These documents were drafts, so nothing in the plans were final decisions at this point. These documents were released for public review and comment on November 25, 2005 and for comments to be considered in the Final EIS, they must be postmarked by March 17, 2006. Ms. Hawks expressed appreciation on behalf of BLM for the Game and Fish Department's involvement in the development of the draft management plans. The Final EIS is planned for completion by fall of 2006, and after resolving any protests to the decisions, the Records of Decision should be completed by the summer of 2007.

The Commission discussed and asked questions of Ms. Hawks and Mr. Curtis for clarification on several items in the draft management plan including designated wilderness areas, managing for wilderness characteristics, and road closures. Concerns of the Commission were in regards to the Department's ability to manage wildlife and wildlife projects in those areas.

Commissioner Golightly asked how conflicts would be resolved if, for example, an agreement cannot be reached between BLM and the Department on where to install a water or whether or not a helicopter survey can be done.

Mr. Broscheid stated that a Joint Policy Statement and a Memorandum of Understanding (MOU) are being developed that is intended to define the roles of the Department and BLM and address how they are going to work together when there are issues or concerns.

Commissioner Melton commented that his main concern is in regards to the road closures and the effect they will have on access for hunting and trapping, and in fighting wildfires.

Public Comment

Jon Fugate, Yuma Valley Rod and Gun Club (YVRGC), read a statement from his organization to the Commission: The Rod and Gun Club respectfully request the following language be in the Resource Management Plan (RMP) to clarify the Department's role and responsibility for managing wildlife and BLM's intent to support the Department in accomplishing their mission and goals: "Land use allocations and management prescriptions such as those to manage for wilderness characteristics or primitive recreation will not adversely impact the Department's ability meet their trust responsibilities for managing wildlife nor prohibit current or future proposed wildlife management activities on lands administered by BLM in Arizona. This RMP will reflect and support the spirit and intent of the statewide MOU between BLM and the Department." Mr. Fugate added that BLM is saying that the Department will be able manage tomorrow like they do today and if that is the case, a statement like this needs to be every RMP, but no BLM office is willing to put that statement in any of their plans. Mr. Fugate urged the Commission to insist on this statement being in the RMP.

Pete Cimellaro stated that Mr. Fugate's comments and the Commission's concerns were right on target, and that if it's not in the language, it's open for interpretation. There are issues going on now at the Barry Goldwater Gunnery Range with maintaining waters because of different interpretations. It is critically important to have specific language in these plans.

Commissioner Golightly asked Mr. Broscheid, in regards to the Lands Update, if there was any additional information about the Big A Allotment or the Crozier Allotment in Region III.

Bob Posey, Region III Supervisor, stated that he recently met with John Hooper with the BLM Kingman Field Office and they are currently gathering data to analyze the Department's question on how they came up with their numbers for the grazing permit.

Commissioner Golightly pointed out that it has taken three years to get to this point asked if they were now adhering to the agreed upon timeline, to which Mr. Posey stated that they were.

Commissioner McLean requested that the Department keep an eye on the Middle Gila Conservation Partnership on the 300-square miles of State Trust Land, southeast of Florence Junction.

5. Consent Agenda

The following items were grouped together and noticed as consent agenda items to expedite action on routine matters. These items were provided to the Commission prior to this meeting and the Department requested that the Commission approve these matters as presented, subject to approval or recommendations of the Office of the Attorney General. All items were presented to the Commission and item 5.d was removed for further public input or discussion.

5.a Request for the Commission to Approve a Renewal of an Agreement for Road Easement with the Town of Eagar for Roadway and Utility Purposes at Eagar, Apache County, Arizona.

Presenter: Bob Broscheid, Habitat Branch Chief

In April 1996, the Commission approved a 10-year Agreement for a road and utility alignment with the Town of Eagar (Town) along the Commission-owned Lee Valley lands at Eagar for roadway and utility purposes.

The Town has advised the Department that they want to renew the agreement. The road is in use and the Town continues to maintain the roadway. The attached agreement would allow for the continued use and maintenance activities with the approval of the Commission for an additional 10-year period.

The Department recommends that the Commission VOTE TO APPROVE A RENEWAL FOR AN AGREEMENT FOR ROAD EASEMENT WITH THE TOWN OF EAGAR FOR ROADWAY AND UTILITY PURPOSES AT EAGAR, APACHE COUNTY, ARIZONA, AND EXECUTE THE AGREEMENT AS ATTACHED OR AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

5.b. Request for the Commission to Approve a Cooperative Agreement with Flood Control District of Maricopa County for the Purpose of Conducting Revegetation Activities on the Commission's Public Land Order 1015 Lands, Maricopa County, Arizona.

Presenter: Bob Broscheid, Habitat Branch Chief

The Flood Control District of Maricopa County (District) is working cooperatively with the Department to conduct revegetation activities on the Public Land Order 1015 (PLO 1015) Lands impacted by the Buck Fire. A Cooperative Agreement between the Commission and the District has been completed to identify terms, conditions and responsibilities of both the Department and the District for revegetation research and education on the Commission's PLO 1015 Lands.

The Department recommends that the Commission VOTE TO APPROVE A COOPERATIVE AGREEMENT WITH FLOOD CONTROL DISTRICT OF MARICOPA COUNTY FOR THE PURPOSE OF CONDUCTING REVEGETATION ACTIVITIES ON THE COMMISSION'S PUBLIC LAND ORDER 1015 LANDS, MARICOPA COUNTY, ARIZONA, AND AUTHORIZE THE DIRECTOR TO EXECUTE THE AGREEMENT AS ATTACHED OR AS RECOMMENDED OR APPROVED BY OFFICE OF THE ATTORNEY GENERAL.

5.c. Request for Commission Approval to Renew a Ten-Year Utility Permit Across the Commission-owned Silver Springs Hatchery in Navajo County, Arizona, to the Arizona Public Service Company for the Purpose of Delivering Electric Power.

Presenter: Bob Broscheid, Habitat Branch Chief

In 1985, the Commission authorized the Department to grant the Arizona Public Service Company (APS) a 10-year utility easement across a portion of the Silver Springs Hatchery for the purpose of providing residential electrical service to neighboring property owners. In January of 1996, the Commission renewed this easement for an additional 10 years. That agreement expires April 1, 2006. APS would like to renew that agreement for another 10 years so they may continue to provide electric power to their customers.

THE DEPARTMENT RECOMMENDS THAT THE COMMISSION VOTE TO APPROVE RENEWAL OF A TEN-YEAR UTILITY PERMIT ACROSS THE COMMISSION-OWNED SILVER SPRINGS HATCHERY IN NAVAJO COUNTY, ARIZONA TO THE ARIZONA PUBLIC SERVICE COMPANY FOR THE PURPOSE OF DELIVERING ELECTRIC POWER AND TO EXECUTE THE AGREEMENT AS ATTACHED OR AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

5.e. Renewal of a Road Closure on State Trust Land Southeast of Florence, Arizona

Presenter: Mark Weise, Development Branch Chief

Mr. Gale J. Brimhall has requested to renew a closure to vehicular access on State Trust lands in Pinal County. The Arizona Game and Fish Commission granted this closure, with concurrence from the Arizona State Land Department, in August 2000. The closure was granted contingent on the improvement of an alternate access route, which Mr. Brimhall completed.

This road closure supports wildlife management by maintaining hunter access to a significant area of State Trust land and by protecting a water pump, which will distribute water over a large area. The closure has been successful over the past five years; the Department is aware of no complaints regarding the closure. The alternate access route remains in good condition. Regional personnel and the Arizona State Land Department support the renewal of this closure to vehicular access.

The Department recommends that the Commission vote to APPROVE THE REQUEST TO RENEW A ROAD CLOSURE ON STATE TRUST LAND LOCATED APPROXIMATELY TEN MILES SOUTHEAST OF FLORENCE.

5.f. Renewal of a Road Closure on State Trust Land West of Eager, Arizona

Presenter: Mark Weise, Development Branch Chief

Mrs. Maryhelen "Sug" Peters has submitted a request to renew a closure to vehicular access on State Trust lands in Apache County. The Arizona Game and Fish Commission granted this closure, with concurrence from the Arizona State Land Department, in February 2001. A compromise solution was reached on the original petition and the closure that was granted only

restricted vehicular access on the western road.

The purpose of this road closure is to prevent further resource damage to soils and vegetation due to off-road travel. The closure has been successful over the past five years; much of the severe rutting and resource damage has healed over with native grasses. A walk-through gate was installed and foot access is welcomed. The Department is aware of no complaints regarding the closure, in fact, both the wildlife manager and the lessee have received comments from many hunters who like that this small piece of State Trust land is open to foot access only. Resource damage by off-road travel continues to be a problem in neighboring areas, so Regional personnel and the Arizona State Land Department support renewal of this closure for natural resource protection.

The Department recommends that the Commission vote to APPROVE THE REQUEST TO RENEW A ROAD CLOSURE ON STATE TRUST LAND LOCATED APPROXIMATELY SEVEN MILES WEST OF EAGER.

Motion: McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE DEPARTMENT RECOMMENDATIONS ON CONSENT AGENDA ITEMS 5.A, 5.B, 5.C, 5.E, AND 5.F AS PRESENTED.

Vote: Unanimous

5.d. Region VI Petition to Close a Road on State Trust Land Approximately Eight Miles East of Gold Canyon, Arizona

Presenter: Mark Weise, Development Branch Chief

Mr. Weise briefed the Commission and provided maps for clarification of the exact location of the proposed road closure. Rod Lucas, Arizona Game and Fish Department Region VI Supervisor, submitted a petition to close an unnamed road on State Trust land located approximately eight miles east of Gold Canyon, Arizona. This request is for closure to vehicular access on a dirt road that leads to the trail to Carney Springs. The road is approximately ½ mile in length and terminates at the USFS Boundary of the Superstition Wilderness. A connecting side road, approximately 0.15 mile in length, would also need to be closed. The closure of these roads would be accomplished by means of barriers, informative signs and possible ripping of the existing road.

The primary purpose of this proposed road closure is to prevent disturbance and potential loss of bats that roost in the Dacite Mine. The Dacite Mine is significant because it provides habitat for five species of bats, including Townsend's big-eared and California leaf-nosed bats, both considered species of concern by the Department and the Western Bat Working Group. The bat colonies have experienced a significant decline in numbers in recent years. This decline is attributed to destructive and malicious human activity within the mine tunnel including; discharge of firearms, use of small explosives, fires, netting, chemicals, and littering, as well as the unlawful take of bats. A road closure will help protect the bat roost and will have additional desired outcomes of a decrease in soil and vegetation damage by vehicles and a decrease in unlawful activities on State Lands, which include dumping, target shooting, and creation of "wildcat" roads.

Access for foot, horseback, and bicycle traffic will be provided, as well as a small parking area. The Arizona State Land Department and United States Forest Service support this closure for wildlife and natural resource protection. Chuck Backus, who holds the grazing lease on this area, also fully supports the closure.

The Department recommends that the Commission vote to APPROVE THE PETITION FOR A ROAD CLOSURE ON STATE TRUST LAND APPROXIMATELY EIGHT MILES EAST OF GOLD CANYON.

Commissioner Melton confirmed with Mr. Weise that the road to be closed was only a two-track road and there was another road that would provide access to the wilderness area.

Motion: Golightly moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE THE DEPARTMENT RECOMMENDATIONS ON CONSENT AGENDA ITEM 5.D AS PRESENTED.

Vote: Unanimous

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11. Wildlife 2006 Update

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

In 2000, the Commission adopted Wildlife 2006. Wildlife 2006 describes the preferences of Arizona's citizens as they relate to the management of Arizona's wildlife. It also identifies what the Commission, the Department, and the public expect over the six-year period (2001-2006).

The Commission was provided with the Wildlife 2006 Biannual Progress Report, which outlines the general challenges and strategies of the subprograms. Subprograms include Game Management, Sportfish Management, and Nongame and Endangered Wildlife Management. In addition, the document will be available on the Department's Website for public information.

The Commission and Mr. Taubert discussed the Elk Objectives and what the Department was doing to reach or maintain those objectives. Also discussed was the mule deer, white-tail and pronghorn data in regards to the accuracy of the data.

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12. Petition for Rule Change by Mr. Noel Benoist Requesting the Commission Amend R12-4-202 Disabled Veteran's License.

Presenter: Richard Rico, Assistant Director, Special Services

Noel Benoist submitted a petition requesting the Commission amend R12-4-202 Disabled Veteran's License. Currently, the rule states eligibility for the license is based on 100% disability and not on the percentage of compensation being received. Within section B(2)(b) of

the rule further clarification is provided stating an applicant must submit certification that he or she is receiving compensation for a permanent service-connected disability rated as 100% disabling. ARS 17-336, Complimentary Licenses, provides further direction and clearly states that in order to apply for a Disabled Veteran's License a veteran must be a resident of this state for one year or more immediately preceding application for the license and be receiving compensation from the United States government for permanent service connected disabilities rated as 100% disabling.

In his petition, Mr. Benoist is requesting a modification to the rule that would eliminate the requirement for the disability to be service connected. In essence, this would allow a disabled veteran with a 100% non-service connected disability to obtain a Disabled Veteran's License. Since this request is in conflict with existing statute, the Department would need to seek a statutory change prior to modifying this rule. In addition, the primary intent of the statute and the rule has been to recognize those veteran's that have suffered a service related disability while serving in the military.

Mr. Benoist was present and addressed the Commission stating that he was an ex-national security agent from confidential agency which "didn't exist" on any paperwork making it very difficult for him to prove his service status and get his benefits. Mr. Benoist provided some language for a draft bill that he was willing to take to the legislature and asked the Commission for their support.

Commissioner Golightly stated that going to the legislature with a bill was the only avenue in order for the Commission to be able to make a rule change to the Disabled Veteran's License, and that the Commission was open to supporting it, but would need to see the final language.

Mr. Benoist withdrew his petition and will keep the Commission posted on his progress. The Commission took no action.

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Meeting recessed for lunch at 12:13 p.m.

Meeting reconvened at 1:00 p.m.

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16. Executive Session

The Commission voted to meet in Executive Session in accordance with A.R.S. § 38-431.03 (A)(3) and (4) for the purpose of discussion and consultation with legal counsel.

Motion: McLean moved and Hernbrode seconded THAT THE COMMISSION GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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

Presenter: Ronald L. Day, Law Enforcement Branch Chief

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

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18. Public information and education update

Presenter: Marty Macurak, Assistant Director

Using a Power Point presentation, Ms. Macurak briefed the Commission on several activities conducted by the Information and Education Division. They included the Fish Arizona Campaign, which was launched in March 2005 and is ongoing; the Lion Awareness Campaign, which ran from June through December 2005 in Tucson and Flagstaff; and upcoming improvements to the Hunter Education Program through streamlining the classroom course and launching a new web-based course. Meetings with instructors and other interested parties are being coordinated to collect ideas and information to report back to the Commission. Additionally, Ms. Macurak briefed the Commission on expanded mass communication efforts through several media outlets.

Public Comment

Keith Paul, Chief Instructor, Hunter Education, was not present when called, but submitted a Speaker Card. Oppose/Support was not marked on the Speaker Card.

Jerry Lape, Hunter Education Instructor, was not present when called, but submitted a Speaker Card. Oppose/Support was not marked on the Speaker Card.

David Hoyle, Chandler Rod and Gun Club, addressed the Commission in opposition to the proposed changes to the Hunter Education courses and asked the Commission not to make any changes until more information is shared.

Commissioner Golightly asked Mr. Hoyle how reducing the hours from 14 to 20 would cut into the quality of the course.

Mr. Hoyle stated that it would reduce the interaction between the instructor and the student and that would be detrimental.

Commissioner Melton agreed that the interaction between the instructor and the student was very important.

Commissioner McLean agreed with Commissioner Melton; however, he has not heard yet what an Internet course might look like and why it can't supplant a portion of the classroom.

Public Comment

Michael Zaccardi, Mesa Hunter Education Instructor, addressed the Commission stating that the instructors, up until today, had no idea of what the proposed changes were going to be, and so the concerns were being brought before the Commission along with a request to be involved. A written statement was submitted with Mr. Zaccardi's Speaker Card, which mentioned the need to serve the public, public awareness, continuous learning by hunters, and course evaluation data showing the success of the current program. The conclusion of the statement read: No one should ever be complacent with a product and not continuously improve it. There are many opportunities to improve the content, visual aids, hand-on experience, multimedia imagery, and instructor teaching skills of the AZ HE course. But shortening the amount of time that currently exists will not improve the quality of the course and it risks producing the result that precipitated the original course, hunter safety. Let's not turn back the clock and undo the good that has come from this course.

Commissioner Golightly stated that he was still not convinced that reducing the hours to 14 from 20 would take the Hunter Education course from a top quality course to average.

Commissioner Hernbrode commented that if the instructors feel they should be giving a 20 hour course then they should give a twenty hour course, but another venue could be the Internet, especially for out-of-state hunters who wish to take the course.

Commissioner McLean commented that the current courses are good, but sometimes a person needs a viable self study type of program, with a test combined with a half day field trip. Additionally, Commissioner McLean stated that he doesn't have enough information to make a decision on whether the course hours should be cut or not, and further directed Ms. Macurak to compile that information and then bring it back before the Commission.

Commissioner Golightly agreed with Commissioner McLean and suggested a pilot program that the Hunter Education Instructors participate in.

Public Comment

Michael Gillespie, Chief Hunter Education Instructor from Blue Ridge, addressed the Commission with a concern about ethics, in that ethics cannot be taught in an online course. Ethics are taught in the dialogue, in getting to know the kids, and in sharing experiences. Mr. Gillespie attached a written statement to his Speaker Card from the Blue Ridge Hunter Education Group of six, stating their opposition to reducing the required hours in the course.

Mickey Veich, volunteer, was not present when called and did not mark Oppose/Support on his Speaker Card.

Blaine Bickford, Chief Hunter Education Instructor, stated that he is not convinced that the hours should be cut and that discussions, workshops and committees are necessary to evaluate that proposal. Additionally, Mr. Bickford stated that after sitting through the license revocations part of this meeting, it is evident why a high quality hunter education course is necessary.

Lori Smith, Instructor with the Chandler Rod and Gun Club, concurred with Mr. Bickford and stated that when she puts her name on the certificate of the student, she wants to be confident enough that she would go hunting with that student.

Bill Larson addressed the Commission again on this subject (see agenda item # 3) and summed up the concerns of the Hunter Education Instructors.

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Meeting recessed for a break at 4:30 p.m.

Meeting reconvened at 4:45 p.m.

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7. Focus Wild Arizona briefing

Presenter: Marty Macurak, Assistant Director, Information and Education Division

Ms. Macurak introduced the Department's Environmental Education Program Manager Karen Schedler and Environmental Education Coordinator Eric Proctor who briefed the Commission on the Information and Education Division's Focus Wild Arizona education program using a Power Point presentation.

The program uses web technology to provide Arizona teachers with environmental education curriculum and resources. The briefing consisted of four broad goals of Focus Wild Arizona: 1) provide lesson plans, activities and resources free of charge to every school in Arizona, 2) offer teachers real-time data on Game and Fish research and wildlife management activities that can be used in math and science classes, 3) respond to circumstances and opportunities to present balanced wildlife conservation information to Arizona educators, and 4) create a one-stop-shopping location for effective teaching, from lesson plans to assessments and evaluations, all correlated to Arizona Department of Education standards.

More than 2,000 teachers have registered to receive program updates and Critters of Arizona books have been distributed to more than 12,000 fourth grade students. The program has been announced to all 17 county school superintendents, and the Department is vigorously publicizing it through the educational news media. Examples of lessons and a teacher's guide were provided to the Commission.

Commissioner Golightly requested information that he could make available to the public at his business office to inform people about the programs. Ms. Schedler will provide the Commission with flyers.

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10. Recent Department Awards

Presenter: Diana A. Shaffer, Human Resources Manager

The Department has recently been the recipient of the Pioneer Award for Quality; the U.S. Fish and Wildlife Service Fiscal Year 2005 Civil Rights Award; the Governor's Pride in Arizona Award for Media Leadership; and the Tres Rios Nature Festival, Honorable Mention, Best of the West Awards (West Valley Award hosted by Westmarc).

Ms. Shaffer briefed the Commission on the U.S. Fish and Wildlife Service Fiscal Year 2005 Civil Rights Award: In 1999 the Department underwent an on-site Civil Rights audit by the U.S. Fish and Wildlife Service (USFWS). At that time, the USFWS's findings were not favorable in regards to disability services and access programs, outreach to females and minority communities, and the diversity of our workforce. Due to the audit findings, the Department implemented several diversity initiatives and as a result, the Department was recently awarded the USFWS Federally Assisted Civil Rights Award for FY 2005. As part of the Civil Rights Award, the Department also received the National Disability Access Award, acknowledging outstanding achievement in the area of accessibility to programs, services and activities. On November 9, 2005, Ms. Shaffer attended the awards ceremony and accepted the award on behalf of the Department. The rating system was a 15-pt. scale and the Department's application received all of the 15 points. The overall Civil Rights Award will be presented in March, possibly at the North American Conference.

Gloria Diaz, the Department's Quality Manager, briefed the Commission on the Pioneer Award for Quality. The Pioneer Award is part of the State Quality Awards Program administered by the Arizona Quality Alliance (AQA), a non-profit organization. The application process and criteria mirror the Malcolm Baldrige National Quality Award Program. On December 15, the Department received the Pioneer Award at the AQA Awards Banquet. A video clip of the event was presented to the Commission.

James Driscoll, Bald Eagle Management Program Manager, briefed the Commission regarding the Governor's Pride in Arizona Award for Media Leadership. These awards are the only statewide environmental awards that recognize individuals, businesses, government agencies, organizations and other groups for their efforts to sustain and improve Arizona's quality of life. The awards were given out by Arizona Clean & Beautiful, a nonprofit, volunteer-driven organization that works to maintain, conserve and preserve the beauty of Arizona. The Department was recognized with the Governor's Pride in Arizona Award for exceptional coverage of issues and promotion of events that contribute to a broader understanding of environmental issues. In addition to the Award, the Department received honorable mention for the Arizona Bald Eagle Nestwatch Program and for the Monofilament Recovery Program.

Rod Lucas, Region VI Supervisor briefed the Commission on the Tres Rios Nature Festival, Honorable Mention, Best of the West Award; a West Valley Award sponsored by Westmarc. Westmarc is a coalition of west-side business and civic interests. These awards are given to organizations, programs and people for their contributions to the image, lifestyle and economic development of Western Maricopa County. On October 27, 2005, the Tres Rios Nature Festival, conceived by the Department and the Wildlife for Tomorrow Foundation, received Honorable Mention. It is amazing for a second year event to receive this recognition.

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8. Statewide Shooting Range Briefing

Presenter: Marty Macurak, Assistant Director, Information and Education Division

The Commission was given an update on Department activities related to shooting range support and development statewide. The update covered activities that have occurred since the December 2005 commission meeting.

Bob Broscheid, Habitat Branch Chief, first updated the Commission on the Northern Arizona Shooting Range. The Department met with Congressman Renzi's office and provided a briefing on the Northern Arizona Shooting Range. Congressman Renzi has asked to be kept informed of the range's development. The Department also met with the Coconino National Forest to discuss progress. The Coconino National Forest was presented with the Department's preliminary site assessments for evaluation and they will provide their input to the Department by the end of January or early February. They also clarified that only one site is required for the NEPA analysis. The Department's recommendation for the site would become a proposal, which would be offered to the Forest Service. This reduces the Department's flexibility and makes it more critical to identify as many issues as possible before moving forward with the recommended site.

Commissioner McLean asked when the Department would present their recommendation to the Commission, to which Mr. Broscheid stated it would be at the February Commission meeting.

Ms. Macurak continued with her briefing. A crew from the NBC Today Show, doing a story on the increasing number of women hunters, was hosted by the Department at the Ben Avery Shooting Facility. The Department made a point of promoting the Scholastic Clay Target Program and the connection between sport shooting and hunting. The program is supposed to air this week and if that happens, it will be recorded and provided to the Commission.

The Commission requested to be notified and possibly participate in these types of activities.

Chairman Gilstrap requested that the Department follow up with the State of Tennessee on some work they did on how their shooting program related to hunting and fishing license, and the correlation they found that may be relevant in hunter retention and recruitment.

Regarding the Northeastern Arizona Sportsman's Association, the Department is proceeding with the acquisition of the shooting range in St. Johns and is now working with the Apache County Attorney's Office to draft a property transfer agreement for the Board of Supervisors to approve. The association has already scheduled a meeting for Jan. 21 to gather public input.

The Department met with the City of Casa Grande to discuss the LZ Pierson Range. They are starting to hear concerns from developers near the range, so they've asked for assistance from the Department on those issues, which the Department is providing.

The Prescott Sportsmen's Club has been consulting with the Department regarding a shooting range it operates under a U.S. Forest Service use permit. The 30-year permit will expire in 2015 and the club is asking the Department to work with the Forest Service to ensure renewal of the permit.

At the Ben Avery Shooting Facility, the Department has completed the draft plan to revamp the Line Safety Officer program to institute a new system for recruitment, training, recognition and for capturing hours for purposes of providing match for federal grants. January through March will be spent seeking partnerships with universities, governments and nonprofits to supply a

steady source of volunteers. The Department is scheduled to meet with a vendor to develop a customer database to help schedule, invoice and track range use more efficiently. Regarding spent brass on the range, the Attorney General's Office has given the opinion that the brass is the property of the Department and not state surplus, and so the Support Services Branch is moving forward to find a vendor to process that and return the money to the range.

Commissioner Golightly stated that the spent brass belongs to the sportsman first and directed the Department to install some signs in that regard.

Ms. Cutts clarified the Attorney General's opinion. The spent brass belongs to the shooter until it is abandoned by the shooter and at that point it becomes the property of the Department.

The Request for Proposals for Ben Avery range operations is being publicized and the Department continues to assist the City of Phoenix with a draft intergovernmental agreement to operate the Clay Target Center.

Ms. Macurak asked the Commission to give the Department authority to spend up to \$200,000 to pay for a master planning process for the entire property at the Ben Avery Shooting Facility in regards to utilities issues, water and sewer systems, building replacement or repair, the new Department Headquarters, and shooting range additions and improvements. It is critically important for the Department to have a plan in place as development occurs around the range. The vendor has agreed to \$160,000 and the other \$40,000 would be for designing enhancements to the Clay Target Center.

Motion: Hernbrode and Melton seconded THAT THE COMMISSION VOTE TO APPROVE THE EXPENDITURE OF UP TO \$200,000 FOR THE MASTER PLANNING PROCESS AT THE BEN AVERY SHOOTING FACILITY.

Commissioner McLean asked if a solicitation was done for the vendor and if so, where was the scope of work. Ms. Macurak stated that a solicitation was done and that the information could be provided to the Commission, but was not available at this time.

Vote: Aye – Gilstrap, Melton, Golightly, Hernbrode
Nay – McLean
Passed 4 to 1

Ms. Macurak provided the Commission with an estimated cost and revenue spreadsheet for the new proposed Shooting Sports Division.

Director Shroufe stated that the Commission had requested this estimate, but that the Department could not afford it at this time. The Commission agreed and the Department will continue to work towards a way to manage ranges collectively throughout the state.

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14. Request to Close the Record and Approve a Notice of Final Rulemaking to Amend Article 4, Dealing with Live Wildlife, Subsequent to the 2004 Five-Year Rule Review Approved by the Governor's Regulatory Review Council (GRRRC)

Presenter: Dustin McKissen, Rules and Risk Manager

Per Commission direction, the Department submitted a Notice of Docket Opening to begin the regular rulemaking process to amend the rules of Article 4 as identified in the preceding five-year rules review report approved by GRRC in January 2004. Since the opening of the original docket, additional rule revisions became necessary and a second Notice of Docket Opening had to be approved by the Commission. In April 2005, the Department held public meetings to receive comments, which were considered and incorporated into the proposed rulemaking where possible. In December 2005, the Department held a formal public hearing to receive final oral comments on the proposed rulemaking.

The Notice of Final Rulemaking, the Economic Impact Statement, the public comments received during the comment period, a transcript of the public hearing, and the rulemaking team's response to the comments received were provided to the Commission for consideration prior to this meeting. If the Commission approves the Notice of Final Rulemaking and the Economic Impact Statement, the Department will submit the notice to GRRC by January 23, 2006 for consideration at their next open meeting in March 2006. The Department anticipates that the rules will become effective and enforceable by early May 2006.

Motion: McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO CLOSE THE RECORD AND APPROVE A NOTICE OF FINAL RULEMAKING TO AMEND ARTICLE 4, DEALING WITH LIVE WILDLIFE, PRINCIPALLY AS STATED IN THE 2004 FIVE-YEAR RULES REVIEW REPORT. THE NOTICE WILL BE SUBMITTED TO THE GOVERNOR'S REGULATORY REVIEW COUNCIL FOR ITS MARCH 2006 MEETING.

Vote: Unanimous

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15. Call to the Public

None at this time.

Director Shroufe stated that agenda items 18, 20, 21, 23 will be postponed to the February Commission meeting.

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9. State and Federal Legislation.

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles provided a Legislative Analysis to the Commission, which included the Joint Legislative Budget Committee (JLBC) and the Governor's Office of Strategic Budgeting (OSPB) recommendations. In the Capital Budget, regarding Department facilities improvement projects, the Department requested \$250,000, and JLBC recommended \$175,000 and OSPB recommended \$151,000. In the Supplemental Budget for Fiscal Year 2007, Game and Fish

Fund, which included the Wildlife Series salary reclassification, the Department requested \$1,400,000, and the JLBC recommended \$1,174,600 and the OSPB recommended \$0. Staff at the Governor's Office is looking into why the Department's request was omitted from the Governor's budget.

Regarding Legislative Bills, the Commission discussed and gave direction to support, oppose or monitor the following:

H2127: Nonresident big game permits; limit. This was not proposed by the Department, it was proposed by a sportsman's group.

Commissioner McLean believed that this bill was drafted to undermine Commission authority and ability.

Motion: Hernbrode moved and McLean seconded THAT THE COMMISSION OPPOSE H2127 AND GIVE THE DEPARTMENT DIRECTION TO WORK WITH THE LEGISLATURE TO REMOVE THIS BILL FROM THE TABLE.

Chairman Gilstrap stated that he believed the intent of the bill was to enhance the decisions and recommendations of the Commission.

Vote: Aye - Melton, Golightly, McLean, Hernbrode
Nay - Gilstrap
Passed 4 to 1

H2191: Court settlements; JLBC & Attorney General - Monitor

H2198: State delayed financing; prohibition - Monitor

H2509: Heritage Funds; encumbrances - Support

Motion: McLean moved and Golightly seconded THAT THE COMMISSION VOTE TO SUPPORT H2509.

Chairman Gilstrap cautioned that the Commission would need to pull their support quickly if the bill was amended.

Vote: Unanimous

H2622: Off-Highway Vehicles; regulation - Monitor

H2659: Tech correction; SLIF - Monitor

S1062: Deposit; Federal monies - Monitor

Public Comment

Stephanie Nichols-Young, Animal Defense League of Arizona, submitted a Speaker Card for H2003, but she was not present when called.

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19. Law Enforcement Case Tracking Process

Presenter: Ronald L. Day, Law Enforcement Branch Chief

Mr. Day briefed the Commission on the new case tracking process designed to track revocable cases through the revocation process. The Commission was provided with the case tracking procedures, a regional case tracking form, a contact log and case tracking form instructions. In addition to the new process, the radio room will be the central location to receive all court notifications, which will be forwarded to the Law Enforcement Officer.

Motion: Hernbrode moved and McLean seconded THAT THE COMMISSION VOTE TO ACCEPT THE NEW LAW ENFORCEMENT CASE TRACKING PROCESS.

Vote: Unanimous

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25. Call to the Public

None at this time.

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13. Selection of New Members of the Heritage Public Advisory Committee (HPAC)

Presenter: Melba Davidson, Funds and Planning Manager

Mr. Ferrell presented this agenda item in Ms. Davidson's absence. There are eight HPAC members whose terms are due to expire in March 2006. Those positions involve one representative in each of the Regions, one statewide representative, and one national representative. The terms are for three years. In accordance with the HPAC Charter, two nominees for each position was provided to the Commission prior to this meeting for consideration along with biographical information for each nominee. The Commission was asked to vote to approve the selection of new members from the list of nominees.

Motion: Hernbrode moved THAT THE COMMISSION VOTE TO SELECT THE FOLLOWING HPAC MEMBERS: PAUL GOMBEN, REGION I; MAGGIE SACHER, REGION II; JIM JETT, REGION III; VALERIE MORRILL, REGION IV; ROSEANN HANSON, REGION V; GARY BARCOM, REGION VI; RICHARD MAZE, STATE; AND BOB VAHLE, NATIONAL.

The Commission discussed and came to a consensus on the regional representatives, but will vote separately for the state and national representatives.

Motion Amended: Hernbrode moved and McLean seconded THAT THE COMMISSION VOTE TO SELECT THE FOLLOWING HPAC MEMBERS: PAUL GOMBEN, REGION I; MAGGIE SACHER, REGION II; JIM JETT, REGION III; VALERIE MORRILL, REGION IV; ROSEANN HANSON, REGION V; GARY BARCOM, REGION VI..

Vote: Unanimous

Motion: Gilstrap moved and Melton and Hernbrode seconded THAT THE COMMISSION VOTE TO SELECT DR. JACK MILLER AS THE HPAC NATIONAL REPRESENTATIVE.

Vote: Unanimous

Motion: Melton moved and Hernbrode seconded THAT THE COMMISSION VOTE TO SELECT HEIDI VASILOF AS THE HPAC STATE REPRESENTATIVE.

Vote: Unanimous

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22. Briefing on the Employee Compensation Proposal to be Submitted to the 2006 Arizona State Legislature.

Presenter: Steve Ferrell, Deputy Director

Mr. Ferrell briefed the Commission on the Employee Compensation Proposal to be submitted to the 2006 Arizona State Legislature. The Department met with approximately 20 individual legislators regarding the supplemental budget and they all supported it. Also, it looks like the Department of Administration may allow the Department to use a similar formula for the Non-wildlife Series as was used for the Wildlife Series in a pilot study.

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26. Director's and Chairman's Report

Chairman Gilstrap waived his report due to the late hour.

Director Shroufe attended the Mid-winter WAFWA meeting.

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27. Commissioners' Report

The Commissioners' waived their reports due to the late hour.

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28. Approval of Minutes

Motion: McLean moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FOR DECEMBER 9-10, 2005.

Vote: Unanimous

The Commission signed the minutes for August 12 and 13, 2005, September 23, 2005, October 21, 2005 and November 9, 2005.

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29. Election of Positions

Motion: Gilstrap moved and McLean seconded THAT THE COMMISSION VOTE TO ELECT COMMISSIONER JOE MELTON AS CHAIRMAN AND COMMISSIONER MIKE GOLIGHTLY AS VICE-CHAIR FOR 2006.

Vote: Unanimous

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30. Future Agenda Items

Mr. Ferrell noted xx action or future agenda items:

- Pursue Commissioner McLean's concerns with the Attorney General's Office regarding the recent Attorney General's interpretation of the Open Meeting Law
- Make some ties or reference to the Hunter Recruitment Retention Team recommendations during the April hunt set meeting, and included within that, make specific connection to the archery elk recommendations and the white-tail recommendations
- If there is an opportunity to expand the youth hunt opportunity, do some kind of analysis by April that will determine whether or not it will make a difference (research the effects of retention on youth hunts)
- Report upon former research that was done on Anderson Mesa regarding pronghorn survival, recruitment, and response to predator control efforts
- Consider both predator hunting and turkey hunts, along with small game hunts as an avenue to enhance hunter recruitment and retention
- Publicize the results of the Hunter Recruitment and Retention survey that the team had done whereby 90% of the 7,000 respondents listed hunting opportunity the number one barrier to hunter recruitment and retention
- After a bill is drafted to address changes regarding eligibility to obtain a disabled veterans license, share that language with the Commission
- Survey the Wildlife Violator Compact states to determine if a license is required to obtain or retain bonus points
- Follow up with the state of Tennessee on how their shooting program is correlated with the sale of hunting and fishing license
- Continue to communicate with employees regarding recent developments in the funding of employee salaries.

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Motion: Melton moved and McLean seconded THAT THE COMMISSION VOTE TO ADJOURN.

Vote: Unanimous

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Meeting adjourned at 7:45 p.m.

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W. Hays Gilstrap, Chairman

Joe Melton, Member

Michael M. Golightly, Member

William H. McLean, Member

Robert Hernbrode, Member

ATTEST:

Duane L. Shroufe
Secretary and Director