

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, August 11, 2006 – 8:00 a.m.
Saturday, August 12, 2006 – 8:00 a.m.
Radisson Woodlands Hotel
1175 W. Route 66
Flagstaff, Arizona 86001

PRESENT: (Commission)

(Director's Staff)

Chairman Joe Melton
Commissioner Michael M. Golightly
Commissioner William H. McLean
Commissioner Robert Hernbrode
Commissioner Jennifer L. Martin

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

Chairman Melton called the meeting to order at 8:02 a.m. The Commissioners introduced themselves and Chairman Melton introduced the Director and the Director's staff. This meeting followed an agenda revision dated August 9, 2006.

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1. A Field Guide to Amphibians and Reptiles in Arizona.

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

Mr. Taubert provided the Commission with a copy of the Department's new publication, "A Field Guide to Amphibians and Reptiles in Arizona", by Thomas C. Brennan and Andrew T. Holycross, and briefed them on the composition of the book. This book was a result of a collaborative agreement between the Arizona Game and Fish Department and the School of Life Sciences at the Arizona State University, a partnership fostered through Partners in Amphibian and Reptile Conservation. Funding for the publication was provided by the Heritage Fund and the Wallace Research Foundation. Mr. Brennan and Mr. Holycross were present and thanked the Commission for the Department's involvement in completing the book.

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2. Presentation on the Audubon's Partnerships in Developing the Nina Mason Pulliam Rio Salado Audubon Center and the Arizona Game and Fish Department's Participation.

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

Mr. Taubert briefed the Commission on the Department's proposed participation in the Nina Mason Pulliam Rio Salado Audubon Center, including how it correlated with 2006 and 2012 Wildlife Strategic Plans, and then introduced Sam Campana, Vice President and Executive Director of Audubon Arizona. Ms. Campana provided the Commission with a Power Point presentation on the development of the Nina Mason Pulliam Rio Salado Audubon Center and requested the Arizona Game and Fish Department's participation. Audubon Arizona is developing an environmental education facility in the City of Phoenix. The total project and the

Department's partnership role was presented. The Arizona Game and Fish Department would be partnering with Audubon Arizona in the development of the wetlands at the Nina Mason Pulliam Rio Salado Audubon Center. Packets of information were provided to the Commission, which included a list of major contributors to date for the Center.

Public Comment

The following were present in support of the Rio Salado Audubon Center:

- Karen O'Neil, President of Arizona Audubon Council and Prescott Audubon Society
- Anita MacFarlane, Vice President of Northern Arizona Audubon
- Phyllis Kegley, President of Northern Arizona Audubon Society. Read a statement from the Arizona Audubon Council in support of the project.
- Frank Brant, Board Member of Audubon Arizona
- Karen Williams, City of Phoenix, Rio Salado Project Manager, provided an informational brochure to the Commission, which included maps of the proposed area.

The Commission discussed potential issues including flooding, wildlife conflicts and funding sources.

Commissioner Martin clarified that the estimated cost to the Department to develop the wetlands would be \$554,000.

Mr. Ferrell addressed the funding issues and stated that this project would not compromise future school yard grant projects. Further discussion ensued in regards to heritage funds and the utilization process.

Commissioner Golightly questioned whether or not funds should be provided in one lump sum.

Commissioner McLean commented that nearby rural communities will benefit through school field trips to the Center, but also requested, as a future agenda item, a presentation on plans for the future statewide focus of Heritage-Environmental Education expenditures.

Motion: Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE DEPARTMENT'S PARTNERSHIP WITH AUDUBON ARIZONA FOR DEVELOPMENT OF THE NINA MASON PULLIAM RIO SALADO AUDUBON CENTER.

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

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3. State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles briefed the Commission on selected State and Federal legislation. The Commission was provided with a Legislative Packet, which included legislative proposals, State Trust Land Ballot Measures, Congressional Updates, and September's Primary candidates.

The Commission requested a briefing on the differences between two similar propositions, 105 and 106, in regards to State Trust Land. Mr. Guiles will coordinate a briefing for the September Commission meeting by supporters of each proposition. The Commission may take action to support one of the propositions.

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4. OHV Legislative Proposals

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles reported on the current status of proposed concepts for OHV (off-highway vehicle) legislation. The Department generally doesn't run legislative proposals during the budget year, however, the Department recommended moving forward with the OHV legislation.

The Commission directed the Department to move forward with drafting OHV legislation and to bring that language back to the Commission at the September Commission meeting.

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Meeting recessed for a break at 9:56 a.m.

Meeting reconvened at 10:21 a.m.

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5. 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 addressed decisions or activities since the June 2006 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 further briefed the Commission one additional update in regards to the Department working with the Governor's Office on the Roadless Area Petition Process. The 12 scheduled public meetings throughout the State have been completed, however, one additional meeting will take place in Blue, Arizona. Over 4,000 comments have been received to date, which will be consolidated and provided to the Commission.

Commissioner Hernbrode asked Mr. Broscheid about a land disposal on the Tonto National Forest, to which Mr. Broscheid stated that the Department has not been able to obtain any information, but is still working on it and will report any information to the Commission as soon as possible.

Mr. Broscheid further discussed with the Commission and elaborated on items in the Lands Update.

Director Shroufe announced that the Governor recognized Mr. Broscheid for his efforts in obtaining public input on the Roadless Rule.

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6. Request for the Commission to Authorize the Department to Acquire a Right-of-Way from the Arizona State Land Department for the Purpose of Providing Public Recreational Access to State Trust Land and the Prescott National Forest in Yavapai County, Near Indian Rock Ranch, Arizona.

Presenter: Bob Broscheid, Habitat Branch Chief

Mr. Broscheid briefed the Commission on Department negotiations with Mr. Tres Moore. In 1999 he closed the gates on his private land, preventing access by sportsmen to State Trust land. After several failed attempts to resolve the issue, the Department tried to provide access through an existing Arizona State Land Department (ASLD) road. ASLD later closed that route because of issues at the intersection with State Highway 96. In 2000, the Department entered into a Cooperative Stewardship Agreement with Mr. Moore to allow access; however, the Department received numerous complaints that access is still blocked by Mr. Moore's gates. Additionally, the road has deteriorated and no longer provides reasonable access to conventional vehicles. Mr. Moore has further restricted access by prohibiting the use/access of all ATV's across his property.

As a result, the Department recommended filing for a new road Right-of-Way (ROW) from ASLD. This action should result in not having to rely on Mr. Moore for public access into the State Trust land and Prescott National Forest. Acquisition of the ROW will require a re-alignment of a short section of the roadway (less than 1 mile) to avoid Mr. Moore's private property.

Motion: Golightly moved and McLean seconded THAT THE COMMISSION VOTE TO AUTHORIZE THE DEPARTMENT TO ACQUIRE A RIGHT-OF-WAY FROM THE ARIZONA STATE LAND DEPARTMENT FOR THE PURPOSE OF PROVIDING PUBLIC RECREATIONAL ACCESS TO STATE TRUST LAND AND THE PRESCOTT NATIONAL FOREST IN YAVAPAI COUNTY, NEAR INDIAN ROCK RANCH, ARIZONA, AND AUTHORIZE THE DEPARTMENT TO ENTER INTO ALL RELATED DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTIONS APPROVED HEREIN.

Vote: Unanimous

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(The following two items were initially noticed as consent agenda items and then separated on the agenda revision to be addressed individually)

7.a. Request for Commission to Authorize the Department to Dispose of a Right of Way at the Page Springs Hatchery in Yavapai County, Arizona.

Presenter: Bob Broscheid, Habitat Branch Chief

The Department acquired 110 acres of the Page Springs Hatchery in 1954. A parcel of land along Dancing Apache Road has been a trespass access issue since April 2000. A formal transfer of the parcel from the Commission to Yavapai County has been proposed twice and in both instances, Yavapai County declined to consider the land to resolve the issue. Most recently, an independent landowner affected by the access issue, has approached the Department with a commitment to personally purchase the .39 acres making the access public to any landowner without cost to the landowners. Rather than lease the roadway which inherently opens the Commission for liability issues, the Department recommended that the roadway be designated as surplus property and sold in accordance with Arizona Revised Statute (ARS) § 37-803. The current appraised market value will be the economic basis of disposal. The disposal is also subject to the approval of the Governor and the State Land Commissioner per ARS § 17-241.B.

Motion: Golightly moved and Hernbrode seconded THAT THE COMMISSION VOTE TO AUTHORIZE THE DEPARTMENT TO SELL A SURPLUS PARCEL OF LAND CONSISTING OF APPROXIMATELY .39 ACRES AT THE PAGE SPRINGS HATCHERY IN YAVAPAI COUNTY, ARIZONA, AND AUTHORIZE THE DEPARTMENT TO EXECUTE ALL DOCUMENTS ASSOCIATED WITH THE DISPOSAL AS RECOMMENDED AND APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

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7.B. Request for Commission to Authorize the Department to Renew the Current Grazing Lease on State Land at Raymond Ranch Wildlife Area.

Presenter: Bob Broscheid, Habitat Branch Chief

The Arizona Game and Fish Commission purchased 8,960 acres of checkerboard private property in 1942, with federal aid funds, to enhance winter pronghorn antelope range. The property became known as the Raymond Ranch Wildlife Area. In 1952, the Commission acquired an additional 1,118 acres from the Arizona Livestock Loan Company (Hart Cattle Company) in exchange for 640 acres of Commission owned land. In 1953, the Commission assumed the Hart Cattle Company grazing lease on adjacent State Trust land thereby obtaining legal access to the alternately checkerboard sections. The Department has maintained the grazing lease since that time. The current lease will expire on August 31, 2006 and the Department requested that the Commission authorize the Department to renew the lease.

Motion: Hernbrode moved and McLean seconded THAT THE COMMISSION VOTE TO AUTHORIZE THE DEPARTMENT TO RENEW THE CURRENT GRAZING LEASE ON STATE LAND AT RAYMOND RANCH WILDLIFE AREA, AND AUTHORIZE THE DEPARTMENT TO ENTER INTO ALL RELATED DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTIONS APPROVED HEREIN.

Vote: Unanimous

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8. Call to the Public

Al Kreutz, representing himself, addressed the Commission requesting that the Commission/Director address the issue of Wildlife Managers not returning phone calls.

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13. Notice of Termination of Rulemaking, Notice of Docket Opening, and Notice of Proposed Rulemaking to Amend R12-4-102 and R12-4-203 to Clarify Fees and Privileges for Licenses, Tags, Stamps, and Permits

Presenter: Dustin McKissen, Rules and Risk Manager

Amendments made to A.R.S. § 17-333 during the 2005 legislative session established new licenses and gave the Commission the authority to prescribe new licenses and accompanying fees for the purposes of wildlife management. The Commission approved a rulemaking to further implement these statutory changes; however, the Department has since discovered additional necessary amendments that exceed the scope of the previous proposed rulemaking. Therefore, the Department is restarting the rulemaking process to address these additional concerns.

The proposed rulemaking will:

- Correct the fee for a Class A nonresident fishing license by reducing it from \$88.00 to \$70.25.
- Amend the Class C and D licenses to clarify that any additional days purchased shall be consecutive.
- Prescribe a new type of Class F combination and Class G hunting license for children ages 10 to 13 to make these license options consistent with other child classes of licenses. The fee for the Class F child license will be \$20.00 and the fee for the Class G child license will be \$15.00.
- Correct the fee for a Class I family fishing license by removing the second surcharge that was added. The fee for a Class I license for the first adult will be \$36.25 and the fee for the second adult will be \$29.00.
- Prescribe the privileges given by purchasing the Class L, M, and N super conservation licenses. A Class L license gives the same privileges as a Class A General Fishing License, a Class U urban fishing license, and a trout stamp. A Class M license gives the same privileges as a Class G General Hunting License, and includes a nonpermit-tag for archery deer, archery turkey, fall bear, and mountain lion, and a Unit 12A (North Kaibab) Habitat Management Stamp, a State Waterfowl Stamp, and a State Migratory Bird Stamp. A Class N license gives the same privileges as a Class F Combination Hunting and Fishing License and a Class U Urban Fishing License, and includes a nonpermit-tag for archery deer, archery turkey, fall bear, and mountain lion, and a Unit 12A (North Kaibab) Habitat Management Stamp, a State Waterfowl Stamp, a State Migratory Bird Stamp, and a trout stamp.

- Amend the Class U urban fishing license to reduce the fee by half if the license is issued in November or December, including half the surcharge authorized under A.R.S. § 17-345.
- Amend the list of hunt permit-tags to include pheasant and to clarify that a hunt permit-tag is required only for non-archery and non-falconry hunts.
- Amend the list of stamps for which duplicates are not issued.
- Amend R12-4-203 to support the amendments made to R12-4-102.

If approved by the Commission, the Department will submit the Notices to the Secretary of State for publication in the *Arizona Administrative Register*. The rulemaking's effectiveness date will not be affected.

Motion: Martin moved and McLean seconded THAT THE COMMISSION VOTE TO APPROVE A NOTICE OF TERMINATION OF RULEMAKING, A NOTICE OF DOCKET OPENING, AND A NOTICE OF PROPOSED RULEMAKING TO AMEND R12-4-102, DEALING WITH LICENSES, TAGS, STAMPS, AND PERMITS, AND R12-4-203, DEALING WITH NATIONAL HARVEST INFORMATION PROGRAM STAMPS TO CLEARLY PRESCRIBE PRIVILEGES AND FEES.

Vote: Unanimous

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13A. Presentation of a framework for a rule regarding the pick up and possession of wildlife parts for consideration by the Commission and a request for additional direction from the Commission regarding this matter.

Presenter: Mike Senn, Assistant Director, Field Operations Division

Mr. Senn presented a draft framework for a rule regarding the pick up and possession of wildlife parts as directed by the Commission at the June Commission meeting for their consideration. Law Enforcement Directive 1011 currently provides Department law enforcement officers direction on the possession of wildlife parts held under the authority of Arizona Revised Statutes (A.R.S.) § 17-309.A.20. The Department presented alternatives to the current law enforcement directive at the May 2006 Commission meeting and was asked to refine the alternatives for presentation at the June Commission meeting. At the June 2006 Commission meeting the Department presented the refined alternatives and was provided further direction by the Commission to work with the Wildlife Assets Committee to draft a framework for a new rule regarding the possession of wildlife parts. The Department has worked with the Wildlife Assets Committee and drafted a framework for a new rule for consideration by the Commission.

The Commission discussed the rule, potential changes in the rule language, and the possibility of creating a salvage permit that would allow lawful pickup of wildlife parts.

The Commission directed the Department to develop a process that allows legal possession of wildlife parts even though it did not die naturally and is fresh, including parts from animals that died as a result of wounding loss. Also, the process should require some kind of notification to the Department before the public may pick up the parts.

Mr. Odenkirk stated that what the Commission was proposing would require opening the rule.

Mr. Senn stated that this rule could be included in Article 3, which was currently open for review, and can be added to the normal rulemaking process. Rule language will be drafted and brought back to the Commission in February or March and the final rulemaking will be completed in April 2007.

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14. Hunt Permit-tag Application Schedule for Spring 2007 Hunts

Presenter: Richard Rico, Assistant Director, Special Services

Mr. Rico provided the Commission with a brief presentation relating to the hunt permit-tag application schedule for the spring 2007 hunting seasons. The application schedule identified proposed acceptance dates and deadline dates for all hunts associated with the draw process. Also provided were the proposed dates for when hunt permit-tags and refund warrants will be mailed, along with information relating to the first-come/first-serve process for any permits that may still be available.

Chairman Melton commented that sportsmen have suggested having the draw earlier in the year.

Mr. Ferrell stated that the Department is addressing that suggestion by having a January draw that will allow for elk and antelope to be drawn earlier in the year and provide sportsmen with greater notice of being drawn for these two species.

Motion: McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE APPLICATION SCHEDULE FOR THE SPRING 2007 HUNTS WITH THE UNDERSTANDING THAT SHOULD THE COMMISSION TAKE ACTION LATER ON IN THIS MEETING THAT WOULD EFFECT PARAGRAPH 4 OF THE APPLICATION SCHEDULE, THAT THE DEPARTMENT BE AUTHORIZED TO MODIFY THE LANGUAGE OF PARAGRAPH 4 TO COMPLY WITH THAT ACTION.

Vote: Unanimous

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14.A. Request to Approve the Lease Purchase Agreement and the Ground Lease Agreement Associated with the Construction of a New Headquarters Complex at the Ben Avery Shooting Facility

Presenter: Richard Rico, Assistant Director, Special Services

At the September 2005 Commission meeting the Commission directed the Department to initiate the construction process for a new headquarters facility at the Ben Avery Shooting Facility (BASF), including the completion of all agreements necessary to complete this project. This includes a Lease Purchase Agreement and a Ground Lease Agreement. The Department intends to enter into a Lease Purchase Agreement with a Limited Liability Corporation (LLC) for the

construction, occupancy and ownership of an administrative headquarters building and appurtenant facilities (improvements) on approximately 40 acres at the southwest corner of the Ben Avery Shooting Facility. To finance these improvements the corporation will enter into a concurrent Indenture of Trust agreement with an assigned trustee to secure funding through the sale of Beneficial Interest Certificates, as established in the lease purchase agreement. The lease purchase agreement establishes the terms, conditions, payment schedule, methods and remedies which the corporation and the Department agree upon for the purpose of providing design, construction, property management and long-term maintenance services for the development and occupancy of the new headquarters facility. It is the intent of the lease-purchase agreement to equitably protect the interests of both parties in the privatized lease-to-own project delivery method. Pursuant to A.R.S. Section 17-246, the Commission is authorized to enter into an installment purchase agreement (lease purchase agreement) for the purpose of acquiring a Game and Fish facility. To meet the requirements for securing this funding the LLC must be assigned control of the parcel by the Commission under a concurrent Ground Lease Agreement. Pursuant to A.R.S. Section 17-246, the Commission is authorized to lease land held by the Department or Commission for the purpose of acquiring and financing Game and Fish facilities. All improvements will be transferred to the Department at the termination of the Ground Lease Agreement.

Commissioner McLean noted that he didn't see the reserve fund to pay for one year's annual lease payment if the Department was in default.

Mr. Odenkirk stated that he would verify that there was a reserve fund set up for one year's obligation for debt service under the definition of operating expense in the lease, and paid through the lease payment. Initially, the funds will be set up in the sale of the certificate.

Commissioner McLean also noted the absence of a definition for substantial completion.

Mr. Odenkirk will assure that the term "substantial completion" is defined.

Motion: McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE LEASE PURCHASE AGREEMENT AND THE GROUND LEASE AGREEMENT ASSOCIATED WITH THE CONSTRUCTION OF A NEW HEADQUARTERS FACILITY AT THE BEN AVERY SHOOTING FACILITY SUBJECT TO FINAL APPROVAL BY THE ATTORNEY GENERAL'S OFFICE; AND SUBJECT TO FINALIZATION REGARDING THE ITEMS DISCUSSED TODAY; AND SUBJECT TO FINAL APPROVAL BY THE DIRECTOR.

Vote: Unanimous

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Meeting recessed for lunch at 11:49 a.m.

Meeting reconvened at 1:20 p.m.

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9. 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, and to discuss personnel matters, including the Director's goals and objectives pursuant to A.R.S. § 38-431.01 (A) (1).

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

Vote: Unanimous

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10. 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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11. Rehearing Request Regarding Previous License Revocation/Civil Assessment

Presenter: Ronald L. Day, Law Enforcement Branch Chief

On the 20th Day of October, 2005, Richard D. Murphy, Jr., was convicted in the Williams Justice Court for: Shoot from a vehicle, take wildlife at night (rabbit), take wildlife with artificial light (rabbit), and littering while hunting. On May 19, 2006, the Commission revoked Mr. Murphy's hunting, fishing, and trapping licenses for a period of five (5) years, and further required him to complete Hunter Education before obtaining any license(s) to take wildlife in the State of Arizona. Mr. Murphy requested a rehearing of this matter and decision due to the meeting location listed incorrectly on his initial Notice of Hearing for License Revocation. The Department reviewed the notice and determined that the location listed on the initial notice was incorrect. Mr. Murphy was notified by certified mail and was present at this meeting.

Motion: McLean moved Martin seconded THAT THE COMMISSION VOTE TO GRANT RICHARD D. MURPHY, JR.'S REQUEST FOR A REHEARING IN THIS MATTER AND THAT THE REHEARING TAKE PLACE IMMEDIATELY UPON THE GRANTING OF THE MOTION IF IT IS SO GRANTED.

Mr. Day briefed the Commission on the case summary.

Mr. Murphy addressed the Commission apologizing for his actions. He further stated that he was only 19 years old at that time and did not drink any alcoholic beverages, nor did he do any of the littering.

Commissioner McLean noted that Mr. Murphy was with others who were drinking and littering.

Chairman Melton asked about the status of jack rabbits, to which Mr. Day clarified that they were classified as nongame mammals.

Motion: Hernbrode moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **RICHARD D. MURPHY, JR. TO HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5)** YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Aye - Melton, Hernbrode, Martin
Nay - Golightly, McLean
Passed 3 to 2

Commissioners Golightly and McLean commented that five years is a very long time.

Chairman Melton commented that there were four counts/issues in which Mr. Murphy was found guilty.

Commissioner Hernbrode commented that shooting in the dark was dangerous to those involved and to the public.

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16. Commission Committee Appointments

Presenter: Duane L. Shroufe, Director

The Commission was asked to modify its appointment of individual Commissioners to the following standing committees for the remainder of 2006 through January 2007: Heritage Public Advisory Committee, Habitat Partnership Committee, Landowner-Lessee/Sportsman's Relations Committee, and the Wildlife Assets Committee. The Department further requested that the Shooting Range Economic Development Committee be disbanded. Currently, Commissioners are on the following committees:

- Heritage Public Advisory Committee - Commissioner Hernbrode, Chair
- Habitat Partnership Committee - Commissioner McLean, Chair
- Landowner-Lessee/Sportsman's Relations Committee - Chairman Melton, Chair
- Wildlife Assets Committee – Commissioner Golightly, member

Chairman Melton agreed to disband the Shooting Range Economic Development Committee and appointed Commissioner Martin to the Landowner-Lessee/Sportsman's Relations Committee. All other committee appointments to remain the same.

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15. Second Read to Modify Commission Policy A2.27 Making the Wildlife Assets Committee Chairman a Commissioner and Appointing a New Chairman for the Wildlife Assets Committee.

Presenter: Duane L. Shroufe, Director

The current composition of the Wildlife Assets Committee does not have a Game and Fish Commissioner as the chairman of the committee, which is inconsistent with other standing Commission committees (e.g., Heritage Public Advisory Committee, Landowner/Lessee Sportsmen Relations, etc.). The Commission was asked to modify Commission Policy A2.27 making the Wildlife Assets Committee the same as the other standing Commission committees.

Motion: McLean moved and Golightly seconded THAT THE COMMISSION VOTE TO MODIFY COMMISSION POLICY A2.27 MAKING THE CHAIRMAN OF THE WILDLIFE ASSETS COMMITTEE A GAME AND FISH COMMISSIONER, AND APPOINT A NEW CHAIRMAN OF THE WILDLIFE ASSETS COMMITTEE.

Vote: Unanimous

Chairman Melton appointed Commissioner Golightly as the new Chairman of the Wildlife Assets Committee.

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18. Call to the Public

Al Kreutz, representing himself, briefed the Commission on Elk Society activities, White Mountain Fishing Club activities, and other activities in the Pinetop area.

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19. Director and Chairman's Report

Director Shroufe reported that he met with Phelps Dodge, U.S. Fish and Wildlife Service and ADEQ on negotiations for natural resource damage claims; took one weeks vacation in Alaska; chaired the NAWCC meeting; attended the Arizona Wildlife Federation and Arizona Bowhunters Awards Banquet; attended a mediation meeting regarding the Bar D and Apache Maid; attended the WAFWA annual meeting and became the President of WAFWA; went to Fort Collins for discussions on Human Dimensions in Wildlife Management.

Chairman Melton reported that he attended the big game raffle; attended a Cattleman's Association meeting; went to the Wildlife Assets meeting and the Landowner-Lessee meeting; and attended the Trappers Convention.

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20. Commissioners' Reports

Commissioner Hernbrode worked several days with staff on the wildlife book; attended the WAFWA meeting; met with the Arizona Elk Society to discuss their issues; participated in the Human Dimensions Working Session in Fort Collins.

Commissioner McLean attended an HPC meeting; attended the WAFWA annual meeting; worked with Department staff on the Internet application vendor issues; met with the Arizona Elk Society.

Commissioner Golightly attended the Governor's Tourism Awards symposium in Tucson; attended a Wildlife Assets Committee meeting and was involved in related activities; and attended the WAFWA.

Commissioner Martin spent time at BASF with the Annie Oakley shooters; attended the Anglers Roundtable meeting; attended the Governor's Tourism Awards Symposium in Tucson where the Department was recognized for the Fish Arizona campaign; attended the Southwestern Bald Eagle Management Committee meeting; participated in the July 14, 2006 Telephonic Commission meeting; attended Cabela's opening ceremony; toured the Department as incoming Commissioner; read through materials provided by the Department; and prepared for this meeting.

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21. Approval of Minutes and Signing of Minutes

Motion: Golightly moved and McLean seconded THAT THE COMMISSION VOTE TO APPROVE THE MINUTES FOR MAY 19, 2006, JUNE 23-24, 2006, AND JULY 14, 2006.

Vote: Unanimous

The Commission signed the minutes for April 21, 2006, April 26, 2006, and June 1, 2006.

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9. Executive Session (continued)

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, and to discuss personnel matters, including the Director's goals and objectives pursuant to A.R.S. § 38-431.01 (A) (1).

Motion: Golightly moved and Martin seconded THAT THE COMMISSION GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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Meeting adjourned at 5:00 p.m.

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Saturday, August 12, 2006 – 8:00 a.m.

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Chairman Melton called the meeting to order at 8:02 a.m. The Commissioners introduced themselves and Chairman Melton introduced the Director and the Director's staff. This meeting followed an agenda revision dated August 9, 2006.

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Awards and Commissioning of Officers

The following Officers were sworn in by Chairman Melton: Ben Brochu, Curtis Herbert, Tyler Richins and Aninna Thornburg.

Director Shroufe presented two awards to Bruce Taubert, Assistant Director, Wildlife Management Division. One was the Western Association of Fish and Wildlife Agencies 2006 Honorary Lifetime Member Award and the other the Phillip Snyder Lifetime Achievement Award.

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1. Petition for Rule Change by Jeff Kammann Requesting the Commission Amend R12-4-104.a to Eliminate the Age Restriction for Applying for a Big Game Bonus Point.

Presenter: Richard Rico, Assistant Director, Special Services Division

Mr. Rico briefed the Commission on Jeff Kammann's petition for rule change. Mr. Kammann requested that rule R12-4-104.2.a (Application Procedures for Issuance of Hunt Permit-tags by Drawing and Purchase of Bonus Points) be modified to eliminate the requirement that an individual be at least ten years of age by the draw deadline date in order to purchase a bonus point.

In a letter to the Department Mr. Kammann stated that he purchased a lifetime hunting license for his one year old son in 2004. Since that time, he has purchased buffalo, deer, elk, and bighorn sheep bonus points for his son. However, because rule R12-4-107.F.2 (Bonus Point rule) states that an individual's bonus points are forfeited if he fails to submit a hunt-permit-tag application for that genus for five consecutive years, his son will lose the bonus points he has already purchased and he will be unable to purchase additional bonus points for his son. Mr. Kammann also stated that he will now need to wait until his son is ten to start accumulating bonus points and that this will significantly reduce the chances of being drawn (with his son) for premium hunt opportunities. Mr. Kammann is requesting that the age limit for purchasing bonus points be removed and feels that this will provide additional income to the Department and encourage youth to become involved with hunting prior to actually being drawn.

Mr. Rico presented four options to the Commission: 1) To deny the petition; 2) direct the Department to include this petition and related comments/letters in the Article 1 rule package to be considered in the regular five-year rule review in 2008; 3) direct the Department to open Article 1 to eliminate the age restrictions on purchasing bonus points; and 4) direct the Department to open Article 1 to modify rule R12-4-107 and potentially allow the rule to be drafted to grandfather those individuals that are currently under the age of ten and have purchased bonus points so that they would not lose them until they have not applied for five years from the point that they turn ten years of age.

Mr. Kammann was present and addressed the Commission in support of his petition.

Motion: McLean moved and Golightly seconded THAT THE COMMISSION VOTE TO DENY THE APPLICATION FOR RULE CHANGE.

Commissioner McLean commented that he is a strong advocate for youth programs, but a youth does not have to draw a tag to experience going on a hunt with his father. Further, he believed the argument/justification for opening a rule at this time was not warranted.

Chairman Melton pointed out that the regular five-year rule review will be in two and a half years. Mr. Kammann could bring back the issue at that time and if approved, then Mr. Kammann's son would not lose his bonus points.

Vote: Aye - Golightly, McLean, Hernbrode
Nay - Melton, Martin
Passed 3 to 2

Mr. Odenkirk noted that on a Rule Petition, an individual can resubmit the same petition after one year.

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2. Hunter Education Update

Presenter: Dana Yost, Assistant Director, Information and Education Division

Using a Power Point presentation, Mr. Yost provided the Commission with an update on Department activities related to the Hunter Education Program. The Department conducted the first round of volunteer Hunter Education Instructor public meetings on the streamlined and independent course options and pilot program. Valuable information was gathered from the public meetings such as the need for better communication between the Department and the Instructors (which has already been addressed) and input on course criteria for the Hunter Education Program. The Department plans to deploy the pilot program in September. In November, the results will be evaluated and additional public meetings will be held, and in January, the Department will provide the Commission with an update. If approved by the Commission, the program will be implemented in February 2007.

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Meeting recessed for a break at 9:37 a.m.

Meeting reconvened at 9:48 a.m.

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3. Statewide Shooting Range Briefing

Presenter: Ty Gray, Education Branch Chief

The Commission was provided with an update prior to this meeting of Department activities related to shooting range support and development statewide. The update covered activities that have occurred since the June 2006 Commission meeting. The statewide shooting range briefing is part of the Department's ongoing commitment to provide the Commission with updates on statewide shooting range development and shooting sports in general.

Mr. Gray noted a couple of additional items:

- The Department is currently renovating the eastern six trap and skeet fields at the BASF Clay Target Center. They will be operational by September 18, 2006 when the Department takes over the operations of the Center. The process of interviewing and hiring of staff for the Center is taking place. In September, the Department will present the Commission with a request for funds to complete the full renovation of the Clay Target Center.
- The private landowners, adjacent to the St. Johns Shooting Range, are discussing with the Department the possibility of selling the portion of their land where lead poisoning from the range. At the same time, in case the sale doesn't take place, the Department had preliminary discussions with BLM in the Apache Sitgraves National Forest to look at alternative sites. BLM identified another site close to the Sipes Wildlife Area.
- On July 22, 2006, the sound study was conducted on the Northern Arizona Shooting Range. The Department's Audio/Visual crew filmed the sound study and a CD copy was provided to the Commission. The final report is due later this month.

Bob Broscheid, Habitat Branch Chief, further briefed the Commission on the Northern Arizona Shooting Range. The public and the media were both present for the sound study. A community meeting is scheduled with Munds Park for August 19, 2006. There's a lot of misinformation that should be clarified at the meeting. In the next six weeks the surveys will be completed, the appraisals should be completed, and the range design should be completed that shows on the landscape how many and where the facilities will be.

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4. Consideration of Proposed Commission Orders 5, 6, 8, and 9, for Spring 2007 Hunting Seasons.

Presenters: Leonard L. Ordway, Game Branch Chief
Brian F. Wakeling, Big Game Management Supervisor

Using a Power Point presentation, Mr. Wakeling briefed the Commission on Department recommendations for Commission Orders 5, 6, 8, and 9. Eleven public meetings were held

throughout the state to solicit input to the 2006-2008 hunting seasons during January and February 2006 where the opinions of the 601 meeting participants were solicited. Public comment by mail, fax, and e-mail was also solicited and the Department received about 300 written comments. Public input identified the inability of hunters to draw a permit as a substantial obstacle to hunter retention. The Commission and Department have investigated means for increasing permits for many species. Specific allocation for javelina season types were incorporated into these recommendations, as were modifications to the stratification of spring turkey hunts. These recommendations should favorably impact hunter participation and retention. The Commission was provided with the recommendations and Department responses to species-specific comments prior to this meeting for consideration.

Commission Order 5 – Spring Turkey

The recommendation for spring 2007 was 6,246 permits (670 permit increase from 2006 season), the highest number of recommended spring permits to date. The 2007 spring turkey season was recommended to have stratified seasons implemented in all units. The first stratified hunt would have the dates of April 27 to May 3 and May 11 to May 24, and the second stratified hunt would have the dates of May 4 to May 24. The Gould's turkey population in Unit 35A remained stable from last year and will continue to be a source for transplant stock. Two permits were recommended on Fort Huachuca in addition to the 6 permits recommendation off of the Fort in Unit 35A for a total of 8 permits.

In 2007, the juniors-only season was recommended for 225 permits (3.5% of total) to begin one week earlier than the standard seasons and run for 5 weeks, April 20-May 24, 2007; this season structure is similar to last year. Juniors-only permits were recommended for an increase of 60 with 35 permits in Unit 1, 25 in Unit 3C, 25 in Unit 5B, 25 in Unit 6A, 40 in Units 8 and 10, 25 in Unit 23, and 50 in Unit 27. Junior opportunity was distributed across the state.

Motion: Hernbrode moved and McLean seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 5 – SPRING TURKEY, AS PRESENTED.

Vote: Unanimous

Commission Order 6 – Spring Javelina

This year's spring recommendation was for 11,480 general, 865 juniors, 5,465 HAM, and 9,200 archery permits. When considered in conjunction with the fall javelina permits, this results in an increase of 1,275 general permits (355 increase to spring), an increase of 195 juniors permits, a decrease of 255 HAM permits (860 decrease in spring), and a decrease of 120 archery permits (780 decrease in spring). This allocation achieves 42.5% general, 34.1% archery, 20.2% HAM, and 3.2% juniors spring hunt opportunity.

Motion: Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 6 – SPRING JAVELINA, AS PRESENTED.

Vote: Unanimous

Commission Order 8 – Spring Buffalo

Two seasons were proposed with 5 any buffalo tags each for the House Rock herd. The proposed dates were March 9-April 8, 2007 and April 13-May 13, 2007. Five hunts for yearling buffalo at Raymond Wildlife Area (2 permits each) were recommended with proposed season dates of January 6-7, January 13-14, January 27-28, February 3-4, and February 10-11, 2007.

Ron Sieg, Flagstaff Regional Supervisor, addressed the Commission to discuss the numbers in the House Rock herd and Department efforts to maintain population objectives.

Commissioner Hernbrode requested that when the Department recommends House Rock buffalo hunt seasons next year, that the Department consider a six-month season in which successful applicants could hunt for buffalo and plan trips in response to availability of buffalo.

Commissioner Golightly inquired as to the ability to offer restricted nonpermit tags strictly to archery nonpermit tag holders.

Mr. Wakeling explained that Commission rule required that restricted nonpermit tags, in addition to the hunter pool, could only be offered to holders of permits issued through the draw, although the Commission had the authority to authorize a season with over-the-counter archery nonpermit tags through Commission Order.

Motion: McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 8 – SPRING BUFFALO, AS PRESENTED.

Vote: Unanimous

Commission Order 9 – Spring Bear

The Department recommended a March 23 to May 1, 2007 general spring bear season with 390 permits, which closes the first Wednesday after the female harvest objective is reached. This year's general spring bear recommendation was identical in structure and female harvest objectives as that approved by the Commission last year, with the addition of a new general season hunt in Unit 6B (5 permits, female harvest objective of 1). Fort Huachuca was again recommended to be open in conjunction with Units 35A and 35B.

In 2007, the Department recommended a 185-permit archery-only spring bear season with no change to female harvest objectives, except Unit 6B will not offer a 10-permit archery season in lieu of the new general season proposed for this year. All seasons were recommended to be standardized, either beginning on March 23 and running to July 31, 2007 or, if they also have a general season, beginning on May 2 and running to July 31, 2007. Fort Huachuca was also recommended to be open with a harvest objective established in conjunction with Unit 35A/35B, although this season would remain open until September 2, 2007.

Motion: McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 9 – SPRING BEAR, AS PRESENTED.

Vote: Unanimous

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5. Consideration of Proposed Commission Order 21–Waterfowl and Commission Order 22-Snipe for the 2006-2007 Hunting Season.

Presenters: Leonard L. Ordway, Game Branch Chief
Mike Rabe, Game Birds Program Supervisor

Using a Power Point presentation, Mr. Rabe briefed the Commission on Department recommendations for Commission Order 21–Waterfowl and Commission Order 22-Snipe for the 2006-2007 Hunting Season. The Commission was provided with the recommendations prior to this meeting for consideration.

Commission Order 21 – Waterfowl

Ducks: State waterfowl seasons and bag limits are set each year by the U.S. Fish and Wildlife Service (Service) following the results of the May Canadian pond counts and the mid-continent breeding pair index for mallards. This information is used to select season framework packages under Adaptive Harvest Management (AHM). The AHM packages are as follows:

Liberal, 107 day season, 7 bird bag limit;
Moderate, 86 day season, 7 bird bag limit;
Restrictive, 86 day season, 4 bird bag limit.

It was noted to the Commission that the Department had learned since the Commission package went out that the liberal structure was available for use by Arizona. In 2002, the Service approved season extensions, to the closest Sunday to January 31st for the Moderate and Liberal packages in the Pacific Flyway. The Department recommended taking full advantage of this opportunity for a late-season closing date when it benefits hunters. These alternatives apply to ducks, geese and snipe.

Both the Liberal and Moderate 2005 Federal framework packages for the Pacific Flyway allowed for a 7-bird bag limit, with species bag restrictions of no more than two female mallards, two redheads, one pintail, one canvasback, and three scaup. Because the population indices are below population goals, a continuation of the restrictive bag-limit of one bird per day will be in place for both pintail and canvasback for the 2006-2007 season. The 2005-2006 season for canvasback was 60 days within the Liberal 107 day package. However, this year, because of some improvement in the population indices, there will be full seasons available for both canvasback and pintail. In 2005, the Pacific Flyway frameworks reduced the daily bag on scaup from four to three. This reduction will remain in effect for the 2006-2007 season.

Geese: In 2002, the Pacific Flyway Council requested that the Service include geese in the duck framework extension as well. This was approved, allowing duck and goose seasons to run the same number of days. To assure that goose reproduction in Northern Arizona is not disrupted, goose seasons within Units 1, 22, 23, and 27 start later than goose seasons in the rest of the state.

Most of the geese migrating to Arizona are represented by the Rocky Mountain Population (RMP) of Canada geese. In July of 2001, the Pacific Flyway Council adopted the management

plan for this population of Canada geese, which established a breeding population index of 117,000 birds. Although Arizona typically supports approximately 20 to 40 breeding pairs, the majority of RMP geese wintering in Arizona migrate from northern interior states and southern Alberta, which are already above their respective breeding population objective. In 1999, the Pacific Flyway Council approved a recommendation to increase the daily bag limit on Canada geese from two to three birds. Arizona adopted the framework in the 1999-2000 Commission Order and has continued that recommendation.

Department recommendations hinge on which AHM package is called for based on surveys. Therefore, the Department recommended the following waterfowl season structures based on the liberal framework packages being approved.

Liberal Package

	Mountain Zone	Desert Zone
Juniors-Only	Sep. 30, 2006	Feb. 3, 2007
Falconry-Only	Oct. 1 - Oct. 5, 2006	Jan. 29 – Feb. 2, 2007
General Duck	Oct. 6, 2006 - Jan. 14, 2007	Oct. 20, 2006 - Jan. 28, 2007
General Goose	Oct. 6, 2006 - Jan. 14, 2007	Oct. 20, 2006 - Jan. 28, 2007
Restricted Goose Hunts	Nov. 15, 2006 - Jan. 14, 2007 (Units 1 and 27) Nov. 15, 2006 - Jan. 28, 2007 (Units 22 and 23)	

The Mountain and Desert Zones in Arizona are defined by unit within the Federal Register as follows: Desert (South) Zone: Those portions of Units 6 and 8 in Yavapai County, and Units 10 and 12B-45. Mountain (North) Zone: Units 1-5, those portions of Units 6 and 8 within Coconino County, and Units 7, 9, and 12A. Essentially, the North Zone is in the mountainous, high elevation areas of Arizona; the South Zone is in the lowland, desert areas.

The Department recommended adoption of the federal bag limit of seven ducks (including mergansers) per day, with no more than two female mallards or Mexican-like ducks, two redheads, one pintail, three scaup, and one canvasback taken in any one day. Recommended possession limits for ducks are 14 after opening day, with no more than four hen mallards or Mexican-like ducks, four redheads, two pintails, six scaup, and two canvasbacks. Recommended goose bag limits are no more than four white geese (snow, including blue and Ross' geese) and three dark geese (Canada and white-fronted). Recommended goose possession limits are no more than 8 white geese and six dark geese. The Department recommended that the Commission adopt the species bag limits as prescribed by the Service for the 2006-2007 waterfowl season.

Coots and Common Moorhens: Commission Order 21 includes bag limit and season structure for coots and common moorhens within the general duck season frameworks. The Department will continue to recommend the full Federal framework and bag limit on coots and moorhens which is 25 per day, either singly or in the aggregate, and the same for possession. An Arizona State Waterfowl Stamp is not required for harvest of these species, however, hunters taking coots or moorhens must have in their possession an Arizona Migratory Bird Stamp that registers them for the Harvest Information Program.

Commission Order 22 – Snipe

The Department recommended that the Commission approve a general snipe season consistent with the total allowable season days and bag and possession limits allowed by the Service for Pacific Flyway states. In Arizona, the allowable bag is 8 snipe per day with a possession limit of 16 after opening day. Seasons for snipe are recommended to run concurrent with the general waterfowl seasons in each of the states two zones.

Motion: Golightly moved and McLean seconded THAT THE COMMISSION VOTE TO APPROVE, SUBJECT TO FINAL FEDERAL FRAMEWORKS, COMMISSION ORDER 21 - WATERFOWL AND COMMISSION ORDER 22 - SNIPE, AS PRESENTED, WITH THE OBJECTIVE OF MAXIMIZING ALLOWABLE HUNTER OPPORTUNITY.

Public Comment

Al Kruetz, representing himself, spoke in support of Commission Order 21 as presented.

Vote: Unanimous

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Meeting recessed for a break at 11:27 a.m.

Meeting reconvened at 11:46 a.m.

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6. A Presentation of Alternative Proposals Associated with the Implementation of the Projects Identified in the New Wildlife Habitat Restoration Fund

Presenter: Bob Broscheid, Habitat Branch Chief

Mr. Broscheid presented the Commission with alternative proposals associated with the implementation of the projects identified in the new Wildlife Habitat Restoration Fund (SB1441). These implementation proposals considered the Department's ability to acquire match funding, fund apportionment by project, anticipated completion date, environmental impact analyses and other considerations necessary for the implementation of these projects. Additionally, there is the potential for the Department to take advantage of Federal Wildlife Habitat Incentive Program dollars. This is a significant funding source providing a three to one match for state wildlife agencies throughout the nation. These funds will be competitive between states, but could produce substantial funds for Wildlife Habitat Restoration projects and other Department related projects. Mr. Broscheid further briefed the Commission on other potential matching fund opportunities – the Big Game Special Tag Funds and the Natural Resources Conservation Service Farm Bill Conservation Programs.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE, BASED ON CURRENT PROJECT SCHEDULE, CHITTY AND PIGEON CREEK PROJECTS SHOULD REMAIN FULLY FUNDED WITHOUT MATCHING FUNDS; ALL PROJECTS WILL BEGIN IMPLEMENTATION IN SEPTEMBER, ONCE FUNDS BECOME AVAILABLE; THOSE FUNDS UNSPENT BY NOVEMBER 1, 2006 WILL BE DEDICATED TO FARM BILL APPLICATIONS; PROJECTS COULD POTENTIALLY QUALIFY FOR

EITHER THE WILDLIFE HABITAT INCENTIVE PROGRAM (WHIP 3:1) OR THE ENVIRONMENTAL QUALITY INCENTIVE PROGRAM (EQIP 1:1); ANY PROJECTS NOT AWARDED MATCHING FUNDS THROUGH NRCS FARM BILL PROGRAMS DURING THE 2007 FY WOULD BE IMPLEMENTED WITH AVAILABLE WILDLIFE HABITAT RESTORATION FUNDS.

John Koleszar, representing the Wildlife Conservation Council and the Arizona Elk Society, read a letter from each organization in opposition of the expenditure of the 3.5 million SB1441 funds and in support of leveraging dollars over a two to three year period. The organizations encouraged the Department to go for the three to one matching funds.

Commissioner McLean requested to meet with Mr. Koleszar after today's meeting.

Vote: Unanimous

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17. Director's Goals and Objectives (From Friday's agenda)

Presenter: Duane L. Shroufe, Director

Director Shroufe recommended the following changes/modification to the Director's Goals and Objectives:

Change Goal #5 to:

Improve Wildlife Recreation Opportunities

- Provide additional hunting and angling opportunities
- Provide additional opportunities for shooting sports activities
- Provide additional watchable wildlife opportunities

Add two new goals:

Goal #7: Increase outreach activities to create more interest in Heritage Schoolyard Grants Programs

- Look into cooperating more closely with Native American schools
- Market through Focus Wild

Goal #8: Look into the possibility of providing the book "A Field Guide to Amphibians and Reptiles in Arizona" to each Arizona school library.

Motion: Hernbrode moved and McLean seconded THAT THE COMMISSION VOTE TO APPROVE THE DIRECTOR'S RECOMMENDATION FOR CHANGES/MODIFICATIONS TO THE DIRECTOR'S GOALS AND OBJECTIVES AS STATED.

Vote: Unanimous

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7. Call to the Public

There were no request from the public.

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Meeting recessed for lunch at 12:27 p.m.

Meeting reconvened at 1:30 p.m.

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9. Executive Session (continued)

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

Vote: Unanimous

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8. Resolution of Problems Associated with the Online Application During the Fall 2006 Application Period

Presenter: Richard Rico, Assistant Director, Special Services

During the last two days of the application period for the fall 2006 draw, the online application system did not work properly resulting in customers being unable to apply for extended periods or having their application session terminated prematurely. The Department responded by extending the deadline for online applications by 24 hours to allow individuals additional time to apply online. In addition, a number of applicants completed the process successfully and received a confirmation number and/or credit card charges, but the online vendor, Automated License System (ALS), never received their applications, and consequently the Department did not include these applications in the draw. In an attempt to resolve this issue, the Department directed ALS to include a feature on the Department's website that would allow customers to enter identifying information to verify that their application had actually been submitted. As a result, many individuals contacted the Department to advise that their application had never been processed. With these applicants, the Department allowed them to submit a paper application to insure they were included in the draw.

The Department also asked ALS what additional steps could be taken to resolve this issue prior to the draw taking place. ALS stated that they would run a computer program to cross-reference all credit card charges to ensure that each credit card charge had an application associated with it. Prior to the draw taking place, ALS informed the Department that they had in fact run this program to ensure that the issue was resolved. After the Department completed the draw and released the draw results, the Department received calls from approximately 82 individuals claiming to have submitted an application, but their applications were not included in the draw

due to vendor error. These applications represent 154 permits for deer, elk, antelope, turkey, javelina and bighorn sheep.

Director Shroufe advised the Commission that he plans to issue bonus points to resolve these issues.

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7. Call to the Public (continued)

The following addressed the Commission in opposition to a shooting range at the Willard Springs site:

- Lois Barnes
- Rick Harris

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9. Performance of the Department's Online Vendor and Potential Options for Conducting Future Draws

Presenter: Richard Rico, Assistant Director, Special Services

Mr. Rico provided the Commission with a briefing on multiple issues related to the overall performance of the Department's online vendor Automated License Systems (ALS) along with potential options for conducting future draws.

Director Shroufe provided some options to the Commission for consideration which included: Collect for additional expenses (approximately \$180,000 or more in performance penalties/expenses); suspend the spring online draw application and conduct manually; let ALS manage online application for winter applications for elk and antelope; prepare new Request for Proposal (RFP) in the event that ALS is unsuccessful for the winter draw (elk and antelope) 2007; request at December Commission meeting for the Department to present a Business Plan for conducting all e-commerce processes and consideration of amending the biannual budget to cover the cost.

The Commission and Department staff discussed the proposed options.

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9. Executive Session (continued)

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

Vote: Unanimous

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9. Performance of the Department's Online Vendor and Potential Options for Conducting Future Draws (continued)

Presenter: Richard Rico, Assistant Director, Special Services

Director Shroufe briefed the Commission on the Department potentially doing their own online draw. A business plan will need to be done and the budget amended to provide for new FTEs if approved by the Legislature.

Motion: McLean moved and Hernbrode seconded THAT THE COMMISSION DIRECT THE DEPARTMENT TO TAKE SUCH ACTIONS NECESSARY INCLUDING MEETING WITH THE ATTORNEY GENERAL AND HIS STAFF TO DETERMINE WHETHER OR NOT THERE IS SUFFICIENT GROUNDS TO DETERMINE THE CONTRACT WITH ALS IN DEFAULT FOR CAUSE, TO UPON MAKING THAT DETERMINATION, IF MADE, TO THEN CAUSE THE NECESSARY NOTICES TO ISSUE TO THE VENDER THAT WE ARE DEMANDING OUR DAMAGES AND OUR LIQUIDATED DAMAGES AND CONTRACTUAL PENALTIES, AND TO TAKE SUCH OTHER STEPS AS NECESSARY AND REASONABLE TO TERMINATE THE CONTRACT WITH ALS; AND IF AFTER MEETING WITH THE ATTORNEY GENERAL THEY DETERMINE THAT SUCH CAUSE DOES NOT EXIST TO THEREAFTER IMMEDIATELY NOTICE ANOTHER MEETING OF THIS COMMISSION SO THAT WE MAY MEET WITH THE DIRECTOR, HIS STAFF, AND THE ATTORNEY GENERAL TO DETERMINE WHAT ALTERNATIVE ACTION WE MAY WISH TO TAKE.

Vote: Unanimous

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO BEGIN IMMEDIATELY TO DO AN RFP AND FIND A NEW VENDOR FOR THE ONLINE APPLICATION PROCESS.

Vote: Unanimous

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10. Future Agenda Items

Mr. Ferrell captured four items:

- Discuss the future statewide focus of environmental education at a future Commission meeting
- Invite proponents of both State Land Reform initiatives to speak before the Commission in September and invite representatives of wildlife interest groups that are opposed to each initiative to speak to their opposition where it is founded in wildlife issues
- Ensure that the lease purchase agreement includes the necessary language so that the lease payment funds the debt service reserve
- Modify the Director's Goals and Objectives for calendar 2006

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

Vote: Unanimous

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Meeting adjourned at 3:45 p.m.

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Joe Melton, Chairman

Michael M. Golightly, Member

William H. McLean, Member

Robert Hernbrode, Member

Jennifer L. Martin, Member

ATTEST:

Duane L. Shroufe
Secretary and Director