

Minutes of the Telephonic Meeting of the
Arizona Game and Fish Commission
Wednesday, March 30, 2011 – 1:00 p.m.
Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

In person:

Commissioner Jack F. Husted
Commissioner Robert E. Mansell

In person:

Director Larry Voyles
Deputy Director Bob Broscheid
Deputy Director Gary R. Hovatter
Assistant Attorney General Linda Pollock

Via telephone:

Chairman Robert R. Woodhouse
Vice Chair Norman W. Freeman
Commissioner John W. Harris

Chairman Woodhouse called the meeting to order at 1:00 p.m. Director Voyles conducted roll call and confirmed that all Commissioners were present. Several Department staff members and three members of the public were present. This meeting followed an agenda dated March 28, 2011.

* * * * *

1. State and Federal Legislation.

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles briefed the Commission on HB 2114; Rotenone. A stakeholders meeting was held on Monday with a large majority of stakeholders in attendance. At the conclusion of the meeting it was discussed that a study committee would be formed to look at possible solutions rather than move forward with the bill. What is being proposed at this point is the Griffin Floor Amendment (attached). The Department has concerns with the way the amendment is currently written. One concern is on the moratorium that runs from May 1, 2011 to May 1, 2012. The Department has already issued a self-imposed moratorium that began in February this year. This can be done administratively and does not need legislation. Another issue is that the moratorium should conclude at the same time as the conclusion of the study committee.

Commissioner Husted stated that this appears to be broadening in scope and pointed out number 4 on page 1: "Review fish management programs in use in this state," and further commented that he could not support it.

Commissioner Freeman concurred and further expressed concern at legislation for a study group.

Commissioner Harris expressed concern with number 5 on page 2: "Consider any other issues as determined by the committee."

The Commission discussed with Mr. Guiles how this has expanded and has considerably overreached what the Commission intended when they suggested a study group. The Commission is still committed to a study group with the Department and the stakeholders that raised concerns with rotenone, but not legislation and not a legislative study group.

Motion: Husted moved and seconded THAT THE COMMISSION VOTE TO REAFFIRM ITS OPPOSITION TO THE ORIGINAL BILL (HB 2114) AND THE GRIFFIN FLOOR AMENDMENT

Vote: Unanimous

* * * * *

2. Northern Arizona Proposed Mineral Withdrawal Draft Environmental Impact Statement

Presenter: Josh Avey, Habitat Branch Chief

Mr. Avey briefed the Commission using a Power Point presentation on the Draft Environmental Impact Statement for a 20-year mineral withdrawal in Northern Arizona. The presentation included four alternatives, potential effects on wildlife, historical information, maps, and previous Commission positions. The following information was provided to the Commission:

On July 21, 2009, Secretary of Interior Ken Salazar published a Federal Register Notice for a proposed 20-year withdrawal of over one million acres of federal locatable minerals in three blocks in Northern Arizona. This started an EIS process and the Draft EIS (DEIS) came out in February 2011 with a 45 day comment period ending April 4, which was recently extended to May 4. The Department was one of 15 cooperating agencies that participated in the development and review of this DEIS. As such, we were able to make comments throughout the development of the DEIS and most of our comments were incorporated.

Under the No Action Alternative, mining would continue with no additional regulations in place (ie, under the existing Mining Act of 1872). Under this scenario, the BLM expects up to 30 mines developed within the 3 geographic blocks (based on a number of assumptions). Under the Withdrawal Alternatives (Alts B, C, and D) varying amounts of land would be removed from new mining entry for a period not to exceed 20 years. The acreage removed from new mineral entry is dependent on the number of overlapping resources in need of protection, which include cultural, hydrologic, recreational, visual, and biological resources. Alternative B removes the full 1,010,776 acres, Alternative C removes 652,986 acres, and Alternative D removes 300,681 acres. The Withdrawal Alternatives apply to new mining claims only and do not de-validate existing mining claims so long as developers can prove valid existing rights on those claims in question.

All of the potential withdrawal areas currently serve as important wildlife habitat for both game and nongame species. In particular, the cliff and canyon habitats associated with the north and east parcels provide excellent desert bighorn habitat as well as funneling raptors (including condors) during daily movements and migration. The House Rock area of the east parcel is very important for antelope, and the Department has augmented this herd a number of times. In addition, the north parcel provides excellent habitat for trophy mule deer on the Arizona Strip.

Lastly, the Paunsaugunt deer herd moves through the north parcel in their seasonal migration between Arizona and Utah. The south parcel is important for mule deer, pronghorn, and elk, and GPS data describes at least three areas that are important for pronghorn crossing across Hwy 64. Lastly, it is recognized in the Coconino County Wildlife Connectivity Assessment, that all of the parcels have both wildlife barriers and important linkages within them.

The biggest concern that the Department has related to uranium mining on the Arizona Strip and the Kaibab National Forest is increased habitat fragmentation and direct habitat damage. While the footprint of the mine itself is not large, usually only 20-30 acres, the footprint of exploration seems to vary depending on the way in which the work is contracted. While many of the exploration sites and roads are temporary, effectiveness of obliteration of these exploratory sites and roads seems to vary. Due to the development of new roads, habitat fragmentation of an otherwise intact large habitat block will occur. As a result, wildlife movements especially for wide ranging species such as mule deer, elk, and pronghorn could be extensively impeded. The increase in power lines, while not alarming under most alternatives, will create additional roads, eliminate vegetation, and could facilitate renewable energy projects like wind and solar. It is difficult at best to determine the effect of uranium mining on wildlife within the proposed withdrawal area. It will depend on the scale at which development occurs, over what period of time (both seasonally and for years to come), future research on the effect of uranium mining on wildlife, and the way in which the activities are carried out on the landscape.

On March 17, 2008, Commission Chairman Bill McLean, on behalf of the Commission, sent a letter to Arizona's Congressional representatives stating that the "the Commission opposes uranium development in the proximity of the Grand Canyon National Park and respectfully requests that the Arizona Congressional Delegation initiate the permanent withdrawal of mining, mineral exploration and mineral entry from the federal lands noted above."

On October 24, 2008, Director Voyles sent a letter to the Director of the Bureau of Land Management reiterating the Commission's request for permanent withdrawal of mining, mineral exploration and mineral entry in the Grand Canyon area. This letter further stated that the Department supported an emergency withdrawal for protection of wildlife resources.

The Department recommends that the Commission re-affirm its 2008 position in which the full withdrawal was supported for the following reasons:

- Supporting the full withdrawal protects the largest amounts of contiguous habitat blocks for wildlife (While partial withdrawals (Alts, B, C, and D) likely eliminate some habitat fragmentation, these alternatives do not encompass the large blocks of important big game habitat in which wide ranging species such as mule deer, elk, and pronghorn move through)
- The decision of uranium mining withdrawal is temporary; not to exceed 20 years. Therefore the Commission could assess impacts on wildlife and re-evaluate their position at the termination of the withdrawal
- Mining can still occur under the No Action Alternative and all Withdrawal Alternatives; i.e., BLM lands would continue to be managed consistently with multiple use.

Commissioner Husted questioned whether mining was a big impact to wildlife. He is not sure the Commission should say to stop mining over a million acres because of some potential impacts to wildlife. The Commission needs to be able to say there is some real impact.

Sometimes these things are used as tools for something that is unintended and he would like to make sure that the Department specifically deals with known impacts to wildlife.

Commissioner Freeman first disclosed that some of his income comes from mining. He then commented that if the Commission goes with the Department's recommendation, it is not sending a message to stop mining, but rather is recommending to stay with the status quo on the number of mines that should be developed in that area. This would allow the current mining to continue without further exploration going on for the next 20 years. This isn't the Commission taking an action against mining, it is the Commission recognizing that some of these development activities, including exploration activities, do have an impact on habitat.

Commissioner Harris agreed that mining activities and development have a huge impact on wildlife.

Chairman Woodhouse clarified and confirmed with Mr. Avey that with the Department's recommendation of a full withdrawal, a little over a million acres would be withdrawn from any new mining claims being posted. The existing claims could still be mined under these terms of full withdrawal.

Public Comment

Ben Alteneder, representing Trout Unlimited: Supports Alternative B, to remove the full 1,010,776 acres.

Richard Benoit, hunter from Lakeside, Arizona: Suggested designating a habitat exchange program. If habitat is destroyed in one area then it could be created in another.

Motion: Freeman moved and Mansell seconded THAT THE COMMISSION VOTE TO SUPPORT ALTERNATIVE B IN THE DEIS FOR FULL WITHDRAWAL; THIS ALTERNATIVE WILL PROHIBIT NEW URANIUM MINING CLAIMS WITHIN THE WITHDRAWAL AREAS FOR A PERIOD OF 20 YEARS; THIS ALTERNATIVE WILL ALLOW CONTINUED URANIUM MINING ON ALL VALID EXISTING MINING CLAIMS WITHIN THE WITHDRAWAL AREA.

Commissioner Husted stated that he will vote against this. He believes it is a slippery slope when one resource is blocked out; this might be a stretch, but it could be hunting next. The Commission shouldn't be involved in this blanket situation. Each of these mines will have their own individual EIS. The Commission needs to be very careful in what they do and have credibility in what they do.

Vote: Aye - Woodhouse, Freeman, Harris, Mansell
Nay - Husted
Passed 4 to 1

* * * * *

3. Call to the Public

Richard Benoit, hunter from Lakeside, Arizona: Suggested that the Commission consider a volunteer core of people that can assist the Wildlife Managers with presence in the field for anti-poaching activities. These volunteers could be retired officers and/or concerned members of the public. Poaching activities are generally at night and there is also concern for elk during the rut.

* * * * *

Motion: Harris moved and Mansell seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

Vote: Unanimous

* * * * *

Meeting adjourned at 1:07 p.m.

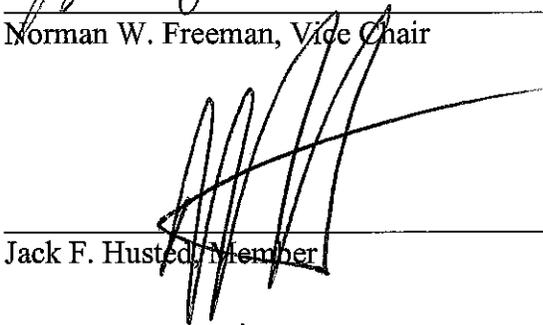
* * * * *



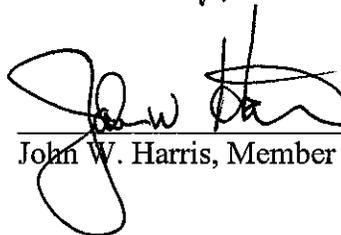
Robert R. Woodhouse, Chairman



Norman W. Freeman, Vice Chair



Jack F. Husted, Member

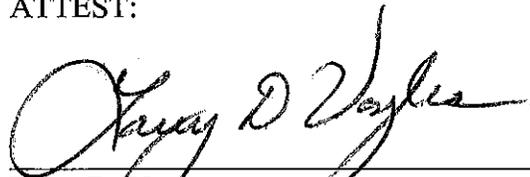


John W. Harris, Member



Robert E. Mansell, Member

ATTEST:



Larry D. Voyles
Secretary and Director

GRIFFIN FLOOR AMENDMENT
SENATE AMENDMENTS TO H.B. 2114
(Reference to WLURD amendment)

1 Page 1, line 5, after "A." insert "A MORATORIUM IS IMPOSED ON THE APPLICATION OF
2 ROTENONE AND ANTIMYCIN A FOR ANY PURPOSE IN THIS STATE FROM THE EFFECTIVE
3 DATE OF THIS SECTION UNTIL MAY 1, 2012."

4 line 6, strike "STOCK POND, IRRIGATION WATER DELIVERY SYSTEM" insert "STOCKPOND"

5 Line 7, after "STATE" strike remainder of line

6 Strike lines 8 through 18 insert "FROM MAY 1, 2011 UNTIL MAY 1, 2012."

7 Reletter to conform

8 Between lines 20 and 21, insert:

9 "Sec. 2. Joint legislative study committee; use of rotenone and
10 antimycin A in managing fish; delayed repeal

11 A. A joint legislative study committee is established to consider the
12 use of rotenone and antimycin A in managing fish populations in the waters of
13 this state. The committee consists of:

14 1. Three members of the senate who are appointed by the president of
15 the senate, no more than two of whom may be from the same political party.

16 2. Three members of the house of representatives who are appointed by
17 the speaker of the house of representatives, no more than two of whom may be
18 from the same political party.

19 B. The committee shall:

20 1. Identify the risks posed to human health from the use of rotenone
21 and antimycin A in sources of potable waters in this state.

22 2. Evaluate the human health hazards, including short- and long-term
23 health impacts from the use of rotenone and antimycin A in sources of potable
24 waters in this state.

25 3. Analyze any risks posed to the environment and downstream potable
26 water supply or livestock water supply from the use of rotenone or
27 antimycin A.

28 4. Review fish management programs in use in this state.

Senate Amendments to H.B. 2114

- 1 5. Consider any other issues as determined by the committee.
- 2 6. Submit a report of the committee's findings and recommendations on
- 3 or before December 31, 2011 to the governor, the president of the senate and
- 4 the speaker of the house of representatives and provide a copy of the report
- 5 to the secretary of state and to any member of the public requesting a copy.
- 6 C. This section is repealed from and after September 30, 2012.
- 7 Sec. 3. Retroactivity
- 8 This act is effective retroactively to from and after April 30, 2011."
- 9 Amend title to conform

2114gg1.doc
03/29/2011
04:50 PM
C: dmt