

MINUTES

ARKANSAS STATE GAME & FISH COMMISSION OVERSIGHT COMMITTEE

Thursday, July 19, 2012

The Arkansas State Game & Fish Commission Oversight Committee met at 11:00 a.m., July 19, 2012, in Room A, MAC, Little Rock, Arkansas.

Committee members attending: Representatives Bobby Pierce, Chair; Representatives James McLean, Vice Chair; Jonathan Barnett, David Fielding, Tiffany Rogers, Garry Smith, and Charolette Wagner; Senators Paul Bookout, Mike Fletcher, Kim Hendren, Randy Laverty, Jim Luker, Bill Sample, and Robert Thompson.

Other legislators attending: Representatives Lori Benedict, Jerry Brown, Billy Gaskill, Mary P. "Prissy" Hickerson, Sheilla Lampkin, Andrea Lea, Homer Lenderman, Buddy Lovell, Walls McCrary, Betty Overbey, Mike Patterson, Leslie Milam Post, James Ratliff, Garry Smith, and Tommy Thompson; Senators Gilbert Baker, David Burnett, Joyce Elliot, Steve Harrelson, Missy Irvin, and Eddie Joe Williams.

Representative Pierce called the meeting to order.

Consideration to Approve Minutes from the April 23 & 24, 2012 Meetings

Without objection, the minutes from the April 23 & 24, 2012, meetings were approved.

Review of Arkansas Game and Fish Commission Agency (AGFC) and Programs

Mike Armstrong, Deputy Director, Education and Information, provided a brief update on the Arkansas National Archery in the Schools Program: over 1900 archers participated in the state tournament on March 22-23, 2012, held at the Summit Arena in Hot Springs; total students participating in the program last year: 33,487 (from over 120 schools). Winning teams are awarded scholarships. **(Handout 1)**

Senator Sample requested AGFC staff contact him regarding expanding the program in his area to accommodate more children, including those who are home-schooled. Mr. Hitchcock assured him he would be contacted by a member of the newly organized AGFC Foundation Board.

Senator Burnett introduced the Northeast Arkansas duck hunters who were in attendance and questioned the urgency in closing or destroying duck blinds. Mr. Hitchcock responded that due to many circumstances, including the 100-year flood, it was a safety/liability issue. Senator Burnett advised Mr. Hitchcock that he will not support this issue.

Representative Lenderman presented a sworn affidavit from Ralph Griffin, a former AGFC Commissioner, stating that during his term, he was responsible for purchasing 8,000 acres for AGFC. The affidavit states that in order to purchase the land, AGFC agreed to let all duck blinds remain on the purchased property, and that many property owners would not agree to sell without the agreement. Representative Lenderman said he feels AGFC should honor this agreement. Mr. Hitchcock said he had never seen the document, and as far as he knows, it was not on file with AGFC. He said he was not familiar with either person referenced in the document and could not comment. Mr. Hitchcock said AGFC would like to focus on the overall application of regulations across the state being the same. **(Handout 2)**

Senator Thompson said it is important that a new generation of young hunters be brought up in the same traditions that are enjoyed today. He feels AGFC is not honoring these traditions due to limited accessibility to the Wildlife Management Areas (WMA's). Senator Thompson advised Mr. Hitchcock that there are thousands of hours of free labor sitting in the audience and they are willing to clean out the holes, sloughs, and boat runs, if allowed--if liability is an issue, the volunteers could sign a waiver. He said AGFC is going against public opinion regarding the duck blinds and overnight decoys. **(Handout 3)**

In response, Mr. Hitchcock said some of the problems are currently being addressed, including some areas that have been cleaned. He said access to the area is not easy for AGFC personnel and liability for the public would be an issue. Mr. Hitchcock stated that the agency's survey regarding this issue shows that hunters are opposed to permanent blinds and overnight decoys.

Senator Thompson said a poll/survey is only as good as the questions asked and, in his opinion, the survey did not include questions that were phrased to measure a neutral opinion, but were designed to produce a particular result and/or reinforce a decision that had effectively already been made. He said there were only five documented incidents of hunter harassment over the past five years in WMA's.

Ricky Chastain, Deputy Director, Wildlife, provided a history/report on the proposed rules and regulations regarding WMA's that included the following: (Attachment 1)

Consultations with the U.S. Fish and Wildlife Service

- Initial conference call on March 15, 2012
- Primary focus on hunter harassment/documentation of citations issued during the 2011-2012 waterfowl-hunting season
- Resulted in first written request for guidance from the USFWS on April 4, 2012
- March 15, 2012- met in Rector with Senator Burnett, Representatives-Elect Wes Wagner and Joe Jett to discuss blind issue; additional conference call was conducted on April 19, 2012
- Primary focus on habitat impacts, with some additional clarification on hunter harassment and privatization
- Resulted in a second written request for guidance from the United States Fish and Wildlife Service (USFWS) on April 27, 2012 - USFWS provided their written guidance on May 5, 2012

2012 Waterfowl Hunter Survey

- Initiated in March 2012 by Martin-Wilbourn Partners
- Used two different survey methodologies – phone survey and on-line survey
- Sampled last year's purchasers of resident duck stamp who had hunted waterfowl within the last five years
- 400 phone responses and 925 on-line responses represented the largest sampling of waterfowl hunters since survey was started
- Survey's statistical vigor insured reliable results within +/- 2.7 percentage point with 95% confidence
- Final survey report provided to the AGFC by Martin-Wilbourn Partners on April 25, 2012

2012 Waterfowl Hunter Survey Results Relevant to Waterfowl Blinds and Openings

- Criticism of "virtual privatization" language as confusing or leading
- Survey responses can be analyzed at a statewide level or by individual geographical areas
- The only statistical differences in statewide responses and Northeast (NE) Arkansas responses occurred on the three questions regarding virtual privatization of public lands by allowing the use of permanent blinds, overnight decoy spreads and the maintenance of openings by private individuals

Waterfowl Hunter Survey Results Relevant to Waterfowl Blinds and Openings Issue

- Statewide, 73% of surveyed hunters opposed allowing the use of permanent blinds while 64% of surveyed NE Arkansas hunters opposed the same practice
- Statewide, 74% of surveyed hunters opposed allowing decoy spreads to be left out overnight while 63% of surveyed NE Arkansas hunters opposed the same practice
- Statewide, 77% of surveyed hunters opposed allowing private individuals to maintain openings on public land while 63% of surveyed NE Arkansas hunters opposed the same practice

Waterfowl Regulations Statewide Public Input Process

- Part of the annual process to set waterfowl regulations for the next hunting season
- On June 5, 2012, eight public meetings were held; three in NE Arkansas
- Public comment was taken from each meeting, but comments can also be submitted in writing or on-line though the end of July 2012
- Preliminary results show 50% of the public opposes the use of overnight decoy spreads while 45% support the practice
- Preliminary results show 68% of the public opposes the use of permanent blinds while only 30% support their use
- Preliminary results are too few to provide any analysis of the maintenance of openings by private individuals

Current Status

- AGFC Regulations Committee met in Stuttgart on June 20, 2012, to consider the blind, decoy and opening issues
- After a lengthy discussion, the Wildlife Management Division staff made a recommendation to the Regulations Committee to eliminate the use of permanent blinds, overnight decoy spreads, and opening maintenance by private individuals
- After additional discussion, the Regulations Committee adopted the recommendation of the staff on a split vote (3 to 1)

Next Steps

- The blind, decoy, and opening issues was reviewed by the full Commission during the July Commission meeting July 19, 2012
- A final set of proposed regulations is now available for additional public comment
- Public comment will be accepted for an additional 30-day period
- A final vote on the late season waterfowl regulations package will occur at the August Commission meeting scheduled for August 16, 2012

Representative Pierce suggested AGFC find a way to compromise with the hunters and asked the Commissioners to allow more time to resolve this issue--communication between the two groups is extremely important. He said in regards to the debris and herbicides in the water, the current rules and regulations need to be enforced.

Representative Wagner said when questioned by her constituents on answers/decisions by AGFC, she encourages hunters to get everything in writing. She requested AGFC provide further planning/discussion on this issue and said if the duck blinds were taken out at Big Lake WMA, it would pretty much end duck hunting because of safety concerns.

Senator Fletcher asked if other WMA's are allowed to operate in the same manner and, if not, could AGFC lose funding from USFWS for treating other areas differently. Mr. Hitchcock said federal money was utilized with a 75/25 match and under a federal audit, it could be deemed as not applying the funds unilaterally across the state.

Senator Irvin requested AGFC provide members with a copy of the rules and regulations promulgated by the federal government regarding removal of funding. She would also like written information showing the amount of revenue AGFC receives from mineral rights and exactly what is spent in other areas. Mr. Hitchcock said the loss of funding would be more of a repayment than a removal, but there is a code of federal regulations outlining the parameters under which AGFC has to operate. AGFC will provide the requested information to members.

Senator Bookout suggested scheduling an additional meeting if matters cannot be resolved before the Commission votes on the proposed rules and regulations. He wants to make sure everyone has time to voice their concerns and requested leadership from both sides sit down together in order to strike a balance and reach an agreement. Senator Bookout told Mr. Hitchcock that he does not see the need to shut down over 200 duck blinds and he feels as though AGFC is not listening to the district's legislators, all of whom are in agreement on this issue. He said the public is not being served and that statewide WMA policies do not have to be uniform—it should depend on the area. Senator Bookout urged AGFC Commissioners to work with the hunters to find a manageable solution to the problem.

Mr. Hitchcock stated the Commission will vote on the proposed rules and regulations August 16, 2012.

Senator Thompson requested that Mr. Chastain include a copy of Handout 3, (statement against the proposed rules & regulations with approximately 200 names attached) in the public comments accepted and/or considered by AGFC. He stated that regardless of how the Commission votes on this issue, access to the WMA's must be made available to the public.

Representative Lenderman requested AGFC provide members with statewide statistics of incidents involving hunter harassment. He also asked that they schedule dates/times for volunteer labor.

Discussion on Proposed Changes to AGFC Dave Donaldson Black River Wildlife Management Area

Danny Ford, Citizen, spoke against the proposed rules and regulations and said the NE Arkansas WMA's need to operate differently than others since most of the area is not accessible by boat. He stated the proposed changes would mean the difference in hunting or not hunting for some because it would become more difficult for the elderly and disabled to access the area.

Representative Wagner asked AGFC to consider the impact on the economy if duck hunters cannot access the WMA's.

Discussion on Proposed Changes to AGFC Big Lake Wildlife Management Area

Voy Gillentine, Citizen, spoke against the proposed rules and regulations. Mr. Gillentine said area sportsmen maintain the blinds and holes for public use with no expense to the state. He said volunteers have assisted AGFC in cleaning up timber, logs, trash, and other debris from ice storms and other weather related incidents, using their own equipment and at their own expense. He asked that AGF develop a plan that would be acceptable to all interested parties.

Neal Vickers, President, Trumann Chamber of Commerce, asked that AGFC consider the negative impact on all of NE Arkansas if the duck blinds are eliminated. He said if eliminated, hunting would be almost impossible in 90% of the area and the only other option would be hunting from boats in dangerous waters. He offered other viable options such as disallowing overnight decoys, staffing WMA'S with enforcement officers, and establishing an 800 number for problems encountered by hunters. Mr. Vickers informed the committee that he had copies of signed affidavits from two former AGFC commissioners that speak of agreements made when the property was purchased that would allow the blinds to remain in place. Representative Pierce told Mr. Vickers his time was up and he could bring the documents to the next meeting.

Bobby Benson, Citizen, spoke against the proposed rules and regulations and asked that AGFC work with the hunters to come up with a solution to this problem.

Mr. Hitchcock stated that AGFC Commissioners and staff came to listen today and they appreciate the committee's input.

Representative Pierce closed by thanking AGFC Commissioners for attending and asked that they continue to work with the hunters to resolve this issue. He requested the Commissioners report back to him regarding a date for an upcoming meeting in Jonesboro. Representative Pierce asked AGFC Commissioners/Staff to remain upon adjournment to talk with the hunters that attended the meeting.

With no further business, the committee adjourned at 1:15 p.m.