

Minutes of the Telephonic Meeting of the
Arizona Game and Fish Commission
Friday, February 26, 2018 at 4:00 p.m.
Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

In person:

Chairman James R. Ammons
Commissioner Edward "Pat" Madden

In person:

Director Ty Gray
Assistant Attorney General Jim Odenkirk

Via telephone:

Commissioner James S. Zieler
Commissioner Eric S. Sparks
Commissioner Kurt R. Davis

Via telephone:

Deputy Director Tom P. Finley

Chairman Ammons called the meeting to order at 4:00 p.m. Director Gray conducted roll call and all Commissioners were present. There were several members of the public present and several Department staff members. This meeting followed an agenda dated February 23, 2018.

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1. 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 regarding the proposed Alamo Dam Flushing Flow Release.

Motion: Madden moved and Sparks seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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2. Alamo Dam Flushing Flow Release

Presenter: Jim Odenkirk, Assistant Attorney General

Mr. Odenkirk briefed the Commission on the Corp of Engineers' proposed Alamo Dam Flushing Flow Release. The Army Corp of Engineers issued a draft Environmental Assessment on January 10, 2018 seeking public comment for 30 days on its proposed action that would cause a release of water out of Alamo Lake with rates of release up to 5,000 cfs over a period of time for the primary purpose of allowing the lake level to drop to a level that the Corp can access the bulkhead gate seal of the dam that is underwater. The Corp also indicated that there would be a benefit of this action occurring in March in that the water going downstream would regenerate riparian vegetation. The Department provided comments on January 10 to the proposed EA.

The Corp of Engineers held a meeting last week in response to the comments. At that meeting, they provided a new hydrograph of the proposed release. This hydrograph looks like it would move up the date that they would start the large pulse release, but shorten the duration of that period. Another new hydrograph was released this afternoon that would push back the date in which there would be a large discharge and again shorten the period of release even more, from 24 hours to 12 hours. As it stands today, the Corp is still planning to proceed with its project that will involve an increasingly large release of water out of Alamo Dam up to 5,000 cfs per second and that the pulse will last for about 12 hours. After the 12 hours, it will dramatically drop down to about 900 cfs for about four days, then drop another level, and then slowly decrease back down to the rate of release that it is today.

Department comments submitted on the proposed action indicated the impacts to the fishery at Alamo Lake. This is the spawning season and dramatic decline in the lake elevation will likely cause substantial harm to the fishery and illuminate the spawning season for this year.

Public Comment

Leo Holtorf addressed the Commission in opposition to the Corp's proposed actions. He has concerns about dropping the lake level by 10-11 feet in elevation.

Paul Matthews, concerned fisherman, opposes the Corp dropping the lake water elevation. This will negatively impact the local economy.

Terry Johnson, angler, spoke about lack of transparency by the Corp. The EA was released without any public scoping involved and it was largely based on a 1998 Biological Opinion. The EA generated 190 comments opposing the proposed action and about 20 positive, and yet there has been no acknowledgement of controversy involving this project; controversy that might trigger an Environmental Impact Statement rather than an EA.

Brent Cilley, opposed draining the lake. His kids and grandkids have been enjoying fishing in this lake. He is concerned about losing this great fishing lake now and into the future and the impacts to the local economy.

Stewart Kohnke, former Department WM at Alamo Lake for 20 years, stated that the Bill Williams Steering Committee has wanted this release for many years for experimental reasons. The EA is not an Environmental Assessment, but rather just a statement of what they are going to do. There are not going to look at any of the public concerns, because they are covered under the Biological Opinion of 1998. Mr. Kohnke urged the Commission to take legal action.

Don McDowell, Conservation Director, SRTO-AZBN-TBF, addressed the Commission and provided a copy of a letter of opposition to the Corp of Engineers draft EA sent by the Arizona Sportsmen for Wildlife Conservation (attached).

Mr. Komadina, Special Assistant to the Director, briefed the Commission on about three dozen emails and comments that were sent to the Department and Commission regarding this issue. Most of these comments were anglers and other concerned public, and echoed the comments of the speakers here today.

Mr. Odenkirk recommended that the Commission vote to proceed with the necessary steps to pursue legal action against the Army Corp of Engineers and seek a temporary restraining order or preliminary injunction to halt the Corp's proposed flushing flow release at Alamo Lake.

Motion: Madden moved and Zieler seconded THAT THE COMMISSION VOTE TO PROCEED WITH THE NECESSARY STEPS TO PURSUE LEGAL ACTION AGAINST THE ARMY CORP OF ENGINEERS AND SEEK A TEMPORARY RESTRAINING ORDER OR PRELIMINARY JUNCTION TO HALT THE CORP'S PROPOSED FLUSHING FLOW RELEASE AT ALAMO LAKE.

Commissioner Davis thanked those that attended this meeting to speak on behalf of this issue. He also thanked Department staff for their diligent work. He personally supports the motion very strongly because the Army Corp of Engineers has demonstrated blatant disregard for the basic required processes and uses the same enthusiasm that the federal government often uses when stopping the state in making decisions related to activities or actions that we would like to take on our shared public lands. He hopes that with this process, they will go back to the drawing board, sit down with all the stakeholders and embrace the process that we are all required to do when making such important decisions with our resources and our wildlife.

Vote: Unanimous

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Motion: Madden moved and Zieler seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

Vote: Unanimous

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Meeting adjourned at 5:10 p.m.

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These minutes were approved by the Commission at the April 6-7, 2018 Commission meeting.

A handwritten signature in black ink, appearing to read 'James R. Ammons', is written over a horizontal line.

James R. Ammons, Chairman