



STATE OF ARIZONA
NAVIGABLE STREAM ADJUDICATION COMMISSION

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JANE DEE HULL
Governor

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GEORGE MEHNERT
Executive Director

Meeting Minutes

Phoenix, Maricopa County

December 13, 2001

COMMISSION MEMBERS PRESENT

Jay Brashear, Dolly Echeverria, Earl Eisenhower, James Hennes and Cecil Miller.

COMMISSION MEMBERS ABSENT

None.

STAFF PRESENT

Curtis Jennings (arrived approximately 10:10 a.m.), George Mehnert and Tom Vogt.

1. CALL TO ORDER

Chair Brashear called the meeting to order at approximately 10:00 a.m.

2. ROLL CALL

See above.

3. ELECTION OF OFFICERS

(Election of officers is being held following the resignation as chair by Jay Brashear in a letter dated September, 2001.)

A Chairperson

Motion by: James Hennes Second by: Dolly Echeverria Vote: All aye

Motion: To nominate Earl Eisenhower as new Chairperson.

B Vice-Chairperson

Motion by: James Hennes Second by: Cecil Miller Vote: All aye

Motion: To nominate Dolly Echeverria as new Vice-Chairperson.

4. BUDGET FY2002, 2003

Mr. Mehnert said that all agencies will receive a FY2002 budget, but will be back before the legislature in January to request a FY2003 budget. He said the Commission requested an additional \$123,000 supplement for FY2002 to expedite the watercourse hearings in order to finish by the June 30, 2004 sunset date. He also said that the Commission was not going to receive that increase and will likely have the FY2002 budget reduced from 4% -6%. Mr. Mehnert said the Land Department is also affected by the budget problems as they also did not get any additional money for FY2002 for study work. Chair Eisenhower said the Commission will do what it can and will keep everyone informed as to the status of the Commission's work.

5. REVIEW OF ATTORNEY CONTRACT

Chair Eisenhower asked for discussion on the attorney contract. Ms. Echeverria said it is foolish to change attorney at this time.

Motion by: James Henness Second by: Jay Brashear Vote: All aye
Motion: To extend or renew the contract with Jennings, Haug & Cunningham at the present rate for a one year basis.

6. WATERCOURSE HEARINGS

Chair Eisenhower said the Commission had hoped to begin with the three western counties first but will most likely meet in an executive session later to discuss possibilities to move the hearings process forward due to the current budget concerns. Mr. Brashear said moving hearings forward is also dependent on the Land Department, and they too have budget problems.

7. REPORT FROM DIRECTOR

A. ANSAC Administrative Rules.

Mr. Mehnert thanked all who gave suggestions to the rules on the first draft and mentioned a second draft will be sent out early next week. Mr. Brashear said how soon we need these rules submitted. Mr. Mehnert said he hopes to submit them to the Governor's Regulatory Review Council (GRRC) by the end of January. Mr. Brashear asked if the Commission can operate under the submitted rules even if GRRC has not completed the entire process.

B. Attorney invoice for professional services (Jennings, Haug & Cunningham).

Motion by: Cecil Miller Second by: James Henness Vote: All aye
Motion: To pay all four invoices from Jennings, Haug & Cunningham.

8. CALL FOR PUBLIC COMMENT

Chair Eisenhower asked for public comment especially on the hearing process.

Sally Worthington asked if it was the Commission's intent to begin the hearing process with the small and minor watercourses. Chair Eisenhower said the Commission intends to begin with the small and minor watercourses simply because of funding. It should be easier for the Land Department to update those type studies as opposed to the major rivers.

Mr. Jennings said the statute basically instructs the Commission to proceed with the major or populous watercourses first, however they are also the ones that are the most costly for the State Land Department and the Commission.

Julie Lemon asked if the consultants have given the Commission any ballpark figure as to what the major watercourse studies would cost. Chair Eisenhower said he has not heard any specific numbers on the major watercourse costs.

Pat Deschamps said if the Commission holds the first three hearings in the three western counties, then the Commission would need to return for the major rivers later. Chair Eisenhower confirmed her statement and added the Commission originally wanted to simply make one trip to each county and hold all hearings at once, but with the budgetary crisis, it will not be possible to proceed in that manner.

9. FUTURE AGENDA ITEMS AND ESTABLISHMENT OF FUTURE MEETINGS

Chair Eisenhower said there may be a meeting prior to February 10, 2002 and said it will hopefully be somewhat of a decisive meeting as to the Commission's future proceedings.

10. ADJOURNMENT

Motion by: James Henness Second by: Dolly Echeverria Vote: All aye

Motion: To enter into an executive session to discuss agenda item 6 at approximately 10:33 a.m.

Chair Eisenhower reconvened the regular session at approximately 11:29 a.m.

Motion by: Jay Brashear Second by: James Hennes Vote: All aye
Motion: To adjourn the meeting at approximately 11:30 a.m.

Respectfully submitted,



George Mehnert, Director

Date: December 14, 2001