



STATE OF ARIZONA
NAVIGABLE STREAM ADJUDICATION COMMISSION

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Governor

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GEORGE MEHNERT
Executive Director

MEETING MINUTES
Phoenix, Arizona September 16, 2004

COMMISSION MEMBERS PRESENT

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

COMMISSION MEMBERS ABSENT

Jim Henness.

STAFF PRESENT

George Mehnert, and Commission Legal Counsel Curtis Jennings.

1. CALL TO ORDER.

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

2. ROLL CALL.

See above.

3. APPROVAL OF MINUTES (discussion and action).

A. June 28, 2004, Maricopa County.

Motion by: Dolly Echeverria Second by: Cecil Miller

Motion: To approve the minutes of June 28, 2004. Vote: All aye.

4. DISCUSSION AND ACTION REGARDING THE NAVIGABILITY OF THE SANTA CRUZ RIVER.

Motion by: Jay Brashear Second by: Cecil Miller

Motion: Non Navigable Vote: All aye.

Jay Brashear: Not only was there not a preponderance of evidence of navigability, there was no evidence at all, to speak of, presented regarding navigability.

5. DISCUSSION AND ACTION REGARDING THE NAVIGABILITY OF THE SAN PEDRO RIVER.

Motion by: Jay Brashear Second by: Dolly Echeverria

Motion: Non Navigable Vote: All aye.

Jay Brashear: I tried to pay particular attention to this river because of its many attributes and I gave it a really hard look. There may be many things that would cause us to maintain the San Pedro River just as it is but that is not within our charter regarding determination of navigability. It was never a highway of commerce.

Cecil Miller: Indicated he was fascinated by the history of the San Pedro but that does not make it navigable.

6. DISCUSSION AND ACTION REGARDING THE NAVIGABILITY OF THE SMALL AND MINOR WATERCOURSES IN PIMA COUNTY.

Motion by: Cecil Miller Second by: Dolly Echeverria

Motion: Non Navigable. Vote: All aye.

7. DISCUSSION AND ACTION REGARDING THE NAVIGABILITY OF THE SMALL AND MINOR WATERCOURSES IN PINAL COUNTY.

Motion by: Dolly Echeverria Second by: Cecil Miller

Motion: Non Navigable. Vote: All aye.

Jay Brashear: Something I have noticed regarding small and minor watercourses is that to call these small and minor watercourses, watercourses at all, is a stretch and perhaps the flood control people use a better term when they call them floodways.

8. DISCUSSION AND ACTION REGARDING EXECUTIVE DIRECTOR SALARY.

Discussion without action. Matter tabled to future meeting.

9. DISCUSSION AND ACTION REGARDING ATTORNEY HOURLY RATE.

Discussion without action. Matter tabled to future meeting.

10. CALL FOR PUBLIC COMMENT (comment sheets).

(Pursuant to Attorney General Opinion No. 199-006 [R99-002]. Public Comment: Consideration and discussion of comments and complaints from the public. Those wishing to address the Commission need not

request permission in advance. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date.)

11. FUTURE AGENDA ITEMS AND ESTABLISHMENT OF FUTURE HEARINGS AND OTHER MEETINGS.

Curtis Jennings: Indicated that he hopes all of the work and hearings can be done for all of the small and minor watercourses and all of the major rivers regarding which there is no controversy concerning navigability. He further indicated that there may be additional time necessary to complete the Commission's work regarding such watercourses as the Salt River, the Verde River the Gila River, and the San Pedro River because of its uniqueness.

Laurie Hachtel representing the State Land Department expressed concerns regarding the Land Department's ability to provide updates for 22 hearings scheduled during the year on the current ANSAC timeline. She said the Land Department will continue to do the best it can regarding updating reports and providing expert testimony. The Chair suggested that Ms. Hachtel let us know if they face problems so that we consider making some adjustments in our schedule. Discussed Gila County meeting dates.

12. ADJOURNMENT.

Motion by: Cecil Miller Second by: Dolly Echeverria

Motion: To adjourn. Vote: All aye.

Meeting adjourned at approximately 10:52 a.m.

Respectfully submitted,



George Mehnert, Director
September 17, 2004