



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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REVISION #2

October 6, 2010

A public meeting of the Arizona Game and Fish Commission will be held on October 8-9, 2010, and as authorized by A.R.S. § 17-201(D), the Commission will discuss and may vote to take action on the following matters:

Friday, October 8, 2010, Arizona Game and Fish Commission at the Arizona Game and Fish Department, 5000 W. Carefree Highway, Phoenix, Arizona 85086.

Meeting begins at 8:00 a.m.

1. Executive Session

- a. Litigation and Legal Counsel.** The Commission may vote to meet in Executive Session in accordance with A.R.S. § 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel in order to consider its position and to instruct legal counsel regarding the Commission's position concerning *In re General Stream Adjudication for the Little Colorado River and Gila River; Wilderness Watch v. U.S. Fish and Wildlife Service CV-07-1185; Honie v. Knight Transportation, Inc., et al., CV2009-050859; Anderson v. Arizona Game and Fish Department, et al. C20089051. Center for Biological Diversity v. U.S. Bureau of Land Management, et al., CV 09-8011-PCT-GMS; Corbett v. State of Arizona, et al., CV 2009-016279; Sayer Notice of Claim; Mohave Valley Shooting Range Appeal; State of Alaska v. Rowan Gould et al.* (possible amicus or intervention in Alaska's Unimak Island litigation).
- b. Personnel Matters.** The Commission may vote to go into Executive Session to discuss personnel matters, including the Director's Goals and Objectives pursuant to A.R.S. § 38-431.01(A)(1). The Commission may decide this matter in the public session or defer a decision to a later date.
- c. Real Property Negotiations.** The Commission may vote to meet in Executive Session pursuant to A.R.S. § 38-431.03 (A)(7) for discussions or consultations with Department staff in order to consider its position and instructs its representatives regarding negotiations for the purchase of real property associated with the Horseshoe Ranch Project.

- d. **Litigation and Legal Counsel.** The Commission may vote to meet in Executive Session pursuant to A.R.S. §38-431.01(A)(3) and (4) for discussion and consultation with legal counsel for legal advice and to consider the Commission's position regarding civil damage claims against Mr. Emil McCain.

Pledge of Allegiance.

Awards and Recognition.

2. **Litigation Report.** The Department's legal counsel may report on the status of the litigation matters: *In re General Stream Adjudication for the Little Colorado River and Gila River; Wilderness Watch v. U.S. Fish and Wildlife Service CV-07-1185; Honie v. Knight Transportation, Inc., et al., CV2009-050859;; Anderson v. Arizona Game and Fish Department, et. al C20089051. Center for Biological Diversity v. U.S. Bureau of Land Management, et al., CV 09-8011-PCT-GMS; Corbett v. State of Arizona, et al., CV 2009-016279; Sayer Notice of Claim; Mohave Valley Shooting Range Appeal; State of Alaska v. Rowan Gould et al.* (possible amicus or intervention in Alaska's Unimak Island litigation). The Commission may vote to take action on items in the report.
3. **Presenter: Anthony Guiles, Legislative Liaison. State and Federal Legislation.** The Commission will be briefed on the status of State and Federal legislation. The Commission may vote to take a position or provide direction to the Department for coordination, action, or proposed changes to legislation or other elective issues related to Department responsibilities.
4. **Presenter: Eric Gardner, Nongame Branch Chief. Request to Adopt Commission Order 25: Raptors.** The Commission will be asked to vote to adopt Commission Order 25: Raptors, establishing open areas, season dates, and bag and possession limits for 2011 and 2012, as proposed by the Department.
5. **Presenter: Eric Gardner, Nongame Branch Chief. Request to Adopt Commission Order 41: Amphibians.** The Commission will be asked to vote to adopt Commission Order 41: Amphibians, establishing open areas, season dates, and bag and possession limits for 2011 and 2012, as proposed by the Department.
6. **Presenter: Eric Gardner, Nongame Branch Chief. Request to Adopt Commission Order 42: Crustaceans and Mollusks.** The Commission will be asked to vote to adopt Commission Order 42: Crustaceans and Mollusks, establishing open areas, season dates, and bag and possession limits for 2011 and 2012, as proposed by the Department.
7. **Presenter: Eric Gardner, Nongame Branch Chief. Request to Adopt Commission Order 43: Reptiles.** The Commission will be asked to vote to adopt Commission Order 43: Reptiles, establishing open areas, season dates, and bag and possession limits for 2011 and 2012, as proposed by the Department.
8. **Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chair,

comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.

9. **Presenter: Gene F. Elms, Law Enforcement Branch Chief. Ms. Kristen Almour Petition for Hearing.** Ms. Kristen Almour is requesting that the Commission intervene in the Wildlife Assets Committee’s decision to sell the elk antlers and cape associated with the Malik case. The Commission may vote to take action on or provide the Department direction on items related to the petition.

10. **Presenter: Gene F. Elms, Law Enforcement Branch Chief. Rehearing Request. Regarding Previous License Revocation/Civil Assessment.** Kevin Everett, Docket # 2010-0056, has requested that the Arizona Game and Fish Commission grant a rehearing regarding the revocation of his license for two (2) years, and completion of a Hunter Education course before obtaining any license(s) to take wildlife in the State of Arizona. The Commission may vote to affirm or modify its decision, or grant a rehearing.

11. **Presenter: Gene F. Elms, Law Enforcement Branch Chief. Rehearing Request Regarding Previous License Revocation/Civil Assessment.** Shandy Odell, Docket #2010-0057, has requested that the Arizona Game and Fish Commission grant a rehearing regarding the revocation of his license for one (1) year, and completion of a Hunter Education course before obtaining any license(s) to take wildlife in the State of Arizona. The Commission may vote to affirm or modify its decision, or grant a rehearing.

12. **Presenter: Gene F. Elms, Law Enforcement Branch Chief. Hearings on License Revocations for Violations of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife; Time Certain at 2:00 p.m.** The Commission will consider and take action on the license revocations and/or civil assessments for the individuals listed below.

Name	Docket #	Count	Conviction
Gary E. Sanders	2010-0064	Count 9:	Obtain W/L License (2007) by Fraud
		Count 10:	Obtain W/L License (2006) by fraud
Gary E. Sanders	2010-0084	Count B:	Possess Unlawfully Taken W/L
Mark D. Reed	2010-0072	Count B:	Possession of Unlawfully Taken W/L
		Count C:	Use Lion Tag of Another
		Count A:	Take W/L Without Permit/Tag
James D. Reed	2010-0073	Count A:	Possession of Unlawfully Taken W/L
Michael A. Montiel	2010-0074	Count A:	Possession of Unlawfully Taken W/L
		Count B:	Discharge Firearm W/I ¼ Mile of Residence
Luis Herrera-Rodriguez	2010-0075	Count A:	Possess/Transport Unlawfully Taken W/L

Mark Duffer	2010-0076	Count B:	Modified to Possess Unlawfully Taken W/L
Roman Lorta	2010-0080	Count A: Count E:	Use Tag of Another Possess Unlawfully Taken W/L
Germane Lorta	2010-0081	Count A:	Allow Another Use of Tag
Ramon O. Ruiz	2010-0059	Count A:	Obtain Resident License by Misrepresentation
Ramon O. Ruiz	2010-0060	Count C:	Possess Unlawfully Taken W/L

- 13. Presenter: Marty Fabritz, Executive Staff Assistant. 2010 Commission Awards.** The Department will provide an overview of the 2010 Commission award nominees and will ask the Commission to vote to select the 2010 Commission award recipients. The Commission may vote to select award recipients or provide the Department with direction on this item.

ADDITIONAL ITEMS

- 14. Presenter: Bob Broscheid, Deputy Director. Overview of November Commission Workshop.** The Department will provide an overview of the November 2010 Commission Meeting workshop, including the list of agenda topics and the proposed dates. The Commission may vote to take action on, or provide the Department with direction on this item.

- 15. Presenter: Bob Miles, Information Branch Chief. Department Privacy Policy.** The Department will provide an update on the status of a draft Department Privacy Policy. The Commission may vote to take action on, or provide the Department with direction on this item.

- 16. Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chair, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.

Saturday, October 9, 2010, Arizona Game and Fish Commission at the Arizona Game and Fish Department 5000 W. Carefree Highway, Phoenix, Arizona 85086.

Meeting begins at 8:00 a.m.

Pledge of Allegiance.

Awards and Recognition.

CHANGED/MOVED FROM AGENDA #9 TO AGENDA #1A

- 1A. Presenter: Josh Avey, Habitat Branch Chief. Request for Commission Approval for the Acquisition of the Horseshoe Ranch in Yavapai County, Arizona.** The

Commission will be asked to vote to approve the acquisition of the Horseshoe Ranch in Yavapai County, Arizona. The ranch purchase will include the associated Horseshoe and Copper Creek allotments on federal land. The Commission may vote to take action on, or provide the Department direction on this item.

1. **Presenter: Jay Cook, Shooting Range Branch Chief Information and Education Division. Shooting Sports Activities Briefing.** The Commission will be given an update of Department activities related to shooting sports including shooting programs and shooting range development statewide and progress on Director's Goal and Objective #4. The update covers activities that have occurred since the September 2010 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
2. **Presenter: Ty Gray, Assistant Director, Information, Education and Wildlife Recreation.** The Commission will be given an update of Department activities and events related to Information, Education and Wildlife Recreation Programs and progress on Director's Goals and Objectives #4, #5 and #7. The update covers activities and events that have occurred since the September 2010 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
3. **Presenter: Kirk Young, Fisheries Branch Chief. Request to Amend Commission Order 40: Fish, Concerning Specific Proposals for Bag and Possession Limits, Special Regulations, and Specific Closures for Sport Fishing for calendar year 2011 and 2012.** The Commission will be asked to vote to adopt Commission Order 40: Fish, establishing open seasons, open areas, closures and bag and possession limits for calendar year 2011 and 2012.
4. **Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chair, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.
5. **Presenter: Gene F. Elms, Law Enforcement Branch Chief. Commission Policy A2.5.** The Commission will be asked to review and approve changes to Commission Policy A2.5. The Commission may vote to take action on, or provide the Department direction on, items covered in the briefing.
6. **Presenter: Gene F. Elms, Law Enforcement Branch Chief. Law Enforcement Program Briefing.** The Commission will be updated on the activities and developments relating to the Department's Law Enforcement Program. The update covers activities and events that have occurred since the September 2010 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
7. **Consent Agenda:** The following items have been grouped together and are hereby noticed as consent agenda items to expedite action on routine matters, which may not require public

discussion. The Commission will be asked to vote to approve these matters as presented, subject to approval or recommendations of the Office of the Attorney General. Commission members may remove certain items if further public input or discussion is deemed necessary.

DELETED ITEM

- a. **Presenter: Chantal Obrien, Research Branch Chief. Request for the Commission to approve a new Intergovernmental Agreement with the Town of Marana to cooperate on mutually beneficial wildlife projects.** The Commission will be asked to vote to approve an Intergovernmental Agreement that will allow for a mutually beneficial working relationship for the common purpose of developing wildlife research and monitoring projects associated with Marana's wildlife concerns. The Commission may vote to take action on, or provide the Department direction on this item.
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- b. **Presenter: Mark Weise. Development Branch Chief. Renewal of a Road Closure on State Trust Land Approximately Ten Miles West of Springerville, Arizona.** The Department will be asking the Commission to vote to approve a request to renew a road closure on State Trust Land located approximately ten miles west of Springerville, Arizona. The Commission may vote to take action on, or provide the Department direction on this item.
- c. **Presenter: Mark Weise. Development Branch Chief. Renewal of a Road Closure on State Trust Land Approximately Seven Miles West of Springerville, Arizona.** The Department will be asking the Commission to vote to approve a request by Maryhelen "Sug" Peters to renew a road closure on State Trust Land located approximately seven miles west of Springerville, Arizona. The Commission may vote to take action on, or provide the Department direction on this item.
- d. **Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve the Agreement for Permit with Arizona Public Service for the Purpose of Continuing Service for Construction, Operation, and Maintenance of Electric Poles and Lines That Provide Electricity to and through Page Springs Fish Hatchery, Yavapai County, Arizona.** The Commission will be asked to vote to approve the Agreement for Permit with Arizona Public Service for the purpose of continuing service to construct, operate and maintain electric poles and lines that provide electricity to and through Page Springs Fish Hatchery, Yavapai County, Arizona. The Commission may vote to take action on, or provide the Department direction on this item.

ADDITIONAL ITEMS

- e. **Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve a Memorandum of Understanding with Bureau of Land Management (BLM) and Arizona State Land Department (ASLD) for the Development of the SunZia Transmission Line Project Environmental Impact Statement (EIS).** The Commission will be asked to vote to approve a Memorandum of Understanding to allow the Department to be a Cooperating Agency in the Development of the SunZia Transmission Line Project Environmental Impact Statement (EIS). The Commission

may vote to take action on, or provide the Department direction on this item.

- f. Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve a Memorandum of Understanding with BLM for the Development of the Mohave County Wind Farm Project Environmental Impact Statement (EIS).** The Commission will be asked to vote to approve a Memorandum of Understanding to allow the Department to be a Cooperating Agency in the Development of the Mohave County Wind Farm Project Environmental Impact Statement (EIS). The Commission may vote to take action on, or provide the Department direction on this item.
- g. Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve an Interagency Service Agreement (ISA) between the Commission and the Arizona Department of Water Resources.** The Commission will be asked to vote to approve an ISA between the Commission and the Arizona Department of Water Resources for expedited review and issuance of decisions on surface water applications to appropriate water for the beneficial uses of wildlife, including fish, and recreation and other purposes.

NEW ITEM

- h. Presenter: Gene Elms, Law Enforcement Branch Chief. Request for the Commission approval to enter into Inter-Governmental Agreements to fund watercraft law enforcement efforts by watercraft law enforcement agencies.** The Commission will be asked to vote to provide watercraft law enforcement funding to eight counties through Inter-Governmental Agreements in the amounts described below.

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- 8. Presenter: Josh Avey, Habitat Branch Chief. Lands and Habitat Program Update.** The Commission will be briefed on the latest developments relating to the implementation of land and resource management plans and projects on private, state and federal lands in Arizona and other matters related thereto. The update addresses decisions or activities since the September 2010 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.

ADDITIONAL ITEM

- 8A. Presenter: Josh Avey, Habitat Branch Chief. Request for Commission direction and to take action regarding the upcoming elections for the Board of Directors of the Cibola Valley Irrigation and Drainage District (CVIDD).** The Commission will be asked to take action regarding its voting rights on the CVIDD and may further vote to nominate up to two candidates or write-ins including a Commissioner to serve on the board of the CVIDD. The Commission may vote to take action on, or provide the Department direction on this item.

CHANGED/MOVED TO AGENDA # 1A

- 9. Presenter: Josh Avey, Habitat Branch Chief. Request for Commission Approval for the Acquisition of the Horseshoe Ranch in Yavapai County, Arizona.** The Commission will be asked to vote to approve the acquisition of the Horseshoe Ranch in Yavapai County, Arizona. The ranch purchase will include the associated Horseshoe

and Copper Creek allotments on federal land. The Commission may vote to take action on, or provide the Department direction on this item.

10. **Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chair, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.
11. **Approval of Minutes and Signing of Minutes.** The Commission will be asked to approve the Commission meeting minutes from August 20-21, 2010, August 25, 2010, August 27, 2010, and September 10, 2010 and if approved, the signing of these same minutes.
12. **Director's and Chair's Reports.** The Director and the Chair will report on Department and Commission activities since the last meeting. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.
13. **Commissioners' Reports.** The Commissioners will report on their activities since the last meeting related to Game and Fish Commission duties and responsibilities. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.
14. **Future Agenda Items and Action Items.**

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The agenda may be revised and additional items may be added prior to the meeting as authorized by A.R.S. §38-431.02. In that event, an addendum to the agenda will be noticed and posted prior to the meeting at Department offices. Commission agenda items not noticed for a specific time may be taken out of order.

Background materials provided to Commission members concerning public agenda items are available for public inspection at the main office of the Arizona Game and Fish Department at 5000 W. Carefree Highway, Phoenix, at Department regional offices in Pinetop, Flagstaff, Kingman, Yuma, Tucson, Mesa and at the meetings.

During the public meeting, the Commission may afford any person, their duly authorized representative, or both, the opportunity to present statements relating to agenda items, with or without the opportunity to present them orally.

The Commission may go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03 (A) (3) & (4).

One or more members of the Commission may appear and participate in the meeting telephonically or by other electronic means.

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, or this document in an alternative format, by contacting the AGFD Deputy Director, 5000 W. Carefree Highway, Phoenix, Arizona 85086, 602-942-3000. Requests should be made as early as possible to allow time to arrange the accommodation.

The Arizona Game and Fish Department is responsible for managing Arizona's fish and wildlife resource as an enduring public trust. In addition, the Department is charged with promoting safe and responsible use of watercraft and off-highway vehicles. Funding is provided from the sale of licenses and permits; watercraft registration fees; federal excise taxes on firearms, fishing equipment, boats, and other sporting goods; State lottery revenues; donations on State income tax forms; and various contracts and grants. Department policy is set by the Arizona Game and Fish Commission, whose five members are appointed by the Governor.

“Managing Today for Wildlife Tomorrow”

A handwritten signature in black ink, appearing to read 'Larry D. Voyles', with a small flourish at the end.

Larry D. Voyles
Director