



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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REVISION #3

December 1, 2010

A public meeting of the Arizona Game and Fish Commission will be held on **December 3-4, 2010 at the Arizona Game and Fish Department, 5000 W. Carefree Highway, Phoenix, Arizona 85086**, as authorized by A.R.S. § 17-201(D). The Commission will discuss and may vote to take action on the following matters:

Friday, December 3, 2010, 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.

- e. **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 *Center for Biological Diversity et al. v. Salazar*, CV10-02130 (Bald Eagle Litigation).

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); *Center for Biological Diversity et al. v. Salazar*, CV10-02130. The Commission may vote to take action on items in the report.

MOVED FROM FRIDAY ITEM 13 TO FRIDAY ITEM 2A

- 2A. **Presenter: Eric Gardner, Chief, Nongame Branch. Nongame Subprogram Activities Briefing; August 1, 2010 through November 30, 2010.** The Commission will be briefed regarding activities under the Nongame Subprogram; August 1, 2010 through November 30, 2010. The Commission may vote to take action on, or provide the Department direction on, items covered in the presentation

ADDED

- 2B. **Presenter: Jim Odenkirk, Assistant Attorney General. Commission Discussion of Director's Evaluation Process.** The Commission will discuss the process and the methods associated with the Commission's evaluation of the Director's performance, including his Goals and Objectives. The Commission may vote to take action on, or provide the Department direction on this item.

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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. The Commission will also review its position on designation of Commission members to represent the Commission at the Legislature on emergency issues and issues on which the Commission has taken an official position. The Commission may vote to take action on this issue.

MOVED FROM SATURDAY ITEM 2 TO FRIDAY ITEM 3A

- 3A. **Presenter: Ty Gray, Assistant Director, Information, Education and Wildlife Recreation. Information, Education and Wildlife Recreation Activities Briefing.** 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 October 2010 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.

4. **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.

5. **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.
 - a. **Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve a Memorandum of Understanding with the U.S.D.A. Forest Service, Apache-Sitgreaves national Forest and the City of Show Low for management of Show Low Wetlands, Navajo County, Arizona.** The Commission will be asked to vote to approve a Memorandum of Understanding with the U.S.D.A. Forest Service, Apache-Sitgreaves National Forest and the City of Show Low for management of Show Low Wetlands, Navajo County, Arizona.

 - b. **Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve the Extension of the Master Memorandum of Understanding between Arizona Game and Fish Department and Pima County for another Ten (10) Years.** The Commission will be asked to vote to approve the Extension of the Master Memorandum of Understanding between Arizona Game and Fish Department and Pima County for another Ten (10) Years. The Commission may vote to take action or provide the Department direction on this item.

 - c. **Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve Renewing a Special Use Permit with the U.S.D.A. Apache-Sitgreaves National Forest for the Maintenance of Three Existing Wildlife Water Catchments Located on the Lakeside Ranger District.** The Commission will be asked to vote to approve renewing a Special Use Permit with the U.S.D.A. Apache-Sitgreaves National Forest for the maintenance of three existing wildlife water catchments located on the Lakeside Ranger District. The Commission may vote to take action on, or provide the Department direction on this item.

 - d. **Presenter: Chantal O'Brien, 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.

- e. **Presenter: Brian F. Wakeling, Game Branch Chief. Request for the Commission to Approve a Memorandum of Understanding with Arizona Antelope Foundation for cooperative Activities.** The Commission will be asked to vote to approve a Memorandum of Understanding to allow the Department to cooperate with Arizona Antelope foundation on projects for public information and wildlife habitat enhancement. The Commission may vote to take action on, or provide the Department direction on this item.
- f. **Presenter: Brian F. Wakeling, Game Branch Chief. Request for the Commission to Approve a Memorandum of Understanding with Arizona Wildlife Federation for Cooperative Activities.** The Commission will be asked to vote to approve a Memorandum of Understanding to allow the Department to cooperate with Arizona Wildlife Federation on projects for public information and wildlife habitat enhancement. The Commission may vote to take action on or provide the Department direction on this item.

ADDED

- g. **Presenter: Mark Weise, Development Branch Chief. Petition to Lock a Gate on State Trust Land Approximately Two Miles East of Gold Canyon, Arizona.** The Department will be asking the Commission to vote to approve a request by Dee Johnson to lock a gate on State Trust Land located approximately two miles east of Gold Canyon, Arizona. The Commission may vote to take action on, or provide the Department direction on this item.

- 6. **Presenter: Rod Lucas, Mesa Regional Supervisor. Request for Commission Consideration of the City of Phoenix Contractor's request to Close the Base and Meridian Wildlife Area to Public Access.** The Commission will be briefed on the contractors request to close the Base and Meridian Wildlife Area for construction activities associated with the riparian restoration component of the Tres Rios Project. This closure is at the request of the project contractor for public safety and to secure the project site from risks of theft and vandalism. The Commission may vote to take action on, or provide the Department direction on, this item.

REMOVED

- 7. **Presenter: Jennifer Stewart, Rules and Risk Branch Chief. Request to approve the Article 5 Five-year Review Report, regarding Boating and Water Sports, for submission to the Governor's Regulatory Review Council (G.R.R.C.).** The Commission will be asked to vote to approve the Five-year Review Report for Article 5, regarding Boating and Water Sports, for submission to G.R.R.C. The Commission may vote to take action on and provide the Department direction on this item.

8. **Presenter: Jennifer Stewart, Rules and Risk Branch Chief. Request to approve the Notice of Exempt Rulemaking for R12-4-102.** The Commission will be asked to vote to approve the Notice of Exempt Rulemaking amending R12-4-102 to establish the reduced-fee for the Class F Youth Combination Hunting and Fishing License authorized under A.R.S. § 17-336(B). The Commission may vote to take action on and provide the Department direction on this item.
9. **Presenter: Jennifer Stewart, Rules and Risk Branch Chief. Request to approve the Notices of Docket Opening, Proposed Rulemaking, and Economic Impact Statement for R12-4-205.** Commission will be asked to vote to approve the Notices of Docket Opening, Proposed Rulemaking, and Economic Impact Statement for R12-4-205; promulgating a new rule to establish application and documentation requirements for the reduced-fee Class F Youth License. The Commission may vote to take action on and 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 Chairman, 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.

Lunch Break (Begins at 12:00 p.m.)

11. **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 October 2010 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
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
Logan G. Formo	2010-0078	Count A:	Possess/Transport Unlawfully Taken W/L (Deer)
Robert A. Dozier	2010-0068	Count A:	Possess Unlawfully Taken W/L (Deer)
		Count B:	Take W/L During Closed Season (Deer)
Robert A. Dozier	2010-0083	Count A:	Possess Unlawfully Taken W/L (Deer)
George H. Waibel III	2010-0085	Count F:	Exceed Bag Limit (Mule Deer)
		Count H:	Unlawful Possession W/L (Mule Deer)

Paul D. Cox	2010-0086	Count A: Take W/L Closed Season (Sheep)
		Count B: Possess Unlawfully Taken W/L (Sheep)
		Count C: Take W/L Without Valid License (Sheep)
Gilbert N. Watson	2010-0087	Count A: Take W/L Closed Season (Turkey)
		Count B: Take W/L Unlawful Method (Turkey)
Wayne R. Duba	2010-0088	Count A: Take W/L W/I ¼ Mile of Residence (Elk)

Wildlife Violator Compact

James Christensen	2010-0082	Failure to Comply New Mexico Citation
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MOVED TO FRIDAY ITEM 2A

13. Presenter: Eric Gardner, Chief, Nongame Branch. Nongame Subprogram Activities Briefing; August 1, 2010 through November 30, 2010. The Commission will be briefed regarding activities under the Nongame Subprogram; August 1, 2010 through November 30, 2010. The Commission may vote to take action on, or provide the Department direction on, items covered in the presentation.

14. 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 Chairman, 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.

15. Presenter: Bob Broscheid, Deputy Director. 2010 Director's Goals and Objectives Close Out and Transition to 2011. The Commission will be given an update on the status of the 2010 Director's Goals and Objectives. The Department will make recommendations for Commission consideration on which goals are to be considered achieved and thus, closed out as of the end of the 2010 year. The Department will also make recommendations to the Commission regarding goals to be retained into calendar year 2011. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.

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Saturday, December 4, 2010, Meeting begins at 8:00 a.m.

Pledge of Allegiance.

Awards and Recognition.

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 October 2010 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.

MOVED TO FRIDAY ITEM 3A

2. **Presenter: Ty Gray, Assistant Director, Information, Education and Wildlife Recreation. Information, Education and Wildlife Recreation Activities Briefing.** 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 October 2010 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.

3. **Presenter: Anne Justice-Allen, Wildlife Health Specialist. Chronic Wasting Disease Surveillance and Response Plan.** The revisions to the Chronic Wasting Disease Surveillance and Response Plan will be reviewed. The presentation is for information only, no action will be taken by the Commission.

4. **Presenter: Brian F. Wakeling, Game Branch Chief. Consideration of Proposed Commission Orders 3, 4, and 26 for 2011 Hunting Season.** The Commission will consider and may vote to approve Commission Orders 3 (pronghorn antelope), 4 (elk), and 26 (population management) establishing seasons and season dates, bag and possession limits, permit numbers or authorized limits, and open areas for the respective 2011 fall hunting season. A detailed description of all proposals is available for public review at all Department offices.

ADDED

4A. **Presenter: Brian Wakeling, Game Branch Chief. Amendment to Commission Order 26 – Elk Population Management Seasons.** The Department will recommend amendments to Commission Order 26 to expand the area in which an elk population management season may be held in 2010 from the "Round Valley Hunt Area in Unit 1" to "Unit 1." The Commission may vote to take action on, or provide the Department direction on this item.

5. **Presenter: Brian F. Wakeling, Game Branch Chief. Request to Amend Special Big Game License Tag Sales Agreements with Wildlife Conservation Organizations that Market and Sell Special Big Game License Tags.** The Commission will be asked to vote to amend Special Big Game License Tag Sales Agreements as necessary to explicitly address sales, marketing, accounting, and record keeping for Wildlife Conservation Organizations which are awarded these tags by the Commission for marketing and sales. The Commission may vote to take action on, or provide the Department direction on this item.

6. **Presenter: John Bullington, Assistant Director, Special Services. Hunt Permit-tag Application Schedule for Pronghorn Antelope and Elk 2011 Hunts.** The Department

will provide the Commission with a presentation related to the proposed hunt-permit tag application schedule for pronghorn antelope and elk 2011 hunts. The Commission will be asked to vote to approve the application schedule.

ADDED

6A. Presenter: Bob Broscheid, Deputy Director, SSD/WMD. Consideration of 2011 On-the-Road Commission Meetings. The Commission will discuss and consider the possibility of holding a limited number Commission meetings away from the Game and Fish Department headquarters during 2011. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.

7. Presenter: Terry B. Johnson, Endangered Species Coordinator. Commission Briefing on the Department's Involvement in Mexican Wolf Reintroduction in Arizona and New Mexico and Related Mexican Wolf Recovery and Conservation Issues. The Department will provide a presentation on the Mexican wolf reintroduction program and other reintroduction and recovery efforts. The Commission may vote to reaffirm existing policy guidance and/or to provide new or additional policy guidance to the Department on any or all aspects of Mexican wolf conservation, including reintroduction and rangewide recovery.

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 Chairman, 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. 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, August 31, 2010, September 10, 2010, October 8-9, 2010 and November 16, 2010, and if approved, the signing of these same minutes.

10. Director's and Chairman's Reports. The Director and the Chairman 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.

11. 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.

12. 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.

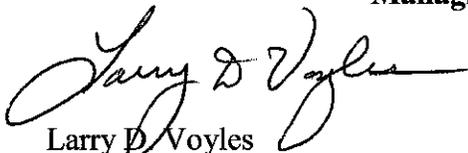
The Commission may go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03 (A) (3) & (4).

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”


Larry D. Voyles
Director