



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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January 28, 2010

A public meeting of the Arizona Game and Fish Commission will be held on February 5, 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, February 5, 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; Hoepfner notice of claim; 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; Center for Biological Diversity v. Voyles, CV 09-00543-JJM.*
- 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. 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 regarding the Rosemont Copper Project draft Environmental Impact Statement and groundwater modeling of mine impacts in study area.
- d. 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

- e. **Litigation and Legal Counsel.** The Commission may vote to meet in Executive Session for discussion and consultation with legal counsel for legal advice and to consider the Commission's position on possible civil and/or criminal liability associated with the capture and death of a jaguar known as Macho B. No action will be taken in Executive Session.

- f. **Litigation and Legal Counsel.** The Commission may vote to meet in Executive Session for discussion and consultation with legal counsel for legal advice and to consider the Commission's position on the proposed critical habitat designation for the jaguar. No action will be taken in Executive Session.

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; Hoepfner notice of claim; 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; Center for Biological Diversity v. Voyles, CV 09-00543-JJM.* The Commission may vote to take action on items in the report.

- 3. **Presenter: Anthony Guiles, Legislative Liaison. Legislative Engagement and State and Federal Legislation.** The Department will report on the current status of selected state and federal legislation and current elective issues. The Commission may be asked to take action or vote to direct the Department for coordination, action, or changes to any or all of the topics or legislation discussed.

- 3A. **Presenter: Robert Broscheid, Deputy Director. Presentation to Commission Regarding 2010 and 2011 Budget.** The Department will update the Commission with a presentation regarding the current status for the remainder of the 2010 budget and 2011 budget. The Commission may vote to take action on or provide the Department direction on this item.

- 4. **Presenter: Jay Cook, Shooting Ranges 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. The update covers activities that have occurred since the January 2010 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.

5. **Presenter: Ty Gray, Assistant Director, Information and Education Division. 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. The update covers activities and events that have occurred since the January 2010 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
6. **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 January 2010 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
7. **Presenter: Josh Avey, Habitat Branch Chief. Master Memorandum of Understanding (MOU). (10:00 A.M. TIME CERTAIN)** The Commission will be asked to vote to approve the Master Memorandum of Understanding between the Forest Service Southwest Regional Office and the Commission. When signed, this Master MOU will replace the existing statewide Master Memorandum of Understanding between Forest Service and the Commission. The Commission may vote to take action on, or provide the Department direction on this item.
8. **Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve a State Land Use Permit with the Arizona State Land Department for the Purpose of Statewide Wildlife Water Improvements on State Trust Lands.** The Commission will be asked to vote to approve a State Land Use Permit with the Arizona State Land Department for the purposes of construction and maintaining statewide wildlife water improvements on State Trust Lands. The Commission may vote to take action on, or provide the Department direction on this item.
9. **Presenter: Josh Avey, Habitat Branch Chief. Presentation to the Commission on the current status of the Species and Habitat Conservation Guide (SHCG) and the Geospatial Planning Tool.** The Commission will be presented a live demonstration of the current SHCG and the interactive Geospatial Planning Tool. The Commission may vote to take action on, or provide the Department direction on this item.
10. **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 Commission Approval of a Cooperative Agreement Between the Commission and Yuma Crossing National Heritage Area Corporation for Restored Areas of the Yuma East Wetlands in Yuma County, Arizona.** The Commission will be asked to vote to approve a cooperative agreement between the Commission and Yuma Crossing National Heritage for restored areas of the Yuma East Wetlands in

Yuma County, Arizona. The Commission may vote to take action on, or provide the Department direction on this item.

- b. **Presenter: Jay Cook, Shooting Range Branch Chief. Request for the Commission to Approve Amending Existing Gun Club Lease Agreements to Include New Language as Approved by the Attorney General's Office and Included in the Attachment.** The Commission will be asked to vote to approve amending the lease agreements with Rio Salado Sportsman's Club Inc. (Usery Mountain Shooting Range), Sierra Vista Rod and Gun Club (Sierra Vista Shooting Range), and Tucson Rifle Club Inc. (3-Points Shooting Range) to include new language as approved by the Attorney General's Office and included in the attachment. The Commission may vote to take action on, or provide the Department direction on this item.

- c. **Presenter: Jay Cook, Shooting Range Branch Chief. Request for the Commission to Approve an Agreement with the Mohave Sportsman's Club, Inc. for the Management and Operation of a Commission-Owned Public Shooting Facility in Mohave County, Arizona.** The Commission will be asked to vote to approve an Agreement with the Mohave Sportsman's Club, Inc., for the management and operation of a Commission-owned public shooting facility in Mohave County, Arizona. The Commission may vote to take action on, or provide the Department direction on this item.

11. 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.)

12. Presenter: Jennifer Stewart, Rules and Risk Branch Chief. Request to Approve the Notice of Docket Opening and Notice of Proposed Rulemaking for R12-4-309 and R12-4-318. The Commission will be asked to vote to approve the Notice of Docket Opening and Notice of Proposed Rulemaking to promulgate a new rule R12-4-309 and amend R12-4-318. The notices will be submitted to the Secretary of State's Office for publication in the *Arizona Administrative Register*. The Commission may vote to take action on and provide the Department direction on this item.

13. Presenter: Jennifer Stewart, Rules and Risk Branch Chief. Request to Approve a Notice of Docket Opening and a Notice of Proposed Rulemaking to Amend Rules R12-4-601, R12-4-610, and R12-4-611. The Commission will be asked to vote to approve a Notice of Docket Opening and a Notice of Proposed Rulemaking to amend R12-4-601, R12-4-610, and R12-4-611 addressing rules of practice before the Commission. The notice will be submitted to the Secretary of State's Office for publication in the *Arizona Administrative Register*. The Commission may vote to take action on and provide the Department direction on this item.

- 14. Presenter: Jennifer Stewart, Rules and Risk Branch Chief. Request to Approve the Notice of Exempt Rulemaking to Amend R12-4-802 and R12-4-803.** The Commission will be asked to vote to approve a Notice of Exempt Rulemaking to amend R12-4-802 and R12-4-803 within Article 8, addressing wildlife areas and Department property. The Commission may vote to take action on and provide the Department direction on this item.
- 15. Presenter: Gene Elms, Law Enforcement Branch Chief. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife at Time Certain 2:00 p.m.** The Commission will consider and take action on the license revocations and/or civil assessments for the individuals listed below.

<u>Name</u>	<u>Docket #</u>	<u>Conviction</u>
Phillip J. Griego, Sr.	2010-0008	Count A: Exceed Bag Limit (Deer) Count B: Fail to Immediately Tag Game (Deer) Count C: Possess Unlawfully Taken Game (Deer)
Karol Rodriguez	2010-0009	Count A: Obtain 2009 Fishing License by Fraud
Alberto Rodriguez	2010-0010	Count A: Obtain 2009 Fishing License by Fraud
Juan Carlos Leon Guillen	2010-0011	Count A: Possess Unlawfully Taken Game (Mule Deer) – 1 st Citation Count A: Take Big Game (Mule Deer) Without Valid License – 2 nd Citation

- 16. Presenter: John Bullington, Assistant Director, Special Services Division. Request by Mr. Chad Schearer, requesting reinstatement of his bonus points for elk or re-issue of the tag he held in 2009.** Mr. Chad Schearer is requesting a hearing before the Arizona Game and Fish Commission to restore his bonus points for elk or for re-issue of the tag he held for his 2009 bull elk hunt in Unit 1,2B,2C. The Commission may vote to take action on, or provide the Department direction on this item.
- 17. Presenter: John Bullington, Assistant Director, Special Services Division. Petition Request from Mr. Ken Foote from Footework, Inc. to amend Commission Rule R12-4-509.** The proposed amendment would allow an authorized third party provider to act for the Department to issue 30-day temporary registrations, process renewals, transfers, abandoned or unreleased registrations, new boat registrations and issue the registration decals. The Commission may vote to take action on, or provide the Department direction on this item.
- 18. Presenter: Mike Senn, Assistant Director, Wildlife Management Division. Request by Dr. David Meyer, Requesting Extension of Season Dates into 2010 for Pronghorn Antelope and Buffalo Special Big Game License Tag Seasons.** Dr. David Meyer is requesting a hearing before the Commission to extend the Special Big Game License Tag season dates (Commission Order 29) into 2010 for 2 permits (one pronghorn antelope buck and one any buffalo tag he purchased). The Commission may vote to take action on, or provide the Department direction on this item.

19. Presenter: Raul Vega, Regional Supervisor, Region V. Request by Mr. Anthony Hollars to appeal the Department's Decision to deny him an aquatic wildlife stocking permit. Mr. Anthony Hollars has requested a Commission Hearing to appeal a Department decision to deny him an aquatic wildlife stocking permit. The Commission may vote on, or provide the Department direction on this item.

19A. 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. Since the mid-1980s, operating under policy guidance from the Commission, the Department has been engaged with a variety of state, federal, tribal, and local government agencies in planning and conducting Mexican wolf reintroduction in east-central Arizona and west-central New Mexico and has been participating in efforts to revise the 1982 federal Mexican Wolf Recovery Plan and the federal 1998 nonessential experimental population rule under which the Arizona-New Mexico reintroduction is occurring. In October 2008, the Department briefed the Commission in public session on all aspects of rangewide Mexican wolf conservation. In that meeting, the Commission provided guidance to the Department on participation in Mexican wolf conservation through 2013 and requested a comprehensive update each year through 2013. Thus, on February 5, 2010, the Department will again brief the Commission on its progress toward current objectives for participation in Mexican wolf conservation, including reintroduction in the Blue Range Wolf Recovery Area of Arizona and New Mexico, on the adjacent Fort Apache Indian Reservation, and parallel but independent efforts by Mexico. The briefing will also identify and address significant Department and public concerns regarding Mexican wolf conservation, including rangewide reintroduction and recovery. 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.

20. 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.

21. 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.

22. 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.

23. 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.

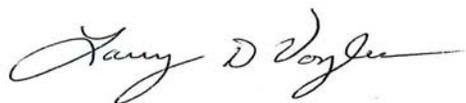
The Commission may go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03 (A) (3) & (4).

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