THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT
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July 16, 2010

A public meeting of the Arizona Game and Fish Commission will be held on August 6-7, 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, August 6, 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; Center for Biological Diversity v. Voyles, CV 09-00543-JJM; Mohave Valley Shooting Range Appeal.*

   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 for discussion and consultation with legal counsel for legal advice and to consider the Commission's position regarding S.B.1200 pursuant to A.R.S. §38-431.01(A)(3) and (4). No action will be taken in Executive Session.

e. **Legal Advice.** The Commission may meet in executive session as provided under A.R.S. 38-431.03(A)(3) for discussion and consultation with the Commission's legal counsel regarding legal advice on the State's wildlife management authority within the Grand Canyon National Park.

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; Center for Biological Diversity v. Voyles, CV 09-00543-JJM; Mohave Valley Shooting Range Appeal.* 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: 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 June 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 an Agreement with the Federal Aviation Administration (FAA) to Develop and Maintain a Non-Directional Aircraft Landing Beacon at the Three Points Shooting Range, in Pima County, Arizona.** The Commission will be asked to vote to approve an Agreement with the Federal Aviation Administration to

develop and maintain a non-directional aircraft landing beacon at the Three Points Shooting Range Facility, Pima County, Arizona. The Commission may vote to take action on, or provide the Department direction on this item.

b. **Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve a Memorandum of Understanding with Bureau of Reclamation (BOR) to be a Cooperating Agency for the Nonnative Fish Control Below Glen Canyon Dam Environmental Assessment.** The Commission will be asked to vote to approve a Memorandum of Understanding to allow the Department to be a Cooperating Agency for the Environmental Assessment for Nonnative Fish Control below Glen Canyon Dam. The Commission may vote to take action on, or provide the Department direction on this item.

c. **Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve a Memorandum of Understanding with Bureau of Reclamation (BOR) to be a Cooperating Agency for the High Flow Experimental Protocol for Releases From Glen Canyon Dam Environmental Assessment.** The Commission will be asked to vote to approve a Memorandum of Understanding to allow the Department to be a Cooperating Agency for the High Flow Experimental Protocol for Releases From Glen Canyon Dam Environmental Assessment. 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 a Memorandum of Understanding with BLM for the Development of the Restoration Design Energy 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 Restoration Design Energy Project Environmental Impact Statement (EIS). The Commission may vote to take action on, or provide the Department direction on this item.

e. **Presenter: Josh Avey, Habitat Branch Chief. Request for Commission to Approve an Agreement with the Maricopa County Parks and Recreation Department to Permit a Section of the Maricopa County Trail System to Traverse a Portion of the Ben Avery Shooting Facility.** The Commission will be asked to vote to approve an Agreement with the Maricopa County Parks and Recreation Department to a permit a section of the Maricopa County Trail System to traverse a portion of the Ben Avery Shooting Facility. The Commission may vote to take action on, or provide the Department direction on this item.

f. **Presenter: Rod Lucas, Mesa Regional Supervisor. Intergovernmental Agreement between the Arizona Game and Fish Commission and the City of Eloy regarding hunting with firearms within city limits.** The Commission will be asked to vote to approve an Intergovernmental Agreement with the City of Eloy to allow the discharge of firearms by licensed hunters pursuing wildlife during an open season to the extent and in areas where such activities are deemed safe and practical within the City of Eloy. This agreement will allow for identified hunting areas to be modified in order to include future annexations, and will allow for the

closure of areas no longer deemed appropriate for hunting. The Commission may vote to take action on, or provide the Department direction on, this item.

g. **Presenter: Raul Vega, Tucson Regional Supervisor. Intergovernmental Agreement between the Arizona Game and Fish Commission and the Town of Marana regarding hunting with firearms within city limits.** The Commission will be asked to vote to approve an Intergovernmental Agreement with the Town of Marana to allow the discharge of firearms by licensed hunters pursuing wildlife during an open season to the extent and in areas where such activities are deemed safe and practical within the Town of Marana. This agreement will allow for identified hunting areas to be modified in order to include future annexations, and will allow for the closure of areas no longer deemed appropriate for hunting. The Commission may vote to take action on, or provide the Department direction on, this item.

h. **Presenter: Gene Elms, Law Enforcement Branch Chief. Consideration of Memorandum of Understanding (MOU). to Establish Cooperating Agency Status with the Colorado Division of Wildlife.** The Commission will be asked to approve a MOU with the Colorado Division of Wildlife to allow for joint investigative assistance. The Commission may vote to take action on, or provide the Department direction on, this item.

6. **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.)

7. **Presenter: Jennifer Stewart, Rules and Risk Branch Chief. Request to approve the Department's recommendation to submit a request to the Governor's Office for permission to amend rules within Article 1 that meet current exception criteria as prescribed under House Bill 2260, Section 28.** The Commission will be asked to vote to approve the Department's recommendation to submit a request to the Governor's Office for permission to initiate rulemaking for R12-4-108 Wildlife Management Unit Boundaries and R12-4-121 Big Game Permit or Tag Transfer; it has been determined that the proposed rulemaking meets the current exception criteria as prescribed under House Bill 2260, Section 28. The Department's request must be submitted to, and approved by, the Governor's office before the Department may begin the rulemaking process. The Commission may vote to take action on and/or provide the Department direction on this item.

8. **Presenter: Jennifer Stewart, Rules and Risk Branch Chief. Request to approve the Department's recommendation to submit a request to the Governor's Office for permission to amend rules within Article 2 that meet current exception criteria as prescribed under House Bill 2260, Section 28.** The Commission will be asked to vote to approve the Department's recommendation to submit a request to the Governor's

Office for permission to initiate rulemaking to amend R12-4-202 Disabled Veteran's License; it has been determined that the proposed rulemaking meets the current exception criteria as prescribed under House Bill 2260, Section 28. The Department's request must be submitted to, and approved by, the Governor's office before the Department may begin the rulemaking process. The Commission may vote to take action on and/or provide the Department direction on this item.

9. **Presenter: Jennifer Stewart, Rules and Risk Branch Chief. Request to approve the Department's recommendation to submit a request to the Governor's Office for permission to amend rules within Article 4 that meet current exception criteria as prescribed under House Bill 2260, Section 28.** The Commission will be asked to vote to approve the Department's recommendation to submit a request to the Governor's Office for permission to initiate rulemaking to amend R12-4-406 Restricted Live Wildlife and R12-4-426 Possession of Primates; it has been determined that the proposed rulemaking meets the current exception criteria as prescribed under House Bill 2260, Section 28. The Department's request must be submitted to, and approved by, the Governor's office before the Department may begin the rulemaking process. The Commission may vote to take action on and/or provide the Department direction on this item.

10. **Presenter: Eric Gardner, Chief, Nongame Branch. Nongame Subprogram Activities Briefing; April 1, 2010 through July 31, 2010.** The Commission will be briefed regarding activities under the Nongame Subprogram; April 1, 2010 through July 31, 2010. The Commission may vote to take action on, or provide the Department direction on, items covered in the presentation.

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 June 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 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.

Name	Docket #	Count	Conviction
Drew C. Ketner	2010-0039	Count A:	Take Big Game (Elk) Wrong Unit
Justin P. Morroni	2010-0040	Count B:	Possess Wildlife (Elk) Unlawfully Taken
Matthew J. Petersen	2010-0048	Count A:	Take Big Game (Deer) Without Valid Tag
		Count B:	Possess Wildlife (Deer) Unlawfully Taken
Bobby B. Waldrop	2010-0049	Count A:	Take Wildlife (Deer) Unlawfully Taken

		Count B:	Take Wildlife (Deer) Using Artificial Light
Chance D. Clarkson	2010-0052	Count A:	Take Wildlife (Elk) During Closed Season
		Count E:	Take Wildlife (Elk) Using Artificial Light
Jye J. Patton	2010-0053	Count A:	Take Wildlife (Elk) During Closed Season
		Count F:	Discharge Firearm W/I ¼ Mile Residence
Kevin R. Everett	2010-0056	Count A:	Unlawful Littering While Hunting
Shandy J. Odell	2010-0057	Count A:	Unlawful Littering While Hunting
Emil McCain	2010-0063	Count A:	Prohibited Take of an Endangered Species (Jaguar)
Gary E. Sanders	2010-0064	Count 9:	Obtain 2007 Hunt License by Fraud
		Count 10:	Obtain 2008 Hunt License by Fraud
Justin Gunderson	2010-0069	Count D:	Possess Unlawfully Taken Wildlife (Elk)
Tyrel Smail	2010-0070	Count D:	Possess Unlawfully Taken Wildlife (Elk)

13. **Presenter: Amber Munig, Acting Big Game Supervisor. Request to Approve Proposed Translocation of Merriam's Turkeys to Utah.** The Utah Division of Wildlife Resources has requested up to 50 Merriam's turkeys each year for 2 years from Arizona to restore populations that suffered from winter die-offs during 2010. Utah has cooperated for several years in providing pronghorn, blue grouse, and Rio Grande turkeys to Arizona. The Commission may vote to take action on, or provide the Department with direction on, this request.

14. **Presenter: Brian F. Wakeling, Game Branch Chief. A Briefing on Activities by the National Wild Turkey Federation, primarily within Arizona.** The National Wild Turkey Federation (NWTF) employs a Regional Biologist that works in coordination with the Department on natural resource and hunting heritage activities. Scott Lerich serves in that role for NWTF and will provide a briefing to the Commission on recent activities in which he is involved.

15. **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.

Saturday, August 7, 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.

1. **Presenter: Jay Cook, Shooting Range Branch Chief. 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 June 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 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 and progress on Director's Goals and Objectives #4, #5 and #7. The update covers activities and events that have occurred since the June 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 and Rod Lucas, Mesa Regional Supervisor. Removal of the slot limit on Roosevelt Lake.** The Commission will be asked to remove the slot limit on Roosevelt Lake for all licensed anglers effective 10 days from approval. The Commission may vote to take action on, or provide the Department direction on this item.

4. **Presenter: Kirk Young, Fisheries Branch Chief and Rod Lucas, Mesa Regional Supervisor. Town of Payson's request for suspension of the protected slot limit at Roosevelt Lake per R12-4-611.** The Commission will be asked to consider the petition from the Town of Payson regarding a temporary slot limit waiver on Roosevelt Lake from September 21st through September 26th, 2010 for all licensed anglers. This removal of the slot limit is in conjunction with the Forrest L. Woods (FLW) Bass fishing tournament hosted by the Town of Payson. The Commission may vote to take action on, or provide the Department direction on, this item.

5. **Presenter: Josh Avey, Habitat Branch Chief. Request for Commission Approval for the Department to Complete Negotiations for the Acquisition of the Horseshoe Ranch in Yavapai County, Arizona.** The Commission will be asked to vote to approve the Department's completion of negotiations for 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.

6. **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.

7. **Presenter: Brian F. Wakeling, Game Branch Chief. Consideration of Proposed**

Commission Orders 5, 6, 8, and 9, for Spring 2011 Hunting Seasons. The Commission will consider and may vote to approve Commission Orders 5, 6, 8, and 9 (spring turkey, spring javelina, spring buffalo, and spring bear) establishing seasons and season dates, bag and possession limits, permit numbers, and open areas. A detailed description of all proposals is available for public review at all Department offices.

8. **Presenter: Mike Rabe, Small Game Program Supervisor. Consideration of Proposed Commission Order 21–Waterfowl and Commission Order 22-Snipe for the 2010-2011 Hunting Season.** The Commission will consider and may vote to approve Commission Order 21 (Waterfowl) and Commission Order 22 (Snipe), establishing seasons and season dates, bag and possession limits, and open areas. A detailed description of all proposals is available for public review at all Department offices.

9. **Presenter: John Bullington, Assistant Director, Special Services. Hunt Permit-tag Application Schedule for Spring 2011 Hunts.** The Department will provide the Commission with a presentation related to the proposed hunt-permit tag application schedule for spring 2011 hunts. The Commission may vote to take action on, or provide the Department direction on this item.

10. **Presenter: Jim Odenkirk, Assistant Attorney General. Director's Performance Evaluation Process.** During the June, 2010 Commission meeting, the Commission directed the Department to move forward with the development of the Director's evaluation process based upon the input provided to the Department. The Department has incorporated the changes and will present the latest information to the Commission. 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.

12. **Approval of Minutes and Signing of Minutes.** The Commission will be asked to approve the Commission meeting minutes from June 25-26, 2010 and if approved, the signing of these same minutes.

13. **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.

14. **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.

15. 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