



THE STATE OF ARIZONA  
**GAME AND FISH DEPARTMENT**

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TY E. GRAY



**PUBLIC MEETING NOTICE AND AGENDA REVISION #1**

**August 29, 2013**

A public meeting of the Arizona Game and Fish Commission will be held on **September 6-7, 2013** at the **Show Low City Council Chambers, 181 N. 9<sup>th</sup> Street, Show Low, Arizona 85901**, as authorized by A.R.S. § 17-201(D). **Members of the public may attend the meeting in person or view the meeting at [http://www.azgfd.gov/inside\\_azgfd/CommissionCam.shtml](http://www.azgfd.gov/inside_azgfd/CommissionCam.shtml). On Friday only, members of the public may view the meeting from any one of the Department's six Regional Offices via video teleconference, except for the Pinetop Regional Office. The Department's Headquarters will also be available for viewing this meeting via video teleconference on Friday only. Members of the public attending in person or viewing via video teleconference may submit **Speaker Cards (Blue Cards)** if they wish to speak to the Commission. **The ability to speak to the Commission for those viewing the webcast is not available.** Unless expressly provided otherwise with any item on the agenda, the Commission may discuss and vote to take action on the following matters:**

**Friday, September 6, 2013 - Meeting begins at 8:00 A.M.**

**Pledge of Allegiance**

- 1. 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.
- 2. 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 approve briefings and updates without further public input or discussion and to approve other 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. Shooting Sports Activities Briefing. Presenter: Jay Cook, Shooting Sports Branch Chief.** 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 last regular Commission meeting.
  - b. Information, Education and Wildlife Recreation Activities Briefing. Presenter: Anthony Guiles, Assistant Director, Information, Education and Recreation Division.** 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 last regular Commission meeting including the proposed Wildlife Center project.

- c. **Law Enforcement Program Briefing. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** 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 last regular Commission meeting.
- d. **Lands and Habitat Program Update. Presenter: Joyce Francis, Chief, Habitat Branch Chief.** The Commission will be provided an update on the latest developments since the last regular Commission meeting 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.
- e. **Nongame Subprogram Activities Briefing; April 1, 2013 through July 31, 2013. Presenter: Michael Rabe, Chief, Nongame Branch.** The Commission will be provided an update regarding activities under the Nongame Subprogram; April 1, 2013 through July 31, 2013.
- f. **Flagstaff Regional Office Lease Agreement with the Arizona State Forester. Presenter: Joyce Francis, Habitat Branch Chief.** The Commission may approve renewal of a Lease Agreement with the Arizona State Forester for use of a portion of the Flagstaff Regional Office property as an Administrative Site.
- g. **Land Exchange at the Page Springs Fish Hatchery Property, Yavapai County, Arizona. Presenter: Joyce Francis, Habitat Branch Chief.** The Commission may approve entering into negotiations for the exchange of a portion of the Page Springs Fish Hatchery property for adjacent riparian area.
- h. **Agreement with the U.S. Fish and Wildlife Service for the Department to Act as a Cooperating Agency on the development of the Draft EIS for the Proposed Revision to the Nonessential Experimental Population of Mexican Wolves and the Implementation of a Management Plan. Presenter: Jon Cooley, Endangered Species Coordinator.** The Commission will be asked to approve an agreement with the U.S. Fish and Wildlife Service to engage the Department as a Cooperating Agency in the development of the Draft Environmental Impact Statement regarding the proposed revision of the 10(j) rule and associated Management Plan for Mexican Wolves.
- i. **Cooperative Agreement with Valle Vista Property Owners Association (VVPOA). Presenter: Esther Rubin, Research Branch Chief.** The Commission may approve a Cooperative Agreement with Valle Vista Property Owners Association to allow the Department the use of ponds at the Valle Vista Golf Course to conduct native fish research and conservation projects.
- j. **Master Memorandum of Understanding with the National Park Service. Presenter: Lawrence M. Riley, Assistant Director, Wildlife Management Division.** The Commission will be asked to approve a Memorandum of Understanding with National Park Service Intermountain Region.
- k. **Commission Policy on the Handling of Self-Reported Violations. Presenter: Jim Hinkle, Assistant Director, Field Operations Division.** The Department will present a policy for Commission consideration regarding appropriate law enforcement response to sportsmen who self-report committing accidental or unintentional violations.
- l. **Request to approve the Article 4 Live Wildlife Five-year Rule Review Report, for Submission to the Governor's Regulatory Review Council (G.R.R.C.). Presenter: Pat**

**Crouch, FOR6 Field Supervisor.** The Commission will be asked to vote to approve the Five-year Rule Review Report for Article 4, regarding live wildlife, for submission to G.R.R.C.

**m. Renewal of a Cooperative Agreement with Table Mountain Farms. Presenter: Tim Wade, Wildlife Contracts Branch Chief.** The Commission will be asked to approve a renewal of a current Cooperative Agreement with Table Mountain Farms to use the Hayfields parcel of the VS Ranch (portion of the Lower San Pedro River property) for farming for a specified time frame.

**3. State and Federal Legislation. Presenter: Jorge Canaca, Assistant Legislative Liaison.** The Commission will be briefed on the status of State and Federal legislation. The Commission may 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. Item removed from agenda.** (BASF RV Camp Ground and Barn Stall Fee Schedule).

**\*REVISED\***

**5. Approval that the Environmental Analyses Conducted Per the Department's Fossil Creek Watershed Treatment Plan are Sufficient to Use Rotenone for the Removal of Non-native Fish. Presenter: Chris Cantrell, Fisheries Branch Chief.** The Department is requesting the Commission's approval that the Environmental Analyses conducted per the Department's Fossil Creek Watershed Treatment Plan are sufficient to use rotenone for the removal of non-native fish (Pursuant to Laws 2013, First Regular Session, Chapter 117 [Title 17-481 effective September 13, 2013]).

**6. Interagency Agreements for the Community (Urban) Fishing Program between the Arizona Game and Fish Commission and the Cities of Glendale and Maricopa. Presenter: Chris Cantrell, Fisheries Branch Chief.** The Commission may vote to authorize the Director, as Secretary to the Commission, to execute and amend as necessary the agreements with the cities of Glendale and Maricopa, to conduct a Community Fishing Program on three waters to be commenced on December 1, 2013 through June 30, 2015 consistent with Commission guidance.

**7. Mexican Wolf Planning Principles and Corresponding Objective Statements. Presenter: Jon Cooley, Endangered Species Coordinator.** The Commission will be asked to approve planning principles and key objectives for the Mexican Wolf Reintroduction Project in Arizona, which will serve as a framework for developing Department comments to upcoming comment/scoping and Environmental Impact Statement (EIS) development processes on USFWS proposed rules, and to provide a foundation for the Department's ongoing Mexican Wolf planning efforts.

**\*NEW\***

**7A. Information Briefing on the Pilot Big Boquillas Ranch Access Program and Agreement/Landowner Compact. Presenters: Gary R. Hovatter, Special Assistant to the Director and Tom Finley, Kingman Regional Supervisor.** The Department will provide the Commission with a presentation on the progress of the Pilot Big Boquillas Ranch Access Program and Agreement including an update on how this project serves as a pilot for the landowner compact and implementation of the pilot during the fall.

**8. License Automation Strategies. Presenter: Doug Cummings, Information Systems Branch Chief.** The Department will provide the Commission with an update on the Departments plan and progress toward the implementation of License Simplification in the Online License Sales and Draw system as well as an update on next steps post implementation.

9. **Amended Notice of Final Exempt Rulemaking – Expanding the Timeframe for which Customers Purchasing a License Online or at a Department Office May Select a Future License Start Date. Presenter: Jennifer Stewart, Rules and Risk Branch Chief.** The Department will ask the Commission to approve an Amended Final Notice of Exempt Rulemaking, increasing the timeframe during which a customer may select a future license start date from 30 days to 60 days. The revision will provide a longer window of opportunity for customers who purchase a license online or at a Department Office to align license start dates with draw application cycles.

**Agenda Items #10 and #11 are first read items. The Commission may choose to take action on first read items as needed or may direct the Department to place first read items on the consent agenda for approval at the next Commission meeting.**

10. **Moved to Saturday Agenda Item 2A.**

11. **Proposed Trade and Translocation of Gould's Turkeys for Pronghorn with New Mexico. Presenter: Brian F. Wakeling, Game Branch Chief.** The Arizona Game and Fish Department is coordinating with New Mexico Department of Game and Fish to facilitate an exchange of up to 60 Gould's turkeys from Arizona for up to 40 pronghorn from New Mexico. This is a one-time exchange that may take up to three calendar years to complete, from 2014 to 2017.

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

12. **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.

13. **Petition by Robert "Steve" Erhart. Presenter: Lizette Morgan, CFO, Business and Finance.** The Department will present the Commission with a petition by Robert "Steve" Erhart for an elk tag he was drawn for and then rejected due to the failure of the credit card to process.

14. **Petition by Mark Clark. Presenter: Lizette Morgan, CFO, Business and Finance.** The Department will present the Commission with a petition by Mark Clark on behalf of Madison Clark for the junior deer tag she was drawn for and then rejected due to the failure of the credit card to process.

**\*NEW\***

- 14A. **Petition by Michael A Michalec. Presenter: Lizette Morgan, CFO, Business and Finance.** The Department will present the Commission with a petition by Michael A. Michalec for a deer tag he was drawn for and then rejected due to the failure of the credit card to process.

**\*NEW\***

- 14B. **Petition by Jose J. Olvera. Presenter: Lizette Morgan, CFO, Business & Finance.** The Department will present the Commission with a petition by Jose J. Olvera for a deer tag he was drawn for and then rejected due to the failure of the credit card to process.

**TIME CERTAIN AT 2:00 PM**

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

<b>Name</b>	<b>Docket #</b>	<b>Count</b>	<b>Conviction</b>
Matthew L. Scott	2013-0043	Count A:	Discharge Firearm Within ¼ Mile of Residence While Hunting
Rachel L. Farenbaugh	2013-0044	Count A:	Allow Use of Tag By Another
		Count B:	Possess Unlawfully Taken Wildlife (Mule Deer)
Nicholas J. Farenbaugh	2013-0045	Count A:	Take Wildlife Without Valid License/Tag (Mule Deer)
		Count B:	Use Tag of Another
William Vander Weyst	2013-0049	Count A:	Take Wrong Sex (Bull Elk)
Jason R. McNeil	2013-0050	Count C:	Apply for 2012 Resident Deer Tag By Fraud
Robert J. Small	2013-0056	Count C:	Take Wildlife Unlawful Method
		Count D:	Possession of Unlawfully Taken Wildlife (Owl)
		Count E:	Unlawful Possession of Wildlife (Raven/Owl Feathers)
Curtis J. Edelman	2013-0058	Count B:	Take During Closed Season (Mule Deer)
		Count D:	Possess Unlawfully Taken Wildlife (Mule Deer)
		Count E:	Possess Wildlife Without Tag Attached (Mule Deer)

- 16. Request to approve the Article 2 Miscellaneous Licenses and Permits Five-year Rule Review Report, for Submission to the Governor's Regulatory Review Council (G.R.R.C.). Presenter: Johnathan O'Dell, WMGM Small Game Biologist.** The Department will ask the Commission to approve the Five-year Rule Review Report for Article 2, regarding miscellaneous licenses and permits, for submission to G.R.R.C.
- 17. Department Actions to Achieve the Commission's Vision. Presenter: Ty Gray, Deputy Director.** The Commission will be briefed on Department actions and activities that have been conducted to achieve the Commission's Vision "To be the national conservation leader supporting the continuation of the North American Model of Wildlife Conservation and Arizona's most trusted, respected and credible source for wildlife conservation products, services and information" as outlined in the Wildlife 20/20 Arizona Game and Fish Department Strategic Plan.
- 18. 2013 Annual Commission Awards Selection. Presenter: Ben Alteneider, Congressional and Community Relations.** The Department will provide an overview of the 2013 Commission award nominees and will ask the Commission to select the 2013 Commission award recipients.

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**Saturday, September 7, 2013, Meeting begins at 8:00 A.M.**

**Pledge of Allegiance**

1. **Pinetop Community Forum. Presenter: Chris Bagnoli, Pinetop Regional Supervisor.** Department staff will present an overview of ongoing collaborative work to the Commission, community leaders, and members of the public, and then facilitate an open discussion for the same. This item will be covered during an informal forum to allow for open discussion between participants during and after the individual presentations. Topics of discussion will include:
  - Pinetop Region Habitat Restoration Projects – An Overview
  - Nuisance Black Bear Management
  - Alternative Energy Development Projects
  - Apache Trout Recovery Program – Status Report
  - Community Based Fishing Plans – A New Approach
  - Wildlife Related Recreation in the White Mountains: Economic Benefits, Outreach and Opportunity
  - Pinetop Region Volunteer Program

The Commission may provide the Department guidance or direction on matters covered in this open discussion for future action by the Commission.

**Regular Commission Meeting begins at 10:30 A.M.**

2. **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.
- 2A. **Consideration of Alternative Names for Nongame Branch. Presenter: Mike Rabe, Nongame Branch Chief.** The Commission will consider and may adopt a new name for the Nongame Branch.
3. **Request to Amend Commission Order 40: Fish, for Calendar Year 2014. Presenter: Chris Cantrell, Fisheries Branch Chief.** The Commission will be presented 12 out-of-cycle proposed changes to Commission Order 40: Fish, Concerning Specific Proposals for Bag and Possession Limits, Special Regulations, and Specific Closures for Sport Fishing for Calendar Year 2014. The Commission may vote to take action on, or provide the Department direction on these items.
4. **Proposed Hunt Guidelines for the fall 2014 through spring 2016. Presenter: Brian F. Wakeling, Game Branch Chief.** The Commission will consider proposed hunt guidelines for fall 2014 through spring 2016. The Commission may choose to consider this agenda item through separate actions on the individual guidelines that address each Commission Order. The Commission may direct the Department to consider changes and/or new opportunities in the hunting and/or trapping guidelines.
5. **Executive Session (The Commission will not vote to take any action during 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 for legal advice 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; Wagner v. Personnel Board, LC2011-000683*; Proposed Rosemont Copper Mine Project NEPA; *WildEarth Guardians v. James Lane, CIV 12-118*; *Center for Biological Diversity v. U.S. Forest Service, CV 12-0817*; SB 1334 City of Tucson Avra Valley Memorandum of Understanding.

**b. Personnel Matters.** The Commission may vote to go into Executive Session in accordance with A.R.S. § 38-431.03(A)(1) to discuss personnel matters associated with the Director's performance. The Commission may take action in the public session or defer any action to a later date.

6. **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; Wagner v. Personnel Board, LC2011-000683*; Proposed Rosemont Copper Mine Project NEPA; *WildEarth Guardians v. James Lane, CIV 12-118*; *Center for Biological Diversity v. U.S. Forest Service, CV 12-08176*.
7. **Approval of Minutes and Signing of Minutes.** The Commission may approve the Commission meeting minutes from August 2-3, 2013.
8. **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 for information only. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.
9. **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 for information only. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.
10. **Future Agenda Items and Action Items.**

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Larry D. Voyles  
Director

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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”**