



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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GOVERNOR

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PUBLIC MEETING NOTICE AND AGENDA REVISION #1

July 30, 2014

A public meeting of the Arizona Game and Fish Commission will be held on **August 1-2, 2014** at the **Double Tree by Hilton Hotel, Kaibab Room, 1175 West Route 66, Flagstaff, Arizona 86001**, 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. 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 Flagstaff 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, August 1, 2014 - Meeting begins at 8:00 A.M.

Pledge of Allegiance

1. Awards and Recognition

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.

3. 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: Marty Fabritz, 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. The commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 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 Commission meeting.
- d. **Lands and Habitat Program Update. Presenter: Joyce Francis, 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. **Approval of a Special Use Permit with Coconino National Forest. Presenter: Joyce Francis, Habitat Branch Chief.** The Commission will be asked to approve renewal of a National Forest Service Special Use Permit (SUP) for the continued operation of the Sterling Springs Hatchery.
- f. **Approval of a Memorandum of Understanding with the City of Show Low, Arizona State Parks and Apache-Sitgreaves National Forest Related to Fool Hollow Recreation Area. Presenter: Chris Bagnoli, Pinetop Regional Supervisor.** The Commission will be asked to approve the renewal of a Memorandum of Understanding with the City of Show Low, Arizona State Parks and Apache-Sitgreaves National Forest for cooperative management of Fool Hollow Lake Recreation Area.
- g. **Approval of a Road Use Agreement at Lower San Pedro River Wildlife Area. Presenter: Joyce Francis, Habitat Branch Chief.** The Commission may approve a Road Use Agreement with an adjacent private landowner for access through the Lower San Pedro River Wildlife Area
- h. **Approval of a Memorandum of Understanding (MOU) with the City of Yuma Related to the Arizona Boating Access Program. Presenter: Mark Weise, Development Branch Chief.** The Commission will be asked to approve an MOU with the City of Yuma, which will enable that City's full participation under the Department's Federal Aid F-19-D Project (Arizona Boating Access Program).
- i. **Approval of a Memorandum of Understanding (MOU) with the Town of Clarkdale Related to the Arizona Boating Access Program. Presenter: Mark Weise, Development Branch Chief.** The Commission will be asked to approve an MOU with the Town of Clarkdale, which will enable that Town's full participation under the Department's Federal Aid F-19-D Project (Arizona Boating Access Program).
- j. **Approval of Intergovernmental Agreements between the Arizona Game and Fish Commission and the Cities of Gilbert and Avondale for the Community Fishing**

Program. Presenter: Chris Cantrell, Fisheries Branch Chief. The Commission will be asked to approve the Intergovernmental Agreements between the Department and the Cities of Gilbert and Avondale to continue and implement the Community Fishing Program on five lakes through June 30, 2018.

- k. Approval of a Cooperative Agreement among the Arizona Game and Fish Commission, Nevada Department of Transportation and the Nevada Department of Wildlife Related to Wildlife Studies. Presenter: Tim Wade, Chief, Wildlife Contracts Branch.** The Commission will be asked to approve a Cooperative Agreement among the Arizona Game and Fish Commission, Nevada Department of Transportation and the Nevada Department of Wildlife to allow the Department to enter into contracts to implement wildlife studies in cooperation with the two State of Nevada agencies
- 4. State and Federal Legislation. Presenter: Jorge Canaca, Legislative Liaison.** 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.
- 5. Customer Portal Project. Presenter: Doug Cummings, Branch Chief, Information Systems.** The Department will present an update on the development of the Customer Portal (website with Customer Login capabilities with improved customer access to information, products and services). The presentation will include an update on the public input process related to bundled services concepts and the next steps.
- 5A. Approval of Out-of-Cycle Final Rulemaking for a Membership Program Tag Surrender, Tag Transfer, Bonus Point Reinstatement, and Issuance and Use of Tags. Presenter: Jennifer Stewart, Rules and Risk Branch Chief.** The Department will ask the Commission to approve a Notice of Final Rulemaking and Economic Impact Statement Amending Rules within Article 1 addressing definitions and general provisions, Article 3 addressing the taking and handling of wildlife, and Article 6 addressing rules of practice before the Commission.
- 6. 2014 Building Owners and Managers Association (BOMA) International, The Outstanding Building of the Year (TOBY) Award (Government Building Category - Arizona Game and Fish Headquarters Facility). Presenter: Mark Weise, Development Branch Chief.** The Commission will be provided an overview of the AGFD's Headquarter Facility Platinum LEED certification and also an overview of the 2014 BOMA TOBY award process.
- 7. Approval of Proposed Rulemaking Amending Article 4 Rules Addressing Live Wildlife. Presenter: Pat Crouch, FOR6 Field Supervisor.** The Department will ask the Commission to vote to approve a Notice of Rulemaking Docket Opening, Notice of Proposed Rulemaking, and Economic Impact Statement amending rules within Article 4, addressing live wildlife.
- 8. Request to Allow Article 9 Rules, Addressing Arizona Wildlife Conservation Fund Grants, to Expire Under A.R.S. § 41-1056(J). Presenter: Sherry Crouch, Funds and Planning Branch Chief.** The Department will ask the Commission to vote to approve a request to allow Article 9 Rules, addressing Arizona Wildlife Conservation Fund Grants, to expire under A.R.S. § 41-1056(J). The Commission may vote to take action on and/or provide the Department direction on this item.
- 9. MOVED TO ITEM 5A**

Agenda Items #10 through #14A 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. Approval of New Commission Policy on Recreational Shooting upon Arizona's Public Lands. Presenter: Marty Fabritz, Shooting Sports Branch Chief.** The Department will ask the Commission to approve a new Commission policy, which sets forth the Commission's position on the importance of maintaining all wildlife-related outdoor recreational opportunities, including recreational shooting.
- 10A. Enhancing Telecommunications at Ben Avery Shooting Facility. Presenter: Joyce Francis, Habitat Branch Chief.** The Commission will be asked to vote to enhance cell phone coverage and other telecommunications at Ben Avery Shooting Facility by agreeing to rezone a 300 foot radius around an existing tower, located behind the ADOT building, to C-2 Commercial thereby allowing Verizon Wireless to place wireless communication equipment on the tower. The rezoning will not affect the Commission's continued use of the property as a shooting range or cause any interruption in range activities.
- 11. Approval of a Memorandum of Understanding with the National Park Service (NPS) to Establish Cooperating Agency Status for a Bison Management Plan and Environmental Impact Statement at Grand Canyon National Park, Arizona. Presenter: Craig McMullen, Regional Supervisor.** The Commission will be presented a Memorandum of Understanding granting the Department cooperating agency status in the preparation of a Bison Management Plan and Environmental Impact Statement at Grand Canyon National Park, Arizona. The Commission may vote to take action on, or provide the Department direction on this item.
- 12. Approval of a License Agreement at Horseshoe Ranch. Presenter: Jay Cook, Region VI Supervisor.** The Commission may approve a License Agreement with Northern Arizona University for the Horseshoe Ranch Adaptive Restoration and Community Stewardship Project to develop a three acre plot of cottonwood trees on the upper terrace of the Agua Fria River at Horseshoe Ranch on fallow cropland.
- 13. Briefing on the Intermountain West Corridor Project. Presenter: Joyce Francis, Habitat Branch Chief.** The Department will provide an update on the I-11 and Intermountain West Corridor Project and the Department's engagement, role, and data development. The presentation is for information only; no action will be taken by the Commission.
- 14. Approval of a License Agreement at Powers Butte Wildlife Area Related to a Warning Siren for Palo Verde Nuclear Power Plant, Maricopa County, Arizona. Presenter: Joyce Francis, Habitat Branch Chief.** The Commission may approve a License Agreement with Arizona Public Service for the purpose of installation, operation and maintenance of a warning siren for the Palo Verde Nuclear Power Plant, at the Powers Butte Wildlife Area, Maricopa County, Arizona.
- 14A. Memorandum of Understanding (MOU) with the U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, and USDA Forest Service for Planning and Implementation of the West Fork Black River Aquatic Species Protection Project. Presenter: Chris Cantrell, Chief of Fisheries.** The Commission may approve the MOU to allow the Department to cooperate with partners on the planning and implementation of the West Fork Black River Aquatic Species Protection Project for Apache Trout and Loach Minnow conservation.

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

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:

Name	Docket #	Count	Conviction
Ian M. Kuemerle	2014-0047	Count A:	Citation 231399 Apply for 2011 Deer Permit by Fraud
		Count A:	Citation 235372 Apply for 2010 Deer Permit by Fraud
Francisco Delatorre	2014-0048	Count B:	Take Wildlife Without Valid Tag (Elk)
Louie A. Moreno	2014-0047	Count A:	Take Wildlife With Unlawful Device (Mule Deer)
		Count B:	Possess Unlawfully Taken Wildlife (Mule Deer)

- 16. Appeal of Betsy Lagos, dba Pinal Wildlife Rescue re Denial of Renewal of Wildlife Holding License. Presenter: Linda Pollock, Assistant Attorney General.** The Commission is to review the written decision of the OAH Administrative Law Judge recommending that the Commission revoke Lagos' Wildlife Holding License and deny any future applications for a period of two years. The Commission may accept, reject or modify the decision.
- 16A. Hearing on Appeal of a Pioneer License Denial. Presenter: Jim Hinkle, Assistant Director, Field Operations Division.** The Commission may consider an appeal by Martin Raebel regarding the Department's denial of his application for a Pioneer License.
- 16B. Mexican Wolf Briefing. Presenter: Jim deVos, Assistant Director, Wildlife Management Division.** The Department will provide a briefing on the recently released Mexican Wolf proposed 10(j) rule and the associated draft environmental impact statement (DEIS), including the impact the proposed rule may have on the existing wolf program. The Commission may provide the Department direction on its response to the proposed rule and DEIS.
- 17. Commission Meeting Travel Considerations. Presenter: Ty Gray, Deputy Director.** The Department will discuss Commission meeting travel cost considerations and guidelines with the Commission.
- 18. 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. Sandoval, CIV 12-118*; *Center for Biological Diversity v. U.S. Forest Service, CV 12-0817*; *Red Wolf Coalition v. North Carolina Wildlife Resource Commission, 2013-60*; *Appeal of Decision Notice of North Kaibab Ranger District Travel Management, Kaibab NF, 13-03-00-0007*; HSUS petition to ban the

use of lead ammunition for hunting purposes on federal DOI lands; CBD petition to USFWS to revise its Recovery Plan for the Grizzly Bear to include its native range in the western United States; Decision of USFWS to designate critical habitat for jaguar in Arizona and New Mexico; Phase One Bill Williams River Water Rights Settlement Agreement (Planet Ranch); Proposed Amendments to Mexican Wolf 10(j) Rule; Alaska Oil and Gas Assn. v. NMFS, 13-cv-00021; Army Corps of Engineers proposed rules concerning “waters of the U.S.”

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.

19. 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. Sandoval, CIV 12-118*; *Center for Biological Diversity v. U.S. Forest Service, CV 12-08176*.

20. Approval of Minutes and Signing of Minutes. The Commission may approve the Commission meeting minutes from June 13-14, 2014.

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 for information only. 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 for information only. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.

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Saturday, August 2, 2014 - Meeting begins at 8:00 A.M.

Pledge of Allegiance

- 1. Flagstaff Community Forum. Presenter: Craig McMullen, Flagstaff Regional Supervisor.** An informal forum and workshop to discuss current and future matters involving the Arizona Game and Fish Department and the Flagstaff Region. Department staff, along with community members, 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 roundtable forum to allow for open discussion between participants. Topics of discussion will include:
 - Adaptive Sport Fish Management at Lee’s Ferry-John Hamill, Theodore Roosevelt Conservation Partnership
 - California Condor Recovery Program-Chris Parish, The Peregrine Fund
 - Willow Bend Environmental Education Center Update and Overview-Russell Tweed, Director, Willow Bend Environmental Education Center
 - Hopi Cooperative Hunt Program-Darren Talayumptewa, Hopi Department of Natural Resources

- Bureau of Land Management Cooperative Projects and Travel Management Update-
Lorraine Christian, Field Manager, Strip District

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

- 2. Consideration of Proposed Commission Order 21 and 22 for the 2014–2015 Hunting Season. Presenter: Anis Aoude, Small Game Management Supervisor.** 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 for 2014–2015. A detailed description of proposals is available for public review at Department offices and on-line
- 3. Consideration of Proposed Commission Orders 5, 6, 8, and 9, for Spring 2015 Hunting Seasons. Presenter: Amber A. Munig, Big Game Management Supervisor.** 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 for spring 2015. A detailed description of all proposals is available on-line and for public review at Department offices.
- 4. Hunt Permit-Tag Application Schedule for Spring 2015 Hunts. Presenter: Lizette Morgan, CFO, Business and Finance.** The Department will provide the Commission with a presentation related to the proposed hunt-permit tag application schedule for spring 2015 hunts. The Commission will be asked to vote to approve the application schedule.
- 5. 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”