



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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November 13, 2009

A public meeting of the Arizona Game and Fish Commission will be held on December 4-5, 2009, 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, December 4, 2009, 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.

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.

- 3. Presenter: Anthony Guiles, Legislative Liaison. Legislative Engagement and 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 and procedures on designating Commission members to represent the Commission at the Legislature on legislation that requires an emergency response and legislation on which the Commission has taken an official position. The Commission may vote to take action on this issue.
- 4. Presenter: Harry Seck, Program Manager. E-Commerce Update.** The Commission will be provided with an update on the status of the Department's E-Commerce activities. The update will include information for online watercraft registration renewals, license sales and big game applications. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 5. Presenter: Harry Seck, Program Manager. A Presentation Describing the Bonus Point Round of the Draw and the Possible Results Given Left-over Permits.** The Department will provide the Commission with a presentation describing how the bonus point round of the draw operates and how it is possible that an applicant who is eligible for the bonus point round does not receive a first choice permit when there are left-over permits for the same hunt. The presentation will include a historical overview of the draw process, and provide proposed rule changes and other proposed short and long-term solutions to address the issue when an applicant is denied a first choice permit and left-over tags for the same hunt exist. The Commission may vote to take action on, or provide the Department direction on items covered in the presentation.
- 6. Presenter: Ty Gray, Assistant Director, Information and Education Division. Information, Education and Watchable Wildlife Activities Briefing.** The Commission will be given an update of Department activities and events related to Information, Education and Watchable Wildlife Programs. The update covers activities and events that have occurred since the October 2009 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. 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 October 2009 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 8. Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve the Transfer of Land and Water Rights located along the Lower San Pedro River in Pinal County, Arizona from ASARCO LLC to the Commission.** The Commission will be asked to vote to approve the transfer of land and water rights located

along the Lower San Pedro River from ASARCO LLC to the Commission. The Commission may vote to take action on, or provide the Department direction on this item.

9. **Presenter: Josh Avey, Habitat Branch Chief. Update on the status of the revision to the Master Memorandum of Understanding (MOU) between the United States Forest Service (FS) Southwest Regional Office, and the State of Arizona, Arizona Game and Fish Commission (Commission).** The Commission will be given an update on the status of the draft Master Memorandum of Understanding between the FS Southwest Regional Office and the Commission, including Forest Service feedback on the Department's efforts to address Commission comments and concerns. When signed, this Master MOU will replace the existing statewide Master Memorandum of Understanding between FS and the Commission. The Commission may vote to take action on, or provide the Department direction on this item.
10. **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 initiate aquatic invasive species rulemaking.** House Bill 2008 requires the Department to submit a request to the Governor's Office in order to initiate rulemaking for items allowed under the new legislation. The Department will ask the Commission to vote to approve the Department's recommendation to submit a request to the Governor's Office for permission to initiate rulemaking for the aquatic invasive species rules. The Commission may vote to take action on and/or provide the Department direction on this item.
11. **Presenter: Mike Senn, Assistant Director, Wildlife Management Division. Nongame Subprogram Activities Briefing; August 1, 2009 through November 30, 2009.** The Commission will be briefed regarding activities under the Nongame Subprogram; August 1, 2009 through November 30, 2009. The Commission may vote to take action on, or provide the Department direction on, items covered in the presentation.
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.

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

13. **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>
Carl J. Winski, III	2009-0082	Count A: Misuse of Firearms While Hunting

Carl J. Winski, III	2009-0083	Count A:	Hunt in Wrong Unit
Jose R. Galicia	2009-0100	Count A:	Take Wildlife in Closed Season (Doves)
		Count B:	Shoot Across Roadway
Jose A. Mayorga	2009-0101	Count A:	Take Wildlife in Closed Season (Doves)
Edgardo A. Magana	2009-0102	Count A:	LaPaz Cty Sheriff: Take Wildlife in Closed Season (Doves)
		Count A:	Game and Fish: Take Wildlife Without License (Doves)
		Count B:	Take Wildlife by Unlawful Method (Doves)
Charles C. Snow	2009-0103	Count A:	Exceed Bag Limit (Doves)
James C. Snow	2009-0104	Count A:	Exceed Bag Limit (Doves)
Robert L. Girard	2009-0105	Count A:	Obtain License by Misrepresentation

14. Presenter: Gene Elms, Law Enforcement Branch Chief. Rehearing Request Regarding Previous License Revocation/Civil Assessment. David R. Martin has requested that the Arizona Game and Fish Commission grant a rehearing regarding the revocation of his license for five (5) years and completion of a Hunter Education course before obtaining any license(s) to take wildlife in the State of Arizona. The Commission may vote to affirm or modify its decision, or grant a rehearing.

15. Presenter: Gene Elms, Law Enforcement Branch Chief. Rehearing for License Revocation/Civil Assessment. Jorge Valenzuela was granted a rehearing on October 9, 2009, by the Arizona Game and Fish Commission regarding the action taken on May 15, 2009, to civilly assess him \$8,000.00 for the loss of one (1) whitetail deer, to revoke his license privileges for a period of 5 years, and to require that he satisfactorily complete the Hunter Education class before obtaining any license(s) in the State of Arizona. The Commission may vote to affirm or modify its original action.

16. Presenter: Gene Elms, Law Enforcement Branch Chief. Rehearing for License Revocation/Civil Assessment. Edmundo Valenzuela, Sr., was granted a rehearing on October 9, 2009, by the Arizona Game and Fish Commission regarding the action taken on May 15, 2009, to civilly assess him \$8,000.00 for the loss of one (1) whitetail deer, to revoke his license privileges for a period of 5 years, and to require that he satisfactorily complete the Hunter Education class before obtaining any license(s) in the State of Arizona. The Commission may vote to affirm or modify its original action.

17. Presenter: Marty Fabritz, Executive Staff Assistant. 2009 Commission Award of Excellence Nominations for Reconsideration. The Commission will be asked to reconsider and vote to approve two previously submitted Commission award nominations. At the October Commission meeting, the Commission directed the Department to modify one of the previously submitted Commission Award of Excellence nominations for Yavapai Deputy County Attorney Eric English, and place it on the agenda for

reconsideration at the December Commission Meeting. Subsequently, at the Chairman's request, the Department is also re-submitting the Award of Excellence nomination for Arizona State Assistant Attorney General Rachel Bacalzo for Commission reconsideration and approval.

- 18. 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, December 5, 2009, 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, 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 October 2009 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 2. Presenter: Josh Avey, Habitat Branch Chief. A presentation on the Current Status, Planning Efforts, and Pending Decisions on the Proposed Northern Arizona Shooting Range.** The Commission will be briefed on the latest developments relating to the proposed Northern Arizona Shooting Range. The update will include the status of the Willard Springs Land Exchange, the Archeological survey results at the Winona and Cochrane Hill alternative sites and the status of the proposed acquisition of the Foster Ranch parcel. The Commission may vote to take action on or provide the Department direction on items covered in the update.
- 3. Presenter: Brian F. Wakeling, Game Branch Chief. Consideration of Proposed Commission Orders 3, 4, and 26 for 2010 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 2010 fall hunting season. A detailed description of all proposals is available for public review at all Department offices.
- 4. Presenter: John Bullington, Assistant Director, Special Services. Hunt Permit-tag Application Schedule for Fall 2010 Hunts.** The Department will provide the Commission with a presentation related to the proposed hunt-permit tag application schedule for fall 2010 antelope and elk hunts. The Commission will be asked to vote to approve the application schedule.

5. **Presenter: Gary R. Hovatter, Deputy Director, F.O.D./I.E.D. 2010 On-the-Road Commission Events.** The Department will provide the Commission with a presentation on alternative approaches for the conduct of two on-the-road Commission events in 2010. The Commission may vote to take action 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. **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.
8. **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.
9. **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.

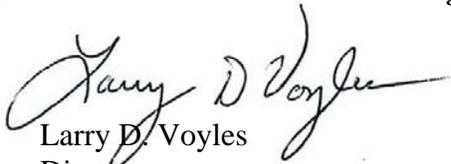
The Commission may go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03 (A) (3) & (4).

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