



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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Governor

Janet Napolitano

Commissioners

Chairman, W. Hays Gilstrap, Phoenix

Joe Melton, Yuma

Michael M. Golightly, Flagstaff

William H. McLean, Gold Canyon

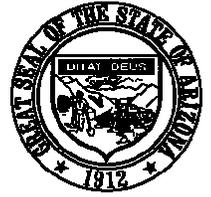
Bob Hembrode, Tucson

Director

Duane L. Shroufe

Deputy Director

Steve K. Ferrell



REVISION #1

November 22, 2005

A public meeting of the Arizona Game and Fish Commission will be held on December 9-10, 2005, and as authorized by A.R.S. § 17-201(D), the Commission will discuss and may vote to take action on the following matters:

*** CORRECTED ADDRESS**

Friday, December 9, 2005, Arizona Game and Fish Commission at Francisco Grande Resort, 26000 West Gila Bend Highway, Casa Grande, AZ 85222

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 on *Re General Stream Adjudication for the Little Colorado River and Gila River; Bar D Cattle Co. v. Shroufe, CIV2002-0872; Phelps Dodge Corp. v. Arizona Dept. of Water Resources, LC2003-000243-001DT; Arizona Zoological Society, et. al. v. BLM, IBLA appeal no. 2002-412; State of Arizona v. George H. Johnson, CV2005-002692; and State of Arizona v. Adair, CR2004-0045.*
- b. 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 regarding the Commission's position on potential litigation regarding the use of temporary employment services at the Ben Avery Shooting Facility.

Public Session begins immediately following the Executive Session, but no later than 9:00 a.m.

Awards and Commissioning of Officers.

2. **Litigation Report.** The Department's legal counsel may report on the status of the following litigation matters: *Re General Stream Adjudication for the Little Colorado River and Gila River; Bar D Cattle Co. v. Shroufe, CIV2002-0872; Phelps Dodge Corp. v. Arizona Dept. of Water Resources, LC2003-000243-001DT; Arizona Zoological Society, et. al. v. BLM, IBLA appeal no. 2002-412; State of Arizona v. George H. Johnson, CV2005-002692.* The Commission may vote to take action on any case.
3. **Presenter: Shelley Cutts. Presentation on Arizona's Open Meeting Law and Constituent Communications.** The Commission will be briefed on the applicability of Arizona's Open Meeting Law to e-mail communications, with an emphasis on constituent communications with the Commission.
4. **Presenter: Bob Broscheid, Habitat Branch Chief. An Update on Current Issues, Planning Efforts, and Proposed Projects on State and Federal Lands in Arizona and Other Matters Related Thereto.** The Commission will be briefed on the latest developments relating to the implementation of land and resource management plans and projects on state and federal lands in Arizona and other matters related hereto. The update addresses decisions or activities since the October 2005 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
5. **Presenter: Bob Broscheid, Habitat Branch Chief. Request for Commission Approval of the Exchange of Land at the Page Springs Hatchery in Yavapai County, Arizona.** The Commission will be asked to vote to approve the exchange of land at the Page Springs Hatchery and authorize the Department to execute all documents associated with this exchange in Yavapai County.
6. **Presenter: Bob Broscheid, Habitat Branch Chief. Request for Commission Approval of the Acquisition of Right-of-Way (No. 018-102462) in Perpetuity for Continued Access into Charouleau Gap in Pinal County from the Arizona State Land Department and Subsequent Transfer to the Coronado National Forest After Acquisition.** The Commission will be asked to vote to approve acquisition of right-of way (No. 018-102462) in perpetuity for continued access into Charouleau Gap in the Coronado National Forest, Pinal County from the Arizona State Land Department and subsequent transfer to the Coronado National Forest after acquisition.

* **MOVED**

7. **Presenter: Jon Cooley, Region I Supervisor. Presentation by the Hunting and Shooting Sports Recruitment and Retention Team Leader including a summary of key findings and recommendations outlined in the Team Report.** The Department will brief the Commission on the work and associated findings of the Hunting and Shooting Sports Recruitment and Retention Team. The Commission may vote to take action on, or provide the Department direction on, items covered in the briefing.
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- 8. Presenter: Leonard L. Ordway, Game Branch Chief. Presentation of the Draft Arizona Game and Fish Department Guidelines and Recommendations for the 2006-2007 Hunting and Trapping Seasons and Proposed Changes to Commission Rules Regarding Wildlife Areas for Commission Approval.** The public review draft of the Arizona Game and Fish Department Guidelines and Recommendations for the 2006-2007 Hunting and Trapping Seasons and proposed changes to Commission Rules R12-4-801, R12-4-802, and R12-4-803 will be presented to the Arizona Game and Fish Commission for any additions or corrections prior to being presented to the public. The Commission may vote to further direct the Department to consider changes and/or new opportunities in the hunting and/or trapping seasons.
- 9. Presenter: Terry B. Johnson, Endangered Species Coordinator. Commission Briefing on Progress in Addressing Issues regarding Mexican Wolf Reintroduction in West-Central New Mexico and East-Central Arizona.** In September 2002, the Arizona and the New Mexico State Wildlife Commissions identified several issues pertaining to Mexican wolf reintroduction in Arizona-New Mexico. The two Commissions directed their respective staffs to work with the U.S. Fish and Wildlife Service and the public to make the project more responsive to local needs and to ensure a more appropriate State role. The Department will provide an informational briefing on progress toward achieving the desired results. No action will be taken by the Commission.
- 10. 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. The Commission will also review its position on designation of Commission members to represent the Commission at the Legislature on emergency issues and issues on which the Commission has taken an official position. The Commission may vote to take action on this issue.
- 11. Presenter: Marty Macurak, Assistant Director. Statewide Shooting Range Briefing.** The Commission will be given an update of department activities related to shooting range support and development statewide. The update covers activities that have occurred since the October 2005 commission meeting. The Commission may vote to take action on, or provide the department direction on, items covered in the update.
- 12. Presenter: Marty Macurak, Assistant Director. Public Information and Education Update.** The Commission will be briefed on several public information and education initiatives conducted by the Information and Education Division. They include the Fish Arizona campaign, lion awareness campaign and upcoming improvements to the Hunter Education program. The Commission may vote to take action on, or provide the department direction on, items covered in the briefing.
- 13. Presenter: Marty Macurak, Assistant Director. Focus Wild Arizona Briefing.** The Commission will be briefed on the Information and Education Division's Focus Wild Arizona education program. The program uses Web technology to provide Arizona teachers

with environmental education curriculum and resources. The Commission may vote to take action on, or provide the department direction on, items covered in the briefing.

- 14. Presenter: Diana Shaffer, et al. Recent Department Awards.** The Department has recently been the recipient of the Pioneer Award for Quality; the U.S. Fish and Wildlife Service Fiscal Year 2005 Civil Rights Award; the Governor's Pride in Arizona Award for Media Leadership; and the Tres Rios Nature Festival, Honorable Mention, Best of the West Awards (West Valley Award hosted by Westmarc).
- 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.

Lunch Break (at Time Certain 12:00 p.m.)

The Afternoon Public Session begins immediately following the lunch break, but no later than 1:00 p.m.

- 16. Presenter: Ronald L. Day, Law Enforcement Branch Chief.** Rehearing Request Regarding Previous License Revocation/Civil Assessment. Mr. Harold D. Corbin has requested that the Arizona Game and Fish Commission grant a rehearing regarding the action taken on **August 12, 2005**, revoking his licenses to hunt, fish, and trap for a period of five (5) years, invoking a civil assessment of \$2,337.87 and further requiring that he complete a Hunter Education course before obtaining any license in the State of Arizona. The Commission may vote to affirm or modify its decision, or grant a rehearing.
- 17. Presenter: Ronald L. Day, Law Enforcement Branch Chief. Rehearing Request Regarding Previous License Revocation/Civil Assessment.** Ms. Wilma J. Stubblefield has requested that the Arizona Game and Fish Commission grant a rehearing regarding the action taken on **August 12, 2005**, revoking her licenses to hunt, fish, and trap for a period of five (5) years and further requiring that she complete a Hunter Education course before obtaining any license in the State of Arizona. The Commission may vote to affirm or modify its decision, or grant a rehearing.

*** CHANGED TIME**

- 18. Presenter: Ronald L. Day, 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>Conviction</u>
McDaniel, Ran	Count A: Possess unlawfully taken big game (bull elk). Postponed from the September 23, 2005, Commission Hearing.
Sutton, Joseph C.	Count A: Take over limit of game fish (16 trout). Count B: Possess over limit of game fish (16 trout).
Robinson, Heidi A.	Count A: Take over limit of game fish (16 trout). Count B: Possess over limit of game fish (16 trout).
Dominguez, Mark J.	Count A: Possess/transport unlawfully taken wildlife (White-tailed deer). Count B: Take wildlife in excess of bag limit (White-tailed deer).
Alvarado, Raymond C.	Count A: Possess/transport unlawfully taken wildlife (White-tailed deer).
Demarbiex, James	Count A: Possess/transport unlawfully taken wildlife (White-tailed deer).
Hernandez, Joseph J.	Count A: Possess/transport unlawfully taken wildlife (White-tailed deer).
Ackerman, John R.	Count A: Discharge firearm within ¼ mile of an occupied structure. Count C: Possess unlawfully taken wildlife (elk).
Tissaw, John T.	Count A: Vandalism While Hunting.
Reeder, Tod W.	Count A: Take wildlife during closed season (Gila monster).

19. Presenter: Ronald L. Day, Law Enforcement Branch Chief. Petition to Revise Rule R12-4-318, Allowing for the Possession of a Handgun for Personal Protection Purposes During an Archery-Only Season. The Commission will be asked to vote to deny the petition but direct the Department to consider this rule change during the next review of Article 3.

20. Presenter: Steve Ferrell, Deputy Director. Briefing on the Employee Compensation Proposal to be Submitted to the 2005 and 2006 Arizona State Legislature. The Department will provide the Commission with a briefing on the employee compensation

proposal and Wildlife Series CMR. The Commission will be asked to authorize expenditure of non-appropriated funds and allow the Department to seek a supplemental appropriation from the 2005 legislature to finance this proposal.

- 21. Presenter: Josh Avey, Executive Staff Assistant. Departmental Communication to the Commission.** The Department will be providing the Commission with a presentation regarding all communications that are currently provided to the Commission. These communications range from endangered species updates to briefing items. The Commission will be asked to give the Department direction to continue, eliminate, or alter the current communications.
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*** ADDITION**

- 22. Presenter: Steve Ferrell, Deputy Director. Proposed Date Change for the September Arizona Game and Fish Commission Meetings for 2006.** The Commission will be asked to vote to approve a schedule change for the September Commission meeting date for 2006.
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- 23. Director's and Chairman's Reports.** The Director and the Chairman will report on recent Department and Commission activities. An update on the Director's current goals and objectives may be provided during the briefing. 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.

- 24. Commissioners' Reports.** The Commissioners will report on their recent activities 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.

- 25. Approval of Minutes** for: August 12 and 13, 2005, September 23, 2005, October 21, 2005 and November 9, 2005; and **Signing of Minutes** for August 13 and 14, 2004, September 17, 2004, and June 24 and 25, 2005.

Saturday, December 10, 2005, Arizona Game and Fish Commission at Francisco Grande Resort, 26000 West Gila Bend Highway, Casa Grande, AZ 85222

Meeting begins at 8:00 a.m.

- 1. Presenter: Dustin McKissen, Rules and Risk Manager. Request to Approve a Notice of Docket Opening and a Notice of Proposed Rulemaking to Amend Article 1 Rules Dealing with Definitions and General Provisions to Designate All Game Management Units under A.R.S. § 17-316.** The Commission will be asked to vote to approve a Notice of Docket Opening, and a Notice of Proposed Rulemaking to amend Article 1 rules, dealing with definitions and general provisions, to designate all game management units under A.R.S. § 17-316 to address significant interference or disruption of hunts in this state. The

Notices will be submitted to the Secretary of State's Office for publication in the *Arizona Administrative Register*.

2. **Presenter: Dustin McKissen, Rules and Risk Manager. Request to Close the Rulemaking Record and Approve a Notice of Final Rulemaking to Amend Article 3 rules to Authorize the Use of a Two-Part Tag, Prescribe Additional Check-Out Requirements for Mountain Lion Hunts, and to Authorize Possession of a Bear or Mountain Lion Taken Under A.R.S. § 17-302 During a Closed Season.** The Commission will be asked to vote to close the rulemaking record and approve a Notice of Final Rulemaking to amend Article 3 rules, dealing with the taking and handling of wildlife, to authorize the use of a two-part tag, prescribe additional check-out requirements for mountain lion hunts, and to authorize possession of a bear or mountain lion taken under A.R.S. § 17-302 during a closed season. The Notice will be submitted to GRRC for consideration at their next open meeting.
3. **Presenter: Dustin McKissen, Rules and Risk Manager. Notice of Proposed Rulemaking to Amend R12-4-102 to Increase Fees as Authorized by Statutory Changes Made by the 47th Legislature.** The Commission may vote to approve a Notice of Proposed Rulemaking to amend R12-4-102; dealing with licenses, tags, stamps, and permits; to increase fees as authorized by statutory changes made by the 47th legislature to raise fee ceilings. This Notice will be submitted to the Secretary of State for publication in the *Arizona Administrative Register*.
4. **Presenter: Dustin McKissen, Rules and Risk Manager. Request to Approve the Five-Year Rule Review Report for Commission Rules in Article 5 Dealing with Boating and Water Sports for Filing with the Governor's Regulatory Review Council.** The Commission will be asked to vote to approve the 2005 Five-Year Rule Review Report for Commission Rules in Article 5, dealing with boating and water sports, for filing with the Governor's Regulatory Review Council under A.R.S. § 41-1056.
5. **Presenter: Dustin McKissen, Rules and Risk Manager. Request to Approve the Five-Year Rule Review Report for Commission Rules in Article 7 Dealing with Heritage Grants for filing with the Governor's Regulatory Review Council.** The Commission will be asked to vote to approve the 2005 Five-Year Rule Review Report for Commission Rules in Article 7, dealing with Heritage Grants, for filing with the Governor's Regulatory Review Council under A.R.S. § 41-1056.
6. **Presenter: Steve Ferrell, Deputy Director. Presentation on Constituent Support for a Dedicated Alternative Funding Source for the Department.** The Deputy Director will provide the results from a survey to poll the primary constituent groups of the Department for their support of a ballot initiative to provide a dedicated alternative funding source for the Department. The commission may vote to take action or provide the department with direction on this item.
7. **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.

Future Agenda Items.

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 2222 West Greenway Road, 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, his 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).

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, 2221 W. Greenway Road, Phoenix, Arizona 85023, 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”



Duane L. Shroufe
Director

DLS:mh