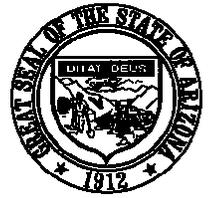




THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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Governor
Janet Napolitano
Commissioners
Chairman, Joe Carter, Safford
Susan E. Chilton, Arivaca
W. Hays Gilstrap, Phoenix
Joe Melton, Yuma
Michael M. Golightly, Flagstaff
Director
Duane L. Shroufe
Deputy Director
Steve K. Ferrell



December 24, 2003

A public meeting of the Arizona Game and Fish Commission will be held on January 16-17, 2004, 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, January 16, 2004, Arizona Game and Fish Commission at the Arizona State Fairgrounds – Wildlife Building, 1826 W. McDowell Road, Phoenix, Arizona, 85005.

Meeting begins at 8:00 a.m.

1. Executive Session

- a. Purchase, Sale, or Lease of Real Property.** The Commission may vote to go into Executive Session to discuss, consult with, and instruct its attorneys and Department staff concerning negotiations for the purchase, sale, or lease of real property and associated water rights pursuant to A.R.S. § 38-431.03 (A)(7).
- b. 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 *State of Arizona v. Norton, CIV02-0402 PHX-FJM; Montoya v. Manning*, 301 F.3d 985 (9th Cir. 2002); *In Re General Stream Adjudication for the Little Colorado River and Gila River; Mark Boge v. Arizona Game & Fish Commission & Shroufe, CIV2000-020754; Mary R. LLC, et. al. v. The Arizona Game & Fish Commission, CIV2001-015313; Ameduri and Yee et. al. v. U.S. Forest Service et al., U.S. District Court No. CIV 02 2495 PCT FJM; Bar D Cattle Co. v. Shroufe, CIV2002-0872; In the Matter of Search Warrant No. CR 2002-2395SW; The Fund for Animals et. al. v. Norton et. al., USDC D.C. 1:30-CV-00892 (RJL); and Phelps Dodge Corp. v. Arizona Dept. of Water Resoruces, LC2003-000243-001DT.*
- c. Personnel Matters.** The Commission may vote to go into Executive Session pursuant to A.R.S. § 38-431.03(A)(1) to discuss and evaluate the Director's performance as to his goals and objectives. The Commission may decide this matter in the public meeting or defer a decision to a later date.

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: *State of Arizona v. Norton*, CIV02-0402 PHX-FJM; *Montoya v. Manning*, 301 F.3d 985 (9th Cir. 2002); *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game & Fish Commission & Shroufe*, CIV2000-020754; *Mary R. LLC, et. al. v. The Arizona Game & Fish Commission*, CIV2001-015313; *Ameduri and Yee et. al. v. U.S. Forest Service et al.*, U.S. District Court No. CIV 02 2495 PCT FJM; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; *In the Matter of Search Warrant No. CR 2002-2395SW*; *The Fund for Animals et. al. v. Norton et. al.*, USDC D.C. 1:30-CV-00892 (RJL); *Phelps Dodge Corp. v. Arizona Dept. of Water Resources*, LC2003-000243-001DT; and issues associated with potential litigation over the status of black-tailed prairie dogs and mountain plovers. A written report will also be available. The Commission may vote to take action on any case.
- 3. Presenter: Bob Broscheid, Acting 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 thereto. The update addresses decisions or activities since the December 4, 2003 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 4. Presenter: Bob Broscheid, Acting Habitat Branch Chief. Request for the Commission to Approve an Intergovernmental Agreement Between the Commission and the Arizona State Parks Board for the Purpose of Future Management of the Coal Mine Spring Property in Santa Cruz County.** The Commission will be asked to vote to approve an Intergovernmental Agreement between the Commission and the Arizona State Parks Board for the purpose of future management of the Coal Mine Spring Property.
- 5. Presenter: Kerry Baldwin, Education Branch Chief. Statewide Shooting Range Project Update.** The Commission will be provided a presentation on the status of various statewide shooting range issues and projects. The update addresses decisions or activities since the December 4, 2003, Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 6. 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: Jim deVos, Research Branch Chief. Request for Commission Approval to Enter into an Agreement with the U.S. Fish and Wildlife Service to Aid in Conducting Research into the Population Level Genetic Differentiation among and between Geographically Isolated Stocks of Gila Chub, Headwater Chub, and Roundtail Chub in the Gila River basin.** The Commission will be asked to vote to authorize the Department to enter into an agreement with the U.S. Fish and Wildlife Service to conduct basic research into several aspects of genetics related to different chub species within the Gila River drainage. The project would be outsourced to Dr. Tom Dowling at Arizona State University.
- b. **Presenter: Lawrence M. Riley, Fisheries Branch Chief. Addition of Rio Vista Lake to the Urban Fishing Program and Approval of the Interagency Agreement Between the Arizona Game and Fish Commission and the City of Peoria.** The Commission will be asked to vote to approve the addition of the 2.7 acre Rio Vista Lake in the City of Peoria to the Urban Fishing Program effective March 1, 2004, and to authorize the Director to execute an Interagency Agreement between the Arizona Game and Fish Commission and the City of Peoria, and to approve associated changes to Commission Order 40.
- c. **Presenter: Mark Weise, Development Branch Chief. Inter-Governmental Agreement (IGA) Between the City of Safford, the Coronado National Forest, and the Department.** The Commission will be asked to vote to approve an IGA between the City of Safford, the Coronado National Forest, and the Department to allow for cooperative efforts to improve recreational access to Frye Mesa Reservoir.
- d. **Presenter: Mark Weise, Development Branch Chief. Memorandum of Understanding (MOU) Between Lake Havasu City and the Arizona Game and Fish Department.** The Commission will be asked to vote to approve an MOU between Lake Havasu City and the Department to facilitate Lake Havasu City's participation in the Boating Access Program.
- e. **Presenter: Mark Weise, Development Branch Chief. Memorandum of Understanding (MOU) Between the National Park Service – Glen Canyon National Recreational Area and the Arizona Game and Fish Department.** The Commission will be asked to vote to approve an MOU between the National Park Service – Glen Canyon National Recreational Area and the Department to facilitate the National Park Service – Glen Canyon National Recreational Area's participation in the Boating Access Program.
- f. **Presenter: Terry B. Johnson, Nongame Branch Chief. Request to enter into a Memorandum of Understanding with the Fort McDowell Yavapai Nation.** The Commission will be asked to vote to authorize the Director of the Arizona Game and Fish Department, as Secretary to the Commission, to enter into, amend, and extend as necessary a Memorandum of Understanding with the Fort McDowell Yavapai Nation.

- g. Presenter: Terry B. Johnson, Nongame Branch Chief. Request to Enter into a Memorandum of Understanding with the Salt River Pima-Maricopa Indian Community.** The Commission will be asked to vote to authorize the Director of the Arizona Game and Fish Department, as Secretary to the Commission, to enter into, amend, and extend as necessary a Memorandum of Understanding with the Salt River Pima-Maricopa Indian Community.
- 7. Presenter: Lawrence M. Riley, Chief, Fisheries Branch. Petition by Mr. John Reed to Amend R12-4-413 Private Game Farm License for Rearing of Restricted Live Wildlife.** The Commission will be asked to review the petition submitted by Mr. John Reed to amend R12-4-413. The requested amendment is to liberalize issuance of a Private Game Farm License for any restricted live wildlife meeting escape and surrounding habitat conditions, where escape is unlikely and the surrounding habitat is not favorable to the proliferation of the proposed species. The Department will recommend that the Commission vote to deny the petition submitted by Mr. John Reed to Amend R12-4-413.
- 8. Presenter: Terry B. Johnson, Nongame Branch Chief. Commission Decision on Approving an Intergovernmental Agreement with the City of Tucson for the Purpose of Developing a Habitat Conservation Plan for the City's Water Holdings within the Avra Valley, its Lands within the Santa Cruz River Corridor, and Undeveloped Lands in the Southeastern Portion of the City of Tucson.** The Commission will be asked to vote to approve an Intergovernmental Agreement with the City of Tucson for the purpose of developing a Habitat Conservation Plan for the City of Tucson water holdings within the Avra Valley, City of Tucson lands within the Santa Cruz River corridor, and undeveloped lands in the southeastern portion of the City of Tucson.
- 9. Presenter: Terry B. Johnson, Nongame Branch Chief. Rangewide Conservation Agreement for the Roundtail Chub, Bluehead Sucker, and Flannelmouth Sucker.** The Department will discuss a draft State Conservation Agreement for the roundtail chub, bluehead sucker, and flannelmouth sucker throughout their historical range in Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming. The Commission will be asked to vote to authorize the Director to enter into a Conservation Agreement for the roundtail chub, bluehead sucker, and flannelmouth sucker, to further state conservation of these species, and preclude the need for Federal listing as threatened or endangered.
- 10. Presenter: Mark E. Naugle, Rules and Risk Manager. Request to Close the Rulemaking Record and to Approve the Notice of Final Rulemaking to Amend R12-4-102, Fees for Licenses, Tags, Stamps, and Permits and the Economic, Small Business, and Consumer Impact Statement to Adopt the Kaibab North Special Deer Hunting Permit Fee Increase.** The Commission will be asked to vote to close the rulemaking record and to approve the Notice of Final Rulemaking to amend R12-4-102, Fees for Licenses, Tags, Stamps, and Permits to adopt the Kaibab North Special Deer Hunting Permit fee increase and to file the Notice with the Governor's Regulatory Review Council. The fee increase is provided for in a 2001 Sikes Act agreement between the Arizona Game and Fish Commission and the United States Department of Agriculture Forest Service, Kaibab National Forest. The authorized fee increase is from \$5 to \$15.

11. Presenter: Vashti C. Supplee, Game Branch Chief. Request to Amend Commission Order 26: Population Management Seasons. The Department will recommend amendments to Commission Order 26 to allow for the use of general Population Management Seasons to manage elk within Units 6A, 19A, and 21, and to add Unit 20C to Units 17A, 17B, 19B, and 20A. The Commission may vote to amend Commission Order 26.

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. Presenter: Leonard L. Ordway, 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 1:30 p.m. The Commission will consider and take action on the Department's recommendations for license revocations and/or civil assessments for the individuals list below.

<u>Name</u>	<u>Conviction</u>
Hillery, Travis W.	Count B: Possession of wildlife unlawfully taken (elk).
Leija, Jamie Solis	Count A: Take wildlife in closed season (mule deer).

14. 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.

15. Presenter: Anthony Guiles, Legislative Liaison. Resolution to Compliment the President of the United States on His Healthy Forests Initiative as it Relates to Wildlife Habitat. The Commission wishes to Compliment the President of the United States on his Healthy Forests Initiative as it relates to wildlife habitat and may vote to provide the Department with direction on a Resolution to address this matter.

16. Presenter: Steve K. Ferrell, Deputy Director. Future Expenditure of Funds from the Arizona Wildlife Conservation Fund. The Department will ask the Commission to vote to approve the Department's planned Fiscal Years 2004 and 2005 Arizona Wildlife Conservation Fund Expenditures and to provide the Department with direction on the use of these funds for grants.

17. Presenter: Duane Shroufe, Director. Director's Goals and Objectives – 2004. The Commission will discuss and may vote to approve a list of goals and objectives for the Director to achieve during 2004.

- 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.
- 19. Director's and Chairman's Reports.** The Director and the Chairman will report on recent Department and Commission activities. 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.
- 20. 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.
- 21. Approval of Minutes** for December 4, 2003, and **Signing of Minutes** for a Telephone Conference Call on October 9, 2003, and a meeting on October 17-18, 2003.
- 22. Election of Officers.** The Commission will vote to elect a Commission Chair and Vice-Chair for 2004.
- 23. Future Agenda Items.**

Saturday, January 17, 2004, Arizona Game and Fish Commission at the Crowne Plaza North Phoenix Hotel, 2532 W. Peoria Avenue, Phoenix, Arizona.

Meeting begins at 1:00 p.m.

The Commission will meet with its constituents to discuss items of interest. The following approximate agenda will be followed. No official action will be taken.

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| 1:00 – 1:15 p.m. | Chairman's Welcome & Commission Introductions |
| 1:15 – 1:30 p.m. | 2003 <i>Year in Review</i> Video Presentation |
| 1:30 – 2:15 p.m. | Open Discussion – Questions & Answers |
| 2:15 – 2:45 p.m. | Break |
| 2:45 – 4:00 p.m. | Open Discussion – Questions & Answers, cont. |
| | ADJOURN |
| 5:30 – 6:30 p.m. | Social Hour |

6:30 p.m. Dinner

 Chairman's Welcome

 Awards Presentations

9:00 p.m. ADJOURN

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 will 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

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