THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT
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GOVERNOR
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DEPUTY DIRECTORS
GARY R. HOVATTER
BOB BROSCHEID

May 5, 2010

A public meeting of the Arizona Game and Fish Commission will be held on May 14-15 2010, 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, May 14, 2010, 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; 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;Mohave Valley Shooting Range Appeal.*

   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.

   c. **Real Property Negotiations.** The Commission may vote to meet in Executive Session pursuant to A.R.S. § 38-431.03 (A)(7) for discussions or consultations with Department staff in order to consider its position and instructs its representatives regarding negotiations for the purchase of real property associated with the Northern Arizona Shooting Range Project.

   d. **Litigation and Legal Counsel.** The Commission may vote to meet in Executive Session for discussion and consultation with legal counsel for legal advice and to consider the Commission's position on possible civil and/or criminal liability associated with the capture and death of a jaguar known as Macho B. No action will be taken in Executive Session.

e. **Litigation and Legal Counsel.** The Commission may vote to meet in Executive Session for discussion and consultation with legal counsel for legal advice and to consider the Commission's position regarding S.B.1200 pursuant to A.R.S. §38-431.01(A)(3) and (4). No action will be taken in Executive Session.

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; Hoeppner 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; Mohave Valley Shooting Range Appeal.* The Commission may vote to take action on items in the report.

3. **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.

3A. **Presenter: Bob Posey, Kingman Regional Supervisor. Department Recommendation for Mr. Rusty Braun's Petition to Close Fishing within the Confines of His Deeded Property (Riviera Marina) and Associated Public Waterway on the Colorado River, Bullhead City, Arizona.** Mr. Rusty Braun, a resident private property owner, has requested to petition the Commission to close fishing within the confines of his private property and associated public waterway located on the Colorado River at Riviera Marina Village. The Commission may vote to take action on, or provide the Department direction on, this item.

4. **Presenter: Ty Gray, Assistant Director, Information and Education Division. Information, Education and Wildlife Recreation Activities Briefing.** 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 April 2010 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.

5. **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 April 2010 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.

6. **Presenter: Josh Avey, Habitat Branch Chief. Request for Commission Approval to Renew the Special Land Use Permit for the Adobe Mountain Rehabilitation Center with the Arizona State Land Department.** The Commission will be asked to vote to approve the renewal of the Special Land Use Permit for the Adobe Mountain Rehabilitation Center with the Arizona State Land Department. The Commission may vote to take action on, or provide the Department direction on this item.

7. **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: Jay Cook, Shooting Range Branch Chief. Request for the Commission to Approve the Intergovernmental Agreement with the Town of Chino Valley for the Purpose of Providing Assistance for the Development, Operation and Maintenance of the Chino Valley Shooting Range, Yavapai County, Arizona.** The Commission will be asked to vote to approve the Intergovernmental Agreement with Town of Chino Valley for the purpose of providing assistance for the development, operation and maintenance of the Chino Valley Shooting Range, Yavapai County, Arizona. The Commission may vote to take action on, or provide the Department direction on this item.

   b. **Presenter: Jay Cook, Shooting Range Branch Chief. Request for the Commission to Approve an Agreement with the White Mountain Bow Hunters Association for the Management and Operation of an Archery Range on a Portion of the Commission-Owned Silver Creek Wildlife Area, Navajo County, Arizona.** The Commission will be asked to vote to approve an Agreement with the White Mountain Bow Hunters Association for the management and operation of an archery range on a portion of the Commission-owned Silver Creek Wildlife Area, Navajo County, Arizona. The Commission may vote to take action on, or provide the Department direction on this item.

   c. **Presenter: Chantal O'Brien, Research Branch Chief. Request for the Commission to approve a new Memorandum of Understanding with Westland Resources to cooperate on mutually beneficial wildlife projects.** The Commission will be asked to vote to approve a Memorandum of Understanding with Westland Resources that will allow for a mutually beneficial working relationship for the common purpose of developing wildlife research projects. The Commission may vote to take action on, or provide the Department direction on this item.

   d. **Presenter: Josh Avey, Habitat Branch Chief. Consideration of MOU to Establish Cooperating Agency Status for the Bureau of Land Management Uranium Withdrawal Environmental Impact Statement Process.** The Commission will be asked to approve an MOU with the Bureau of Land Management to allow the Department to participate as a Cooperating Agency during the NEPA compliance process. The Commission may vote to take action on, or provide the Department direction on, this item.

8. **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.

9. **Presenter: Robert D. Broscheid, Deputy Director. Update on the Fiscal Year 2012-13 Biennial Budget Development Process.** The Commission will be updated on the status of the Fiscal Year 2012-13 Biennial Budget Development Process. This update will include a status of major funds, future revenue projections and budget approval timelines. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.

10. **Presenter: Jennifer Stewart, Rules and Risk Branch Chief. Request to Approve the Economic Impact Statement and Notice of Final Rulemaking Amending R12-4-309 and R12-4-318.** The Commission will be asked to vote to approve the Economic Impact Statement and Notice of Final Rulemaking to promulgate a new rule R12-4-309 and amend R12-4-318. The statement and notice will be submitted to the Governor's Regulatory Review Council (G.R.R.C.) for placement on the July G.R.R.C. agenda. The Commission may vote to take action on and provide the Department direction on this item.

11. **Presenter: Jennifer Stewart, Rules and Risk Branch Chief. Request to Approve the Economic Impact Statement and Notice of Final Rulemaking to Amend R12-4-601, R12-4-610, and R12-4-611.** The Commission will be asked to vote to approve the Economic Impact Statement and Notice of Final Rulemaking for R12-4-601, R12-4-610, and R12-4-611 addressing rules of practice before the Commission. The statement and notice will be submitted to the Governor's Regulatory Review Council (G.R.R.C.) for placement on the July G.R.R.C. agenda. The Commission may vote to take action on and provide the Department direction on this item.

12. **Presenter: Gene Elms, Law Enforcement Branch Chief. Law Enforcement Program Briefing.** The Commission will be briefed on activities and developments relating to the Department's Law Enforcement Program. Since this is the first programmatic briefing of its kind, the Commission will be given a historical perspective as well as an up to date thorough briefing on Department law enforcement matters. The Commission may vote to take action on or provide the Department direction on items covered in the briefing.

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

13. **Presenter: Gene F. Elms, Law Enforcement Branch Chief. Hearings on License Revocations for Violations 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.

Name	Docket #	Count	Conviction
Terry L. Metteer	2010-0028	Count A:	Take Wildlife Closed Season (Black Tail Prairie Dog)

Jay D. Zamora	2010-0029	Count A: Count D:	Possess Unlawfully Taken Wildlife (Mule Deer) Take Wildlife After Hours (Mule Deer)
Frank Zamora	2010-0030	Count A:	Transport/Possess Unlawfully Taken Wildlife (Mule Deer)
Joseph F. Strus, III	2010-0031	Count A: Count A:	Citation 235269 – License Purchase by Fraud (2008) Citation 235290 – License Purchase by Fraud (2009)
Angel Garcia Perez	2010-0033	Count A:	Possess Unlawfully Taken Wildlife (Big Horn Sheep)
Guy Lee Richmond	2010-0035	Count A:	License Fraud
Mario H. Avalos	2010-0036	Count B:	Possess Unlawfully Taken Wildlife (Mule Deer)
Gary C. Hutchinson	2010-0037	Count A: Count B:	Take Wildlife Without Tag (Deer) Possess Unlawfully Taken Wildlife (Deer)
Marcos Mendoza	2010-0038	Count A:	Obtain 2010 Resident Fish License by Fraud

14. **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, May 15, 2010, 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. 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 April 2010 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. Request for the Commission to Approve the Purchase of the approximately 160-acre Foster Ranch Property for the Development of the Northern Arizona Shooting Range located in Coconino County,**

Arizona. The Commission will be asked to vote to approve the purchase of the approximately 160-acre Foster Ranch Property for the development of the Northern Arizona Shooting Range located in Coconino County, Arizona. The Commission may vote to take action on, or provide the Department direction on this item.

3. **Presenter: Gary R. Hovatter, Deputy Director. Commission Committees Overview.** The Department will present an overview of all of the Commission Committees and their general role and function. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.

4. **Presenter: Mark Weise, Development Branch Chief. Acquisition of a Perpetual Access Easement Across Walter Lane's Private Property in Game Management Unit 36C.** The Commission will be asked to vote to approve the acquisition of a perpetual access easement across Walter Lane's private property utilizing Game and Fish Access funds.

5. **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

6. **Approval of Minutes and Signing of Minutes.** The Commission will be asked to approve the Commission meeting minutes from September 11-12, 2009, October 9, 2009, December 4-5, 2009, January 15-16, 2010, February 5, 2010, April 16-17, 2010 and if approved, the signing of these same minutes.

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. **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.

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 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.

10. **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"

for Larry D. Voyles, Dep. Dir
Director