



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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DUANE L. SHROUFE
DEPUTY DIRECTOR
STEVE K. FERRELL



February 20, 2007

A public meeting of the Arizona Game and Fish Commission will be held on March 9-10, 2007, 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, March 9, 2007, Arizona Game and Fish Commission at the Riverpark Inn, 350 South Freeway, Tucson, Arizona 85745.

Meeting begins at 8:00 a.m.

Awards and Commissioning of Officers.

- 1. 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.
- 2. Presenter: Ty Gray, Education Branch Chief. 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 February 2007 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 3. Presenter: Josh Avey, Habitat Branch Chief. An Update on Current Issues, Planning Efforts, and Proposed Projects on All 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 private, state and federal lands in Arizona and other matters related hereto. The update addresses decisions or activities since the February 2007 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 4. Presenter: Josh Avey, Habitat Branch Chief. Request for Commission Direction Regarding Potential Litigation Against the Bureau of Land Management (BLM) to Resolve Concerns Over the BLM's Lack of Responsiveness to the Department's Protest Regarding the Big Ranch A Allotment.** The Commission will be asked to vote to direct the Department regarding potential litigation against the BLM to resolve concerns over the BLM's failure to respond to the Department's protest regarding the Big Ranch A

Allotment, and further give specific directions to increase public awareness of the BLM's acts and omissions regarding the Big Ranch A Allotment.

5. **Presenter: Josh Avey, Habitat Branch Chief. Request for Commission Approval to Authorize the Department to Renew Road Right-of-Way Number 18-093024 Across State Trust Land for Access into the Powers Butte Wildlife Area, and to Authorize the Department to Obtain the Right-of-Way in Perpetuity.** The Commission will be asked to vote to authorize the Department to renew Road Right-of-Way Number 18-093024 across State Trust Land for access into the Powers Butte Wildlife Area and to authorize the Department to obtain the Right-of-Way in perpetuity.
6. **Presenter: Mark Weise, Development Branch Chief. Commission Briefing on Status of New Headquarters Facility.** The Department will be providing the Commission with a current status of the Department's new headquarters facility. This item is for Commission information only.
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.
8. **Presenter: Harry Seck, Assistant Director, Special Services Division. Current Status of Draw Applications for the Antelope and Elk Draw.** The Commission will be briefed on the current status of the applications process for the antelope and elk draw to include the current number of online and manual applications received by the Department. This item is for Commission information only.
9. **Presenter: Gerald L. Perry, Tucson Regional Supervisor. Issues Related to Sportsmen's Access Concerns in Southeast Arizona.** The Commission will be given an update on road access issues in the Aravaipa Canyon Area in Graham County as well as a briefing on the Skeleton Canyon Road closure in Cochise County. The Commission may vote to give the Department direction on this item.
10. **Presenter: Pat Barber, Law Enforcement Branch Chief. Request for the Commission Approval of the Program Narrative for U.S. Coast Guard Boating Safety Funds (Federal FY 2007 / State FY 2008).** The Commission will be asked to vote to approve the Department's use of U.S. Coast Guard funding pursuant to the Federal Boating Safety Act of 1971. Funds will be used in the State FY 2008 to supplement the Department's watercraft efforts in areas of law enforcement, administration, information, education, aids to navigation and watercraft registration.

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

The Afternoon Executive Session begins immediately following the lunch break.

11. 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 *In re General Stream Adjudication for the Little Colorado River and Gila River; State of Arizona v. George H. Johnson*, CV2005-002692; *Charles M. Johnson v. Arizona Game and Fish Dep't, et al* LC2006-000775-001.

- 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.

12. Presenter: Pat Barber, 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>
Armstrong, Joseph C.	Count A: Knowingly take wildlife during the closed season (bighorn sheep). Count B: Take wildlife and allow portions to waste (bighorn sheep). Count C: Littering
Broadbent, Christopher Y.	Count A: Take turkey decoy during closed season Count B: Shoot from a vehicle. Count C: Shoot from a road.
MacDonald, William T.	Count A: Take wildlife without a valid license (elk). Count B: Knowingly allow edible portions to waste. Count C: Take wildlife in excess of bag limit (elk).
Petit, Ronald E.	Count A: Take wildlife without a valid tag (elk). Count D: Possess and transport unlawfully taken wildlife (elk).
Mainer, Curtis J.	Count A: Possession of unlawfully taken wildlife (elk).

13. Presenter: Pat Barber, Law Enforcement Branch Chief. Rehearing Request Regarding Previous License Revocation/Civil Assessment. Mr. John D. Polzin has

requested that the Arizona Game and Fish Commission grant a rehearing regarding the action taken on December 9, 2006, revoking his licenses to hunt, fish, and trap for a period of ten (10) years, invoking a civil assessment of \$16,000.00, 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, modify its decision, or grant a rehearing.

- 14. Presenter: Pat Barber, Law Enforcement Branch Chief. Request for the Commission Approval of the Creation of a Full-Time Off Highway Vehicle (OHV) Law Enforcement Program Manager.** The Commission will be asked to vote to approve the Department's request to create a full-time OHV Law Enforcement Program Manager to supplement the Department's OHV program efforts in areas of law enforcement, training, inter-agency coordination, and OHV management in Arizona.
- 15. Presenter: Duane Shroufe, Director. Director's Goals and Objectives – 2007.** The Commission will discuss and may vote to approve additional modifications to the list of goals and objectives discussed during the February Commission meeting.
- 16. Litigation Report.** The Department's legal counsel may report on the status of the following litigation matters: *In re General Stream Adjudication for the Little Colorado River and Gila River; State of Arizona v. George H. Johnson, CV2005-002692; Charles M. Johnson v. Arizona Game and Fish Dep't, et al LC2006-000775-001.* The Commission may vote to take action on any case.
- 17. 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, March 10, 2007, Arizona Game and Fish Commission at the Riverpark Inn, 350 South Freeway, Tucson, Arizona 85745.

Meeting begins at 8:00 a.m.

Awards and Commissioning of Officers.

- 1. Presenter: Dustin McKissen, Rules and Risk Manager. Request to Approve the Five-Year Rule Review Report on Article 6 Commission Rules of Practice Before the Commission for Filing with the Governor's Regulatory Review Council.** The Commission will be asked to vote to approve the 2007 Five-Year Rule Review Report on Commission Rules in Article 6, dealing with the rules of practice before the Commission, for filing with the Governor's Regulatory Review Council under A.R.S. § 41-1056.
- 2. Presenter: Dustin McKissen, Rules and Risk Manager. Request for Direction from the Commission Regarding Article 7 Rules Dealing with Heritage Grants.** The Commission will be asked to vote either to continue the regular rulemaking process to retain with amendments the Heritage grant rules in Article 7 or to pursue rulemaking to repeal Article 7 and instead allow Heritage grants to be governed by statutory provisions under A.R.S §§ 41-2701 et seq. for the solicitation and award of grants.

3. **Presenter: Dustin McKissen, Rules and Risk Manager. Request to Close the Rule Record and Adopt the Notice of Exempt Rulemaking to Amend Rules in Article 8, Wildlife Areas and Department Property, as Part of the Annual Hunt Recommendation Process.** The Commission will be asked to vote to close the rule record and adopt the Notice of Exempt Rulemaking to amend rules in Article 8, Wildlife Areas and Department Property, as part of the annual hunt recommendation process.
4. **Presenter: Dustin McKissen, Rules and Risk Manager. Progress and Direction of Draft Changes to Article 3, Rule 12-4-319 During the 5-Year Rules Review.** The Commission will be informed of the progress and direction of draft changes being considered for R12-4-319 during the current 5-year review of Article 3. The Commission may vote to provide the Department with further direction regarding the rule.
5. **Presenter: Eric Gardner, Non-Game Branch Chief. Audubon Society will make a presentation to the Commission on the status of the bald eagle population in Arizona.** This item is for information only.
6. **Presenter: Eric Gardner, Non-Game Branch Chief. Status of the Evaluation of the Reintroduction of the Black-tailed Prairie Dog.** The Department will update the Commission on the 12-step evaluation process for the reintroduction of the black-tailed prairie dog. The Commission may vote to take action on or provide the Department 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.
8. **Presenter: Lawrence M. Riley, Fisheries Branch Chief. Review of Golden Alga in Arizona Lakes and Reservoirs and Strategies to Address Alga and the Effects on the Fisheries Resources.** The Commission will be provided with a presentation concerning golden alga, fish die-offs attributed to golden alga in Saguaro, Canyon, and Apache lakes and other lakes, and strategies to offset the effects on fisheries resources. The Commission may provide direction to the Department regarding implementation of strategies for future management of these waters.
9. **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.
10. **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.

11. Approval of Minutes and Signing of Minutes. The Commission will be asked to approve the minutes from February 9, 2007 and if approved, the signing of the minutes from February 9, 2007.

12. Future Agenda 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 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, their duly authorized representative, or both, the opportunity to present statements relating to agenda items, with or without the opportunity to present them orally.

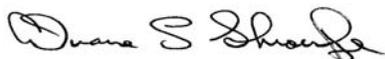
The Commission may go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03 (A) (3) & (4).

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, 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