



THE STATE OF ARIZONA  
**GAME AND FISH DEPARTMENT**

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(602) 942-3000 • azgfd.gov

**Governor**

Janet Napolitano

**Commissioners**

Chairman, W. Hays Gilstrap, Phoenix

Joe Melton, Yuma

Michael M. Golightly, Flagstaff

William H. McLean, Gold Canyon

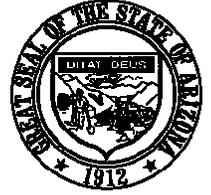
Bob Hembrode, Tucson

**Director**

Duane L. Shroufe

**Deputy Director**

Steve K. Ferrell



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**REVISION #1**

**June 20, 2005**

A public meeting of the Arizona Game and Fish Commission will be held on June 24-25, 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:

**Friday, June 24, 2005, Arizona Game and Fish Commission at the Best Western Inn, 801 N. Beeline Highway, Payson, Arizona 85547.**

**Meeting begins at 8:00 a.m.**

- 1. 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 May 2005 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 2. Presenter: Bob Broscheid, Habitat Branch Chief. Impacts of Local Government Annexations on Fish and Wildlife Resources and Potential Strategies for Addressing these Impacts.** The Commission will be briefed on the impacts of local government annexations on fish and wildlife resources and on potential strategies for addressing these impacts. The Commission may vote to take action on, or to provide the Department with direction on, this item.
- 3. Presenter: Bob Broscheid, Habitat Branch Chief. Draft Letter to President Bush and the Arizona Congressional Delegation Expressing Concerns Regarding the Extent that Undocumented Alien Traffic is Impacting Fish and Wildlife Resources in Arizona.** The Commission will be asked to vote to approve a draft Letter to President Bush and the Arizona Congressional Delegation expressing concerns regarding the extent that undocumented alien traffic is impacting fish and wildlife resources in Arizona.

4. **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: Bob Broscheid, Habitat Branch Chief. Request for the Commission to Approve a Modification to an Existing Agreement with U.S. Bureau of Reclamation Regarding the Roosevelt Lake Goose Forage Enhancement Project.** The Commission will be asked to vote to approve a modification to an existing agreement with U.S. Bureau of Reclamation regarding the Roosevelt Lake Goose Forage Enhancement Project.
  - b. **Presenter: Bob Broscheid, Habitat Branch Chief. Request for the Commission to Approve an Agreement with the Federal Aviation Administration for Continued Access, Electrical Power, and Maintenance of Aircraft Landing Equipment Located on the Three Points Shooting Range.** The Commission will be asked to vote to approve an agreement with the Federal Aviation Administration for continued access, electrical power, and maintenance of aircraft landing equipment located on the Three Points Shooting Range.
  - c. **Presenter: Bob Broscheid, Habitat Branch Chief. Request for the Commission to Authorize the Department to Renew a Road Right-of Way for Public Recreational Access Across State Trust Land into the Coronado National Forest in Santa Cruz County, AZ.** The Commission will be asked to vote to authorize the Department to renew a Road Right-of Way for public recreational access across State Trust Land into the Coronado National Forest in Santa Cruz County, AZ.
  - d. **Presenter: Bob Broscheid, Habitat Branch Chief. Request for the Commission to Approve the Cooperative Agreement with the Malpai Borderlands Group for the Purpose of Developing a Habitat Conservation Plan for the Malpai Borderlands Area in Southeastern Arizona.** The Commission will be asked to vote to approve the Cooperative Agreement with the Malpai Borderlands Group for the purpose of developing a Habitat Conservation Plan for the Malpai Borderlands area in Southeastern Arizona.
  - e. **Presenter: Jon Cooley, Pinetop Regional Supervisor. Intergovernmental Agreement (IGA) between the Commission and the City of Show Low.** The Commission will be asked to vote to approve the IGA between the Department and the City of Show Low permitting the use of firearms in portions of the annexed portions of Show Low during hunting activities.

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**\*ADD**

- f. **Presenter: Marty Macurak, Assistant Director, Information and Education Division. Rio Salado Cooperative Agreement with the City of Phoenix.** The Commission is asked to vote to approve a cooperative agreement between the

Commission and the City of Phoenix. The purpose of the agreement is to allow the Department to provide educational materials about Arizona wildlife at a wildlife festival that will take place in the City's Rio Salado Project.

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5. **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.
6. **Presenter: Don Winslow, 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 May 2005 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
7. **Presenter: Don Winslow, Education Branch Chief. Briefing on the Ben Avery Clay Target Center.** The Commission will be briefed on a consultant's assessment of the Clay Target Center at the Ben Avery Shooting Facility. The assessment was conducted to provide information to the Commission as it considers whether to issue a request for proposals for a vendor to operate the center. The Commission may vote to take action on, or provide the Department with direction on, issues related to the center.
8. **Presenter: Don Winslow, Education Branch Chief. Statewide Shooting Range Grant Requests for FY 2006.** The Department's Shooting Ranges Grant Program received seven grant applications for fiscal year 2006. The Department will ask the Commission to vote to approve three: Pima County SE Regional Park, Rio Salado Sportsmen's Club pole crib request and Gila Bend Shooting Range for a total of \$92,350.
9. **Presenter: Jim deVos, Research Branch Chief. Request for the Commission to Authorize the Department to Initiate New Research Projects Pertaining to Management of the Mule Deer Herd on the Kaibab Plateau and Monitoring Telemetered Pronghorn Near Flagstaff, Arizona.** The Commission will be asked to vote to approve the initiation of new research projects funded by Wildlife Restoration funds (W-78-R). The projects will be completed within the existing budget authorized for the Research Branch.
10. **Presenter: Jim deVos, Research Branch Chief. A Presentation on Ongoing Research Projects Being Conducted by the Department in the Payson, Arizona, Area Including Urban-Mountain Lion Studies, Assessment of Deer and Elk Movements in Relationship With Highway 260 and Mule Deer Survival on the Three-Bar Wildlife Area.** The Commission will hear a presentation on ongoing studies being conducted by the Department in proximity to Payson, Arizona. Project reviews will include information on urban-dwelling mountain lions, deer and elk movements and passage feature use along Highway 260, and mule deer survival within the enclosure on the Three-Bar Wildlife Area. The Commission may vote to take action on, or to provide the Department with direction on, this item.

- 11. Presenters: David Weedman, Aquatic Habitat Specialist, Habitat Branch, and Lawrence M. Riley, Fisheries Chief. A Briefing of the Fossil Creek Restoration Project.** The Commission will be presented with an overview of the Fossil Creek Renovation Project, an element of the decommissioning of the Childs and Irving Power Plants on Fossil Creek. The Commission may vote to take action on, or to provide the Department with direction on, this item.
- 12. Presenter: Jeff A. Sorensen, Game & Fish Planner, Funds/Planning. SECOND READ: Final Draft of Arizona's Comprehensive Wildlife Conservation Strategy.** The Department will present the final draft of Arizona's Comprehensive Wildlife Conservation Strategy for Commission consideration. The Commission may vote to take action on, or to provide the Department with direction on, this item.
- 13. 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.)**

- 14. Executive Session (Immediately Following the Lunch Break, But No Later Than 1:00 p.m.)**
  - a. 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 *Montoya v. Manning*, CIV98-0239 PHX RCB; *Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game & Fish Commission & Shroufe*, CIV2000-020754; *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*; *Audubon Society of Portland v. USFWS*, CV04-670-KI; and *State of Arizona v. George H. Johnson*, CV2005-002692.
  - b. Legal Counsel Regarding Recent Federal Legislation Renouncing Interest in Regulating Hunting and Fishing Permits Under the Commerce Clause.** The Commission may vote to meet in Executive Session in accordance with A.R.S. sections 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel in order to consider its position and instruct legal counsel regarding the Commission's position on regulating nonresident hunting and fishing permits in light of recent federal legislation renouncing interest in regulating hunting and fishing permits under the Commerce Clause.

**The Afternoon Public Session begins immediately following the Executive Session, but no later than 2:00 p.m.**

**15. 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>
Frost, Wesley H.	Count B: Take wildlife while revoked (javelina).
Frost, Wesley H.	Count A: Take wildlife while revoked (mountain lion).
Frost, Wesley H.	Count A: Take wildlife while revoked (bear).
Donaldson, Randall J.	Count A: Obtain resident deer permit by fraud. Count B: Apply for resident antelope permit by fraud. Count C: Apply for resident elk permit by fraud. Count D: Apply for resident turkey permit by fraud.
Hernandez, Danny	Count A: Take wildlife by unlawful method, firearms during archery only season (White-tailed deer doe). Count B: Take wildlife during antlered deer only hunt (White-tailed deer doe). Count C: Take wildlife without a valid permit/tag (White-tailed deer doe). Count D: Take wildlife without a valid license (White-tailed deer doe). Count E: Possess/transport unlawfully taken wildlife (White-tailed deer doe).
Gallardo, Jose R.	Count A: Take wildlife by unlawful method, firearms during archery only season (White-tailed deer doe). Count B: Take wildlife during antlered deer only hunt (White-tailed deer doe). Count C: Take wildlife without a valid permit/tag (White-tailed deer doe). Count D: Take wildlife without a valid license (White-tailed deer doe). Count E: Possess/transport unlawfully taken wildlife (White-tailed deer doe).
Salinas, Francisco	Count A: Possess/transport unlawfully taken wildlife (White-tailed deer doe).

Salinas, Margarito	Count A: Possess/transport unlawfully taken wildlife (White-tailed deer doe).
Aguilar, Alejandro S.	Count A: Possess/transport unlawfully taken wildlife (White-tailed deer doe).
Estrada, Adolfo	Count A: Possess/transport unlawfully taken wildlife (White-tailed deer doe).
Denton, Jr., John C.	Count A: Take wildlife during closed season (Mule deer doe).
Vicente, Sr., John P.	Count A: Litter hunting and fishing areas while taking wildlife.
Babb, Kevin Lee	Count A: Take wildlife during closed season (White-tailed deer doe). Count B: Take wildlife without a valid license/permit. Count C: Possess/transport wildlife that was taken unlawfully (White-tailed deer doe).
Pena, Abel T.	Count A: Possess/transport wildlife that was taken unlawfully (White-tailed deer doe).

**16. Presenter: Mike Senn, Assistant Director, Field Operations. Presentation to Update the Commission on the Department's Efforts with the Arizona Off-Highway Vehicle Legislative Workgroup.** The Department will provide a presentation to update the Commission regarding its efforts on the Arizona Off-Highway Vehicle Legislative Workgroup to develop an off-highway vehicle legislative proposal for the 2006 general legislative session. The Commission may vote to take action on this item, or vote to provide the Department direction regarding continued efforts with the Workgroup.

**17. Litigation Report.** The Department's legal counsel may report on the status of the following litigation matters: *Montoya v. Manning*, CIV98-0239 PHX RCB; *Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game & Fish Commission & Shroufe*, CIV2000-020754; *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*; *Audubon Society of Portland v. USFWS*, CV04-670-KI; *State of Arizona v. George H. Johnson*, CV2005-002692; and issues associated with potential litigation over the status of black-tailed prairie dogs and mountain plovers, and Mexican garter snake. A written report will also be available. The Commission may vote to take action on any case.

**18. Presenter: Steve K. Ferrell, Deputy Director. Request to Approve the Heritage Fund Budget Amendments, Wildlife Conservation Fund Budget Amendments, and Off-Highway Vehicle Budget Amendments for Fiscal Year 2006.** The Commission will be asked to vote to approve the expenditures of unspent fund balances from Public Access;

Identification, Inventory, Acquisition, Protection, and Management; Habitat Evaluation and Protection; Urban; Environmental Education; and Administration and Support Services (Interest monies) for Fiscal Year 2006. The Commission will also be asked to vote to approve the expenditures of unspent fund balances from the Off-Highway Vehicle Fund and Wildlife Conservation Fund for Fiscal Year 2006.

**19. Presenter: Steve Ferrell, Deputy Director. Briefing on the Employee Compensation Proposal to be Submitted to the 2006 Arizona State Legislature.** The Department will provide the Commission with a briefing on the employee compensation proposal to be submitted to the 2006 Arizona State Legislature. The Commission may vote to take action on, or to provide the Department with direction on, this item.

**20. Presenter: Steve K. Ferrell, Deputy Director. Proposed Dates and Locations of Arizona Game and Fish Commission Meetings for 2006 and January 2007.** The Commission will be asked to vote to approve a schedule for Commission meeting dates and locations for 2006 and January 2007.

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**21. Presenter: Duane L. Shroufe, Director. California Condor Sportsmen's Coalition Pledge of Voluntary Support.** The Commission will be briefed on the California Condor Sportsmen's Coalition Pledge of Voluntary Support to address the potential impact of lead on California condors. The Commission will be asked to vote to take action on the pledge.

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**22. 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.

**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 13 and 14, 2004; September 17, 2004; September 22, 2004; October 29, 2004; December 10 and 11, 2004; January 4, 2005; January 21, 2005; February 11, 2005; March 11 and 12, 2005; April 15 and 16, 2005; May 20, 2005; and May 24, 2005.

**Saturday, June 25, 2005, Arizona Game and Fish Commission at the Best Western Inn, 801 N. Beeline Highway, Payson, Arizona 85547.**

**Meeting begins at 8:00 a.m.**

**Awards and Commissioning of Officers.**

- 1. Presenter: Leonard L. Ordway, Game Branch Chief. Consideration of Proposed Commission Orders 19, 20 and 24 for the 2005-2006 Hunting Season.** The Commission will consider and may vote to approve Commission Order 19 (dove), Commission Order 20 (band-tailed pigeons), and Commission Order 24 (sandhill cranes) establishing seasons and season dates, bag and possession limits, and open-closed areas. A detailed description of all proposals is available for public review at all Department offices.
- 2. Presenter: Sherry Crouch, Acting Rules & Risk Manager. Request to Approve a Notice of Final Rulemaking to Amend Commission Rules R12-4-101 and R12-4-107, and to Make New Rule R12-4-124 to Create a “Conservation Bonus Point.”** The Commission may vote to approve a Notice of Final Rulemaking to be submitted to the Governor’s Regulatory Review Council to amend Commission rules R12-4-101 and R12-4-107, and to make new rule R12-4-124 to create a “conservation bonus point.”
- 3. Presenter: Sherry Crouch, Acting Rules & Risk Manager. Request to Approve a Second Notice of Rulemaking Docket Opening for Article 1, Definitions and General Provisions.** The Commission will be asked to vote to approve a second Notice of Rulemaking Docket Opening for the amendment of the rules in Article 1, Definitions and General Provisions identified in the Five-Year Rules Review report approved by the Commission at their October 22, 2003, meeting, and to be submitted to the Secretary of State’s Office for publication in the *Arizona Administrative Register*.
- 4. Presenter: Sherry Crouch, Acting Rules & Risk Manager. Request to Approve a Second Notice of Docket Opening to Amend Article 2, Miscellaneous Licenses and Permits, as Stated in the Five-Year Rules Review Report approved by the Commission at its September 2003 meeting.** The Commission will be asked to vote to approve a second Notice of Docket Opening to amend Article 2, Miscellaneous Licenses and Permits, as stated in the five-year rules review report approved by the Commission at their September 2003 meeting, and to be submitted to the Secretary of State’s Office for publication in the *Arizona Administrative Register*.
- 5. Presenter: Sherry Crouch, Acting Rules & Risk Manager. Request to Approve a Second Notice of Docket Opening to Amend Article 4, Live Wildlife, as Stated in the Five-Year Rules Review Report approved by the Commission at its September 2003 meeting.** The Commission will be asked to vote to approve a second Notice of Docket Opening to amend Article 4, Live Wildlife, as stated in the five-year rules review report approved by the Commission at their September 2003 meeting, and to be submitted to the Secretary of State’s Office for publication in the *Arizona Administrative Register*.

- 6. Presenter: Terry 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.
- 7. Future Agenda Items.**
- 8. Field Trip.** The Commission may participate in a field trip to the sites of ongoing studies being conducted by the Department in proximity to Payson, Arizona. No official action will be taken by the Commission during the field trip.

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.

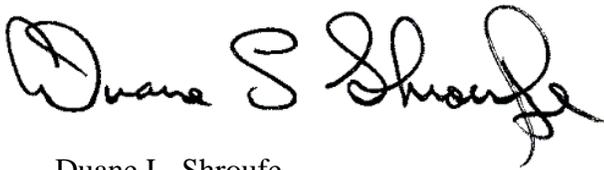
During the public meeting, the Commission may afford any person, his duly authorized representative, or both, the opportunity to present statements relating to agenda items, with or without the opportunity to present them orally.

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"*

A handwritten signature in black ink that reads "Duane L. Shroufe". The signature is written in a cursive, flowing style.

Duane L. Shroufe  
Director

DLS:dy