



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

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Janet Napolitano

**Commissioners**

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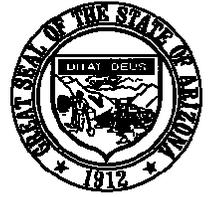
Bob Hembrode, Tucson

**Director**

Duane L. Shroufe

**Deputy Director**

Steve K. Ferrell



**July 21, 2005**

A public meeting of the Arizona Game and Fish Commission will be held on August 12-13, 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, August 12, 2005, Arizona Game and Fish Commission at the Museum of Northern Arizona, 3101 N. Ft. Valley Rd., Flagstaff, AZ 86001.**

**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 June 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. The Commission will be briefed by the U.S. Forest Service Regarding the Use of Domestic Goats for Fuel Reduction Purposes in Wildland-Urban Interface areas in Arizona.** The Commission will hear a presentation by the U.S. Forest Service Regarding the Use of Domestic Goats for Fuel Reduction Purposes within Wildland-Urban Interface areas in Arizona. The Commission may vote to take action on, or provide the Department with direction on, this issue.
- 3. 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 New Cooperative Agreement with the City of Show Low for the Continued Use and Maintenance of a Trail through Commission-owned Property at Fool Hollow Lake, Navajo County, Arizona.** The Commission will be asked to vote to approve a New

Cooperative Agreement with the City of Show Low for the continued use and maintenance of a trail through Commission-owned property at Fool Hollow Lake, Navajo County, Arizona.

- b. Presenter: Bob Broscheid, Habitat Branch Chief. Request for Commission to Approve the Renewal of the Cooperative Agreement Between the Arizona Game and Fish Commission, MLY Ranch, and X Diamond Ranch.** The Commission will be asked to vote to approve the renewal of the Cooperative Agreement between the Arizona Game and Fish Commission, MLY Ranch, and X Diamond Ranch for Identification of Terms and Conditions for Grazing on the Grasslands Wildlife Area.
  - c. Presenter: Bob Broscheid, Habitat Branch Chief. Request for the Commission to Approve the Renewal of the State Grazing Leases Acquired with the Purchase of the Cross L and Ocote Ranches (Grasslands Wildlife Area) to the State of Arizona and to Approve the Renewal of the Associated Sub-leases for Grazing the Leased Lands Identified in the Grasslands Wildlife Area Grazing Plan to the Current Livestock Operators.** The Commission will be asked to vote to approve the renewal of the State grazing leases acquired with the purchase of the Cross L and Ocote Ranches and to approve the renewal of the associated sub-leases to the current livestock operators.
  - d. Presenter: Bob Broscheid, Habitat Branch Chief. Request for Commission to Approve the Renewal of a Roadway Easement Agreement at Commission-owned Cunningham Tracts with the U.S. Forest Service, Tonto National Forest.** The Commission will be asked to vote to approve the renewal of a lease for road use purposes with the Tonto National Forest through Commission deeded land at Cunningham Tracts near Young, Arizona.
  - e. Presenter: Bob Broscheid, Habitat Branch Chief. Request for the Commission to Approve the Agreement for a Permit with Arizona Public Service for the Purpose of Continuing Service for Construction, Operation, and Maintenance of Electric Poles and Lines That Provide Electricity to Ben Avery Shooting Facility, Maricopa County, Arizona.** The Commission will be asked to vote to approve the Agreement for a Permit with Arizona Public Service for the purpose of continuing service to construct, operate and maintain electric poles and lines that provide electricity to Ben Avery Shooting Facility, Maricopa County, Arizona.
  - f. Presenter: Bob Posey, Kingman Regional Supervisor. Cooperative Agreement ("Agreement") between the Commission and Bullhead River Front Investments LLC (Bullhead River Front Investments).** The Commission will be asked to vote to approve the Agreement between the Department and Bullhead River Front Investments to allow for the removal of soil material from Commission owned land.
- 4. 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.

5. **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 June 2005 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
6. **Presenter: Marty Macurak, Assistant Director. Statewide Shooting Range Grants.** The Commission will be briefed on the status of funds in the Shooting Ranges Grant Program and may choose to reprioritize unspent balances. The Commission may vote to take action on, or provide the Department with direction on, the expenditure of unspent funds in the program.
7. **Presenter: Marty Macurak, Assistant Director. Briefing on the Ben Avery Clay Target Center and the Ben Avery Shooting Range.** The Commission will be provided with an assessment of operating costs for the Ben Avery Shooting Facility's main range and Clay Target Center. The assessment was conducted to help the Commission decide whether to issue a request for proposals for a vendor to operate the main range, Clay Target Center, or both. The Commission may vote to take action on, or provide the department with direction on, issues related to seeking vendor services.
8. **Presenter: Bob Posey, Kingman Regional Supervisor. Request by Mr. Ernest T. Carrillo for a Hearing Associated with the Lack of Hunter Access in Unit 10 During the Fall 2005 Elk Hunts.** Mr. Ernest T. Carrillo is requesting a hearing pursuant to R12-4-611 before the Arizona Game and Fish Commission to address his concerns related to the lack of hunter access in unit 10 during the fall 2004 elk hunts. Further, he is requesting that he be issued an elk tag for the same hunt in 2005. The Commission may vote to grant or deny the request for a hearing and may proceed with the hearing accordingly.
9. **Presenter: Steve Ferrell, Deputy Director. Request to the Legislature for a Supplemental Appropriation from the Watercraft Licensing Fund to Assist the Colorado Multi-species Conservation Program and to Address Other Operational Issues.** The Department will be asking the Commission to vote to approve a request to the Legislature for a supplemental appropriation from the Watercraft Licensing Fund to assist the Colorado Multi-species Conservation Program and to address other operational issues.
10. **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.
11. **Presenter: Ron Sieg, Region II Supervisor. Briefing on Management of the House Rock Bison Herd.** The Department will provide a briefing to the Commission regarding progress on prior Commission direction regarding management of the House Rock bison herd. The Commission may vote to take action on, or provide the Department with direction on, this item.

**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.

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

**13. 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 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.
- c. 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 meeting or defer a decision to a later date.

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

**14. 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>
Almond, Jeffrey C.	Count A: Unlawful possession of restricted wildlife (14 Gila monsters).
Scott, Gary W.	Count A: Take wildlife from a motor vehicle (antelope). Count B: Possession of unlawfully taken wildlife (antelope).
Rutter, Amos	Count A: Take wildlife in excess of bag limit (elk).
Maifield, Richard D.	Count A: Possess unlawfully taken wildlife (elk).
Corbin, Harold D.	Count E: Take wildlife without permit/tag (elk).
Koury, George D.	Count A: Harass wildlife with the aid of an aircraft (antelope).
Stubblefield, John P.	Count A: Use another's deer tag (Mule deer buck). Count B: Take wildlife without a valid tag (Mule deer buck).
Stubblefield, Wilma J.	Count A: Allow another to use big game tag (Deer). Postponed from the May 20, 2005 Commission hearing.
Smart, Misty D.	Count B: Take wildlife without valid license/permit (Mountain lion). Count C: Take wildlife by unlawful method. Postponed from the May 20, 2005 Commission hearing.
Smart, Joshua D.	Count A: Possess unlawfully taken wildlife (Mountain lion). Count B: Transport unlawfully taken wildlife (Mountain lion). Count C: Obtain lion tag by fraud. Postponed from the May 20, 2005 Commission hearing.

**15. 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.

- 16. 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.
- 17. Presenter: Duane L. Shroufe, Director. Commissioner Committee Appointments.** The Commission may vote to modify its appointment of individual Commissioners to the following standing committees for the remainder of 2005 through January 2006: Heritage Public Advisory Committee, Habitat Partnership Committee, Landowner-Lessee/Sportsman's Relations Committee, Shooting Range Economic Development Committee, and Wildlife Assets Committee.
- 18. 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.
- 19. 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.
- 20. Approval of Minutes** for August 13 and 14, 2004; September 17, 2004; January 21, 2005; February 11, 2005; March 11 and 12, 2005; April 15 and 16, 2005; May 20, 2005; May 24, 2005; and June 24 and 25, 2005; and **Signing of Minutes** for September 22, 2004; October 29, 2004; December 10 and 11, 2004; January 4, 2005; .

**Saturday, August 13, 2005, Arizona Game and Fish Commission at the Museum of Northern Arizona, 3101 N. Ft. Valley Rd., Flagstaff, AZ 86001.**

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

**Awards and Commissioning of Officers.**

- 1. Presenter: Richard Rico, Assistant Director, Special Services. Hunt Permit-tag Application Schedule for Spring 2006 Hunts.** The Department will provide the Commission with a presentation related to the proposed hunt-permit tag application schedule for spring 2006 hunts. The Commission will be asked to vote to approve the application schedule.

2. **Presenter: Leonard Ordway, Game Branch Chief. Consideration of Proposed Commission Orders 5, 6, 8, and 9, for Spring 2006 Hunting Seasons.** The Commission will consider and may vote to approve Commission orders 5, 6, 8, and 9 (spring turkey, javelina, spring buffalo, and spring bear) establishing seasons and season dates, bag and possession limits, permit numbers, and open areas. A detailed description of all proposals is available for public review at all Department offices.
3. **Presenter: Leonard L. Ordway, Game Branch Chief. Consideration of Proposed Commission Order 21–Waterfowl and Commission Order 22-Snipe for the 2005-2006 Hunting Season.** The Commission will consider and may vote to approve Commission Order 21 (Waterfowl) and Commission Order 22 (Snipe), establishing seasons and season dates, bag and possession limits, and open areas. A detailed description of all proposals is available for public review at all Department offices.
4. **Presenter: Steve K. Ferrell, Deputy Director. Options for Regulating Nonresident Deer and Elk Hunting Permits in Light of Recent Federal Legislation Renouncing Interest in Regulating Hunting and Fishing Permits Under the Commerce Clause.** The Commission will be briefed on options for regulating nonresident deer and elk hunting permits in light of recent federal legislation renouncing interest in regulating hunting and fishing permits under the Commerce Clause. The Commission may vote to take action on, or to provide the Department with direction on, this item.
5. **Presenter: Sherry Crouch, Acting Rules & Risk Manager. Request to Approve a Notice of Proposed Rulemaking to Amend Article 1 Rules, Dealing with Definitions and General Provisions, as Stated in the 2004 Five-Year Rule Review Approved by GRRC and to Reinstitute Limits on Non-Resident Hunt Permit-Tags.** The Commission will be asked to vote to approve a Notice of Proposed Rulemaking to amend Article 1 rules, dealing with definitions and general provisions, principally as stated in the 2004 Five-Year Rules Review report approved by GRRC and to reinstitute limits on non-resident hunt permit-tags. The notice will be submitted to the Secretary of State’s Office for publication in the *Arizona Administrative Register*.
6. **Presenter: Sherry Crouch, Acting Rules & Risk Manager. Request to Approve a Notice of Proposed Rulemaking to Amend Article 2, Miscellaneous Licenses and Permits, Subsequent to the 2004 Five-Year Rule Review Approved by GRRC.** The Commission will be asked to vote to approve a Notice of Proposed Rulemaking to amend Article 2, Miscellaneous Licenses and Permits, principally as stated in the 2004 Five-Year Rules Review report approved by GRRC. The notice will be submitted to the Secretary of State’s Office for publication in the *Arizona Administrative Register*.
7. **Presenter: Sherry Crouch, Acting Rules & Risk Manager. Request to Approve a Notice of Rulemaking Docket Opening and a Notice of Proposed Rulemaking to Amend Article 3 rules, dealing with the taking and handling of wildlife, to authorize the use of a two-part tag, establish a “livestock predation” season, and prescribe additional check-out requirements for mountain lion hunts.** The Commission will be asked to vote to approve a Notice of Rulemaking Docket Opening and a Notice of Proposed Rulemaking to Amend Article 3 rules, dealing with the taking and handling of wildlife, to authorize the use of a two-part tag, establish a “livestock predation” season, and prescribe additional check-out

requirements for mountain lion hunts. The Notice will be submitted to the Secretary of State's Office for publication in the *Arizona Administrative Register*.

- 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. 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”*

A handwritten signature in black ink that reads "Richard P. Shroufe" with "(for)" written to the right of the name.

Duane L. Shroufe  
Director

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