



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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Governor

Janet Napolitano

Commissioners

Chairman, W. Hays Gilstrap, Phoenix

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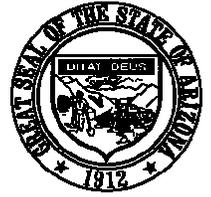
Bob Hembrode, Tucson

Director

Duane L. Shroufe

Deputy Director

Steve K. Ferrell



December 23, 2005

A public meeting of the Arizona Game and Fish Commission will be held on January 20-21, 2006, 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 20, 2006, Arizona Game and Fish Commission at Doubletree Paradise Valley Resort, 5401 North Scottsdale Road, Scottsdale, AZ 85250.

The Public Session begins at 8:00 a.m.

Awards and Commissioning of Officers.

- 1. Litigation Report.** The Department's legal counsel may report on the status of the following litigation matters: *Re General Stream Adjudication for the Little Colorado River and Gila River; 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; State of Arizona v. George H. Johnson, CV2005-002692.* The Commission may vote to take action on any case.
- 2. Presenter: Shelley Cutts. Presentation on Arizona's Open Meeting Law and Constituent Communications.** The Commission will be briefed on the applicability of Arizona's Open Meeting Law to e-mail communications, with an emphasis on constituent communications with the Commission.
- 3. Presenter: Jon Cooley, Region I Supervisor. Presentation by the Hunting and Shooting Sports Recruitment and Retention Team Leader including a summary of key findings and recommendations outlined in the Team Report.** The Department will brief the Commission on the work and associated findings of the Hunting and Shooting Sports Recruitment and Retention Team. The Commission may vote to take action on, or provide the Department direction on, items covered in the briefing.
- 4. 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 December 2005 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.

5. 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 Renewal of an Agreement for Road Easement with the Town of Eagar for Roadway and Utility Purposes at Eagar, Apache County, Arizona.** The Commission will be asked to vote to approve a renewal of an Agreement for Road Easement with the Town of Eagar for roadway and utility purposes at Eagar, Apache County, Arizona.
- b) **Presenter: Bob Broscheid, Habitat Branch Chief. Request for the Commission to Approve a Cooperative Agreement with Flood Control District of Maricopa County for the Purpose of Conducting Revegetation Activities on the Commission’s Public Land Order 1015 Lands, Maricopa County, Arizona.** The Commission will be asked to vote to approve a Cooperative Agreement with Flood Control District of Maricopa County for the purpose of conducting revegetation research and education on the Commission’s Public Land Order 1015 Lands, Maricopa County, Arizona.
- c) **Presenter: Bob Broscheid, Habitat Branch Chief. Request for Commission Approval to Renew a Ten-Year Utility Permit Across the Commission-owned Silver Springs Hatchery in Navajo County, Arizona, to the Arizona Public Service Company for the Purpose of Delivering Electric Power.** The Commission will be asked to vote to approve renewal of a ten-year utility permit across the Commission-owned Silver Springs Hatchery in Navajo County, Arizona, to the Arizona Public Service Company for the purpose of delivering electric power.
- d) **Presenter: Mark Weise, Development Branch Chief. Region VI Petition to Close a Road on State Trust Land Approximately Eight Miles East of Gold Canyon, Arizona.** The Department will be asking the Commission to vote to approve a petition to close a road on State Trust Land located approximately eight miles east of Gold Canyon, Arizona.
- e) **Presenter: Mark Weise, Development Branch Chief. Renewal of a Road Closure on State Trust Land Southeast of Florence, Arizona.** The Department will be asking the Commission to vote to approve a request by Gale Brimhall to renew a road closure on State Trust Land located approximately ten miles southeast of Florence, Arizona.
- f) **Presenter: Mark Weise, Development Branch Chief. Renewal of a Road Closure on State Trust Land West of Eagar, Arizona.** The Department will be asking the Commission to vote to approve a request by Maryhelen “Sug” Peters to renew a road closure on State Trust Land located approximately seven miles west of Eagar, Arizona.

- 6. Presenter: Marty Macurak, Assistant Director. Public Information and Education Update.** The Commission will be briefed on several public information and education initiatives conducted by the Information and Education Division. They include the Fish Arizona campaign, lion awareness campaign and upcoming improvements to the Hunter Education program. The Commission may vote to take action on, or provide the department direction on, items covered in the briefing.
- 7. Presenter: Marty Macurak, Assistant Director. Focus Wild Arizona Briefing.** The Commission will be briefed on the Information and Education Division's Focus Wild Arizona education program. The program uses Web technology to provide Arizona teachers with environmental education curriculum and resources. The Commission may vote to take action on, or provide the department direction on, items covered in the briefing.
- 8. 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 December 2005 commission meeting. The Commission may vote to take action on, or provide the department direction on, items covered in the update.
- 9. 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.
- 10. Presenter: Diana Shaffer, et al. Recent Department Awards.** The Department has recently been the recipient of the Pioneer Award for Quality; the U.S. Fish and Wildlife Service Fiscal Year 2005 Civil Rights Award; the Governor's Pride in Arizona Award for Media Leadership; and the Tres Rios Nature Festival, Honorable Mention, Best of the West Awards (West Valley Award hosted by Westmarc).
- 11. Presenter: Bruce D. Taubert, Assistant Director, Wildlife Management Division. Wildlife 2006 Update.** The Department will present a progress report for Wildlife 2006 – The Department Strategic Plan. The Commission may vote to take action on, or provide the Department direction on, this item.
- 12. Presenter: Richard Rico, Assistant Director, Special Services. Petition for Rule Change by Mr. Noel Benoist Requesting the Commission Amend R12-4-202 Disabled Veteran's License.** Mr. Noel Benoist has submitted a petition requesting the Commission amend R12-4-202. Currently, R12-4-202(B)(2)(c) states that an applicant must submit certification that he or she is receiving compensation for permanent service-connected disabilities rated as 100% disabling. Mr. Benoist is requesting that the requirement for the disability to be service related be removed from the rule. This would allow any disabled veteran to qualify for a Disabled Veteran's License regardless of how they became disabled. The Commission may vote to approve or deny the petition and may provide the Department with further direction on this issue.
- 13. Presenter: Melba Davidson, Funds and Planning Manager. Selection of New Members of the Heritage Public Advisory Committee.** The Commission will be asked to vote to

approve the selection of eight new members from a list of nominees for the Heritage Public Advisory Committee.

14. Presenter: Dustin McKissen, Rules and Risk Manager. Request to Close the Record and Approve a Notice of Final Rulemaking to Amend Article 4, Dealing with Live Wildlife, Subsequent to the 2004 Five-Year Rule Review Approved by GRRC. The Commission will be asked to vote to close the record and approve a Notice of Final Rulemaking to amend Article 4, dealing with live wildlife, principally as stated in the 2004 Five-Year Rules Review report. The notice will be submitted to the Governor's Regulatory Review Council for its March 2006 meeting.

15. 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.)

The Executive Session begins immediately following the lunch break, but no later than 1:00 p.m.

16. 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 on *Re General Stream Adjudication for the Little Colorado River and Gila River; 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; State of Arizona v. George H. Johnson, CV2005-002692; and State of Arizona v. Adair, CR2004-0045.*
- 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.
- 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 200 p.m.

17. 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.

Name	Conviction
Wright, Brian M.	Count A: Take wildlife during closed season (elk). Count B: Take wildlife without valid permit (elk). Count C: Allow game meat to waste (elk).
Wright, Michael H.	Count A: Take wildlife during closed season (elk). Count B: Take wildlife without valid permit (elk). Count C: Allow game meat to waste (elk).
Sanchez, Rosalino M.	Count A: Knowingly take wildlife during closed season (javelina). Count B: Possession of unlawfully taken wildlife (javelina).
Galindo, Jesus G.	Count A: Knowingly take wildlife during closed season (javelina). Count B: Possession of unlawfully taken wildlife (javelina).
Daniels, Louis J.	Count A: Take antlerless deer on antlered deer tag. Count B: Possess/transport unlawfully taken deer.
Tyree, Anthony T.	Count A: Count A: Hunt big game without a valid license/tag. Count B: Obtain 2004 hunting license by fraud. Count E: Obtain 2004 archery deer tag by fraud.

18. Presenter: Ronald L. Day, Law Enforcement Branch Chief. Rehearing Request Regarding Previous License Revocation/Civil Assessment. Mr. Amos Rutter has requested that the Arizona Game and Fish Commission grant a rehearing regarding the action taken on August 12, 2005, revoking his licenses to hunt, fish, and trap for a period of five (5) years 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 or modify its decision, or grant a rehearing.

- 19. Presenter: Ronald L. Day, Law Enforcement Branch Chief. Law Enforcement Case Tracking Process.** The Department will brief the Commission on the new case tracking process designed to track revocable cases through the revocation process. The Commission may vote to take action on, or provide the Department direction on, this item.
- 20. Presenter: Ron Day, Law Enforcement Branch Chief. Request for the Commission Approval of the Program Narrative for U.S. Coast Guard Boating Safety Funds (Federal FY 2006 / State FY 2007).** The Commission will be asked to vote to approve the Department's U.S. Coast Guard funding pursuant to the Federal Boating Safety Act of 1971. Funds will be used in the State FY 2007 to supplement the Department's watercraft efforts in areas of law enforcement, administration, information, education, aids to navigation and watercraft registration.
- 21. Presenter: Mike Senn, Assistant Director, Field Operations Division. Request for the Commission Approval of the Creation of a Full Time Off Highway Vehicle (OHV) Public Information Officer (PIO).** The Commission will be asked to vote to approve the Department's request to create a full time OHV PIO to supplement the Department's OHV information efforts in areas of outreach, education and OHV management in Arizona.
- 22. 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 and Wildlife Series CMR. The Commission will be asked to authorize expenditure of non-appropriated funds and allow the Department to seek a supplemental appropriation from the 2006 legislature to finance this proposal.
- 23. Presenter: Josh Avey, Executive Staff Assistant. Departmental Communication to the Commission.** The Department will be providing the Commission with a presentation regarding all communications that are currently provided to the Commission. These communications range from endangered species updates to briefing items. The Commission will be asked to give the Department direction to continue, eliminate, or alter the current communications.
- 24. Presenter: Duane Shroufe, Director. Director's Goals and Objectives – 2006.** The Commission will discuss and may vote to approve a list of goals and objectives for the Director to achieve during 2006
- 25. 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.
- 26. 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.

27. 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.

28. Approval of Minutes for: **Approval of Minutes** for: December 9-10, 2005; and **Signing of Minutes** August 12 and 13, 2005, September 23, 2005, October 21, 2005 and November 9, 2005.

29. Election of Positions. The Commission will vote to elect a Commission Chair and Vice-Chair for 2006.

30. Future Agenda Items.

Saturday, January 21, 2006, Arizona Game and Fish Commission at the Doubletree Paradise Valley Resort, 5401 North Scottsdale Road, Scottsdale, AZ 85250.

Meeting begins at 1:30 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.

1:30 p.m. Chairman's Welcome & Commission Introductions

Director's Presentation

2005 *Year in Review* Video Presentation

Open Discussion – Questions & Answers

5:30 p.m. Social Hour

6:30 p.m. Awards Banquet

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 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”



Duane L. Shroufe
Director

DLS:mh