



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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Governor

Janet Napolitano

Commissioners

Chairman, Susan E. Chilton, Arivaca

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Joe Melton, Yuma

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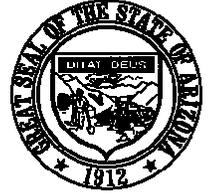
William H. McLean, Gold Canyon

Director

Duane L. Shroufe

Deputy Director

Steve K. Ferrell



REVISION #1

December 7, 2004

A public meeting of the Arizona Game and Fish Commission will be held on December 10 and 11, 2004, 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, December 10, 2004, Arizona Game and Fish Commission at the Peoria City Council Chambers, 8401 W. Monroe St., Peoria, Arizona.

Meeting begins at 7:00 a.m.

1. Executive Session

- a. Personnel Matters.** The Commission may vote to go into Executive Session to discuss and evaluate 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.

***CHANGE**

- b. Purchase, Sale, or Lease of Real Property.** The Commission may vote to go into Executive Session to discuss, consult with, and instruct its attorneys and Department staff concerning negotiations for the purchase, sale, or lease of real property and associated water rights pursuant to A.R.S. § 38-431.03 (A)(7).

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- c. 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; In *Re General*

Stream Adjudication for the Little Colorado River and Gila River; Mark Boge v. Arizona Game & Fish Commission & Shroufe, CIV2000-020754; Ameduri and Yee et. al. v. U.S. Forest Service et al., U.S. District Court No. CIV 02 2495 PCT FJM; 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, Center for Biological Diversity v. Norton, 03 CV-01558 RCL, and Audubon Society of Portland v. USFWS, CV04-670-KI.

- d. **Legal Counsel Regarding the Silverbell Bighorn Sheep Herd.** 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 possible settlement or litigation over the damages associated with the epizootic episode in the Silverbell Bighorn Sheep Herd.

Public Session begins immediately following the Executive Session, but no later than 9:00 a.m.

2. **Litigation Report.** The Department's legal counsel may report on the status of the following litigation matters: *Montoya v. Manning, CIV98-0239 PHX RCB; In Re General Stream Adjudication for the Little Colorado River and Gila River; Mark Boge v. Arizona Game & Fish Commission & Shroufe, CIV2000-020754; Ameduri and Yee et. al. v. U.S. Forest Service et al., U.S. District Court No. CIV 02 2495 PCT FJM; 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,* 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.
3. **Presenter: Bob Broscheid, Habitat Branch Chief. Discussion with the Director of the Arizona Department of Water Resources concerning the State's interests in the lawsuit *Phelps Dodge Corp. v. Arizona Department of Water Resources.*** The Director of the Arizona Department of Water Resources (ADWR), or his designee, at the request of the Commission, will address the Commission on the State's interests that are affected if state law authorizes ADWR to issue permits to appropriate water for instream flow. This authority is currently under challenge in the case *Phelps Dodge Corp. v. Arizona Department of Water Resources.* As a former Game and Fish Commissioner, the current ADWR Director can provide a unique perspective on this matter. The Commission is asking the Director of ADWR to address the Commission on this topic before the Commission makes a decision on whether to participate as an amicus curie in the litigation.
4. **Presenters: Bob Broscheid, Habitat Branch Chief and Jim Odenkirk, Assistant Attorney General. The Commission will be briefed on the Terms and Conditions of the Zuni Water Rights Settlement Agreement Between the Zuni Indian Tribe and the United States of America.** The Commission will be briefed on the terms and conditions of

the Zuni Water Rights Settlement Agreement Between the Zuni Indian Tribe and the United States of America. This briefing will address obligations by the Commission as part of the State of Arizona's contribution to this settlement. The Commission may vote to take action or provide the Department direction on items covered in this briefing.

5. **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 September 17, 2004 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
6. **Presenter: Bob Broscheid, Habitat Branch Chief. FIRST READ: The Commission will be Asked to Consider a Draft Policy Statement in Support of Building Rural Partnerships to Conserve Habitat and Promote Recreational Access in Arizona.** The Commission will be asked to consider a draft Policy Statement in support of building rural partnerships to conserve habitat and promote recreational access in Arizona.
7. **Presenter: Bob Broscheid, Habitat Branch Chief. Request for the Commission to Approve a Collection Agreement Between Pima County and the Commission to Facilitate the County's Acquisition of the Old Hayhook Ranch Property.** The Commission will be asked to vote to approve a Collection Agreement between Pima County and the Commission to facilitate the County's acquisition of the Old Hayhook Ranch Property.
8. **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 an Agreement for Road Easement with Graham County for the Purpose of Developing, Maintaining and Re-aligning Stockton Road at Roper Lake, Graham County, Arizona.** The Commission will be asked to vote to approve an Agreement for Road Easement with Graham County for the purpose of developing, maintaining and re-aligning Stockton Road at Roper Lake, Graham County, Arizona.
 - b. **Presenter: Mark Weise, Development Branch Chief. Memorandum of Understanding (MOU) Between the Maricopa County Parks and Recreation Department and the Arizona Game and Fish Department (Department).** The Commission will be asked to vote to approve the MOU between Maricopa County Parks & Recreation and the Department to facilitate their participation in Arizona's Boating Access Program.

- c. **Presenter: Tice Supplee, Game Branch Chief. Consideration of a Request to Transfer up to Twenty Javelina from Arizona to the University of California, Davis.** The Commission will consider and may vote to take action on a request by Alan Conley with the University of California, Davis to transfer up to twenty javelina from Arizona to the University of California.
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***ADD**

- d. **Presenter: Bob Broscheid, Habitat Branch Chief. The Commission will be Asked to Vote to Approve the Implementing Agreement and Funding Management Agreement For the Lower Colorado River Multi-Species Conservation Program.** The Commission will be asked to vote to approve the Implementing Agreement and Funding Management Agreement for the Lower Colorado River Multi-Species Conservation Program.
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9. **Presenter: Mark Weise, Development Branch Chief. Landowner-Lessee/Sportsman Relations Committee Appointment.** The Department will be asking the Commission to vote to approve the appointment of Mr. Joe Underwood as a new member of the Landowner-Lessee Sportsman Relations Committee.
10. **Presenter: Richard Rico, Assistant Director, Special Services. Deer Valley Complex Master Planning Project.** The Department's Master Planning Committee will be providing the Commission with a presentation summarizing the committee's findings and recommendations. The Commission will be asked to vote to take action on, or to provide the Department with direction on this item.
11. **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.
12. **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 September 2004 commission meeting. The Commission may vote to take action on, or provide the department direction on, items covered in the update.
13. **Presenter: Ron Sieg, Regional Supervisor, Flagstaff Regional Office. Consideration of the Kaibab Habitat Stamp Fund Budget for Fiscal Year 2005 and Presentation of the Five-Year Work Plan for this Fund.** The Commission will be asked to approve the Kaibab Habitat Stamp Fund Budget for FY 2005 and the five year work plan for spending funds

generated under the Cooperative Agreement with between the Kaibab National Forest and the Department.

14. Presenter: Ron Sieg, Regional Supervisor, Flagstaff Regional Office. Presentation of Options Regarding Management of the House Rock Bison Herd to Address Issues Raised by Grand Canyon National Park. The Commission will be presented with a refined list of options for management of the House Rock bison herd. The Commission may vote to take action on, or provide the Department with direction on which option or combination of options is the most acceptable.

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.

16. Presenter: Leonard L. Ordway, 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 1:30 p.m. The Commission will consider and take action on the Department's recommendations for license revocations and/or civil assessments for the individuals listed below.

<u>Name</u>	<u>Conviction/Responsibility</u>
Ochoa, Ernest G.	Count A: Take wildlife from closed area. Count B: Obtain license by fraud.
Walkowiak, Dean D.	Count A: Possess unlawfully taken wildlife (bear). Count B: Take during closed season. Count C: Waste edible game meat. Count D: Over bag limit.
Kulina, Robert E.	Count C: Apply for 2003 resident deer permit by fraud. Count H: Obtain 2002 resident turkey permit by fraud.
Apolinar, John D.	Count A: Obtain non-permit big game tag in excess of bag limit. Count B: Take wildlife in excess of bag limit (mule deer).
McCowan, Charles R.	Count A: Litter while taking wildlife. (Continued from the September 17, 2004 Commission meeting).

Soulliere, Kirk H.	Count A: Take big game without a valid license (elk). (Continued from the September 17, 2004 Commission meeting).
Soulliere, Jason K.	Count A: Take big game without a valid license (elk). (Continued from the September 17, 2004 Commission meeting).
Gee, Lawrence Y.	Count A: Exceed bag limit (two antlerless elk).
Kalabus, Christopher N.	Count A: Fail to tag big game (antlerless elk).
Goodman, Gregory E.	Count A: Possess/transport big game without tag attached (antlerless elk).
Hughes, Russell E.	Count A: Allow big game tag to be attached to an animal that you did not kill (elk).
Sanchez, Manuel Chee	Count A: Take over bag limit (5 doves).
Danek, Clarence E.	Count A: Take wildlife during closed season (Prairie Falcon).

17. Presenter: Bruce D. Taubert, Assistant Director Wildlife Management Division. Wildlife 2006 Update. The Department will present a progress report for Wildlife 2006. The Commission may vote to take action on, or provide the Department direction on, this item.

18. Presenter: Jeff A. Sorensen, Game & Fish Planner, Funds/Planning. Comprehensive Wildlife Conservation Strategy - Progress Update. The Department will provide an update on the Department-led effort to develop a "Comprehensive Wildlife Conservation Strategy." The Commission may vote to take action on, or provide the Department direction on, this item.

***MOVED TO SATURDAY, 12/11/04, [AGENDA NUMBER S-4.1]**

19. Presenter: Angela McIntire, Bat Project Coordinator, Nongame Branch. Conservation of the Lesser Long-nosed Bat. The Department will brief the Commission on the biological and legal status of the lesser long-nosed bat, and the ongoing conservation effort to recover, downlist, and/or delist this species. The Commission may vote to give the Department direction on this item.

- 20. 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.
- 21. Presenter: Duane Shroufe, Director. A Discussion of Legal Counsel for the Commission.** The Commission will discuss options for legal counsel for the Commission. The Commission may vote to take action on this item.
- 22. 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.
- 23. 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.
- 24. Approval of Minutes** for July 16, 2004; July 19, 2004; August 4, 2004; August 9, 2004; August 13 and 14, 2004; September 17, 2004; September 22, 2004; and October 29, 2004.

Saturday, December 11, 2004, Arizona Game and Fish Commission at the Peoria City Council Chambers, 8401 W. Monroe St., Peoria, Arizona.

Meeting begins at 8:00 a.m.

Awards and Commissioning of Officers.

- 1. Presenter: Brian Wakeling, Big Game Supervisor. Presentation of the Draft Arizona Game and Fish Department (Department) Guidelines and Recommendations for the 2005-2006 Hunting and Trapping Seasons and Proposed Changes to Commission Rules Regarding Wildlife Areas for Commission Approval.** The public review draft of the Arizona Game and Fish Department Guidelines and Recommendations for the 2005-2006 Hunting and Trapping Seasons and proposed changes to Commission Rules R12-4-801, R12-4-802, and R12-4-803 will be presented to the Arizona Game and Fish Commission for any additions or corrections prior to being presented to the public. The Commission may vote to further direct the Department to consider changes and/or new opportunities in the hunting and/or trapping seasons.

2. **Presenter: Tice Supplee, Game Branch Chief. Consideration of Applications for Special Big Game Hunt License-Tags for Mule Deer, White-tailed Deer, Antelope, Elk, Turkey, Javelina, Bighorn Sheep, Buffalo, and Black Bear for 2005-2006.** The Commission will consider and may vote to take action on applications from organizations for 2005-2006 Special Big Game License-Tags as per R12-4-120. A detailed description of all proposals is available for public review at all Department offices.
3. **Presenter: Tice Supplee, Game Branch Chief. Consideration of Proposed Commission Order 29 for Special Big Game License-Tag Seasons for Mule Deer, White-tailed Deer, Antelope, Elk, Turkey, Javelina, Bighorn Sheep, Buffalo, and Black Bear for 2005-2006 Hunting Seasons.** The Commission will consider and may vote to approve Commission Order 29: Special Hunts, establishing seasons and season dates, bag and possession limits, permit numbers, and open areas for Special Big Game Hunt License Tags. A detailed description of all proposals is available for public review at all Department offices.
4. **Presenter: Tice Supplee, Game Branch Chief. Proposal to Increase the Number of Special Big Game License-tags.** The Commission will discuss the feasibility of increasing the number of Special Big Game License-tags for each big game species. The Commission may vote to take action on, or provide the Department direction on, this item.

***MOVED FROM FRIDAY, 12/10/04, [AGENDA NUMBER F-19]**

- 4.1 **Presenter: Angela McIntire, Bat Project Coordinator, Nongame Branch. Conservation of the Lesser Long-nosed Bat.** The Department will brief the Commission on the biological and legal status of the lesser long-nosed bat, and the ongoing conservation effort to recover, downlist, and/or delist this species. The Commission may vote to give the Department direction on this item.

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5. **Presenter: Tony Guiles, Legislative Liaison. Consideration of Legislation for an Increase to the Statutory Ceiling for License and Permit-tag Fees and for the Creation of a New Series of Hunting, Fishing, and Combination License Packages and their Corresponding Fees.** The Department will provide the Commission with a briefing on the proposed increase to the statutory ceiling for license and permit-tag fees and on options for a new series of hunting, fishing, and combination license packages and their corresponding fees. The Commission may vote to provide the Department with direction on this item.
 6. **Presenter: Carlos Ramirez, Rulewriter. Request for Consideration of Mr. Eugene Perlow's Petition to Amend R12-4-104, Application Procedures for Issuance of Hunt Permit-tags by Drawing, to Address Concerns Over Applicants Selecting Mixed Weapon Types Within the Same Application.** The Commission will be asked to vote to take action on the petition from Mr. Eugene Perlow requesting amendment to R12-4-104.

The amendment would require each applicant applying for hunt permit-tags by drawing to select the same weapon type for each hunt number selected within the same application.

7. **Presenter: Carlos Ramirez, Rulewriter. Request to Approve a Notice of Final Rulemaking for Article 9, Arizona Wildlife Conservation Fund Grants.** The Commission will be asked to vote to approve a Notice of Final Rulemaking to establish Article 9, Arizona Wildlife Conservation Fund Grants, and to promulgate new rules to prescribe procedures for the Arizona Wildlife Conservation Fund Grants program.
8. **Presenter: Carlos Ramirez, Rulewriter. Request to Approve a Notice of Final Rulemaking to Amend Article 1 Rules to 1) Eliminate the Permit Fee for the Purchase of Bonus Points, and 2) Give the Commission Greater Flexibility in the Issuing of Restricted Nonpermit-Tags.** The Commission will be asked to vote to approve the Notice of Final Rulemaking to be submitted to GRRC to amend rules in Article 1, Definitions and General Provisions. The amendments will 1) eliminate the permit fee for the purchase of bonus points, and 2) give the Commission greater flexibility in the issuing of Restricted Nonpermit-Tags (for example, in order to bring elk populations in the Kaibab National Forest within management objectives).
9. **Presenter: Carlos Ramirez, Rulewriter. Request to Approve a Notice of Final Rulemaking to Amend Commission Rules to 1) Create a “Loyalty Bonus Point,” 2) Increase the Bonus Point Pass Percentage for the Big Game Draw from 10% to 20%, and 3) Create a “Conservation Bonus Point.”** The Commission will be asked to vote to approve a Notice of Final Rulemaking to be submitted to GRRC to amend Commission rules to 1) create a “loyalty bonus point,” 2) increase the bonus point pass percentage for the big game draw from 10% to 20%, and 3) create a “conservation bonus point.”
10. **Presenter: Carlos Ramirez, Rulewriter. Request to Approve a Notice of Final Rulemaking to Amend Commission Rules to Require All Big Game Permit Applicants to Purchase a Hunting License to Apply for the Draw.** The Commission will be asked to vote to approve a Notice of Final Rulemaking to be submitted to GRRC to amend Commission rules to require all big game permit applicants to purchase a hunting license to apply for the draw.
11. **Presenter: Carlos Ramirez, Rulewriter. Request to Approve a Notice of Final Rulemaking to Amend Commission Rules to Create a Set-Aside Percentage of Bighorn Hunt Permit-tags for Nonresidents.** The Commission will be asked to vote to approve a Notice of Final Rulemaking to be submitted to GRRC to amend Commission rules to create a set-aside percentage of bighorn sheep hunt permit-tags for nonresidents. Under the proposed rulemaking, the Department shall set aside an amount not greater than 15% of the total available bighorn sheep hunt permit-tags in any calendar year, rounded down to the nearest whole number, to be issued to nonresidents.
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.

13. 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.

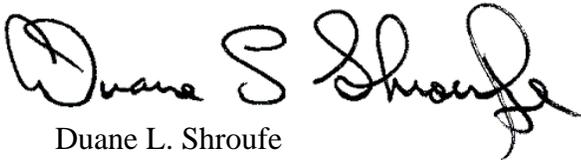
During the public meeting, the Commission may afford any person, his duly authorized representative, or both, the opportunity to present statements relating to agenda items, with or without the opportunity to present them orally.

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"



Duane L. Shroufe
Director

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