



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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GOVERNOR
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DEPUTY DIRECTOR
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CHIEF OF STAFF
 GARY HOVATTER



August 1, 2008

REVISION #1

A public meeting of the Arizona Game and Fish Commission will be held on August 8-9, 2008, 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 8, 2008, Arizona Game and Fish Commission at the Radisson Woodlands Hotel 1175 West Route 66, Flagstaff, Arizona 86001.

Meeting begins at 8:00 a.m.

1. 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 concerning *In re General Stream Adjudication for the Little Colorado River and Gila River; Wilderness Watch v. U.S. Fish and Wildlife Service CV-07-1185; Pruett v. Shroufe, 2:07-cv-01744-NVW; Turner notice of claim.*
- b. **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.

ADDITIONAL ITEM

- c. **Negotiations for the Purchase of a Public Access and Open Space Easement.** The Commission may vote to meet in Executive Session in accordance with A.R.S. § 38-431.03(A)(7) to discuss and consult with its representatives concerning negotiations for an option purchase agreement with Babbitt Ranches to acquire a public access and open space easement on Espee Ranch.

Pledge of Allegiance.

Awards and Commissioning of Officers.

- 2. **Litigation Report.** The Department’s legal counsel may report on the status of the litigation matters: *In re General Stream Adjudication for the Little Colorado River and Gila River;*

Wilderness Watch vs. U.S. Fish; Wildlife Service CV-07-1185; and Pruett vs. Shroufe, 2:07-cv-01744-NVW. The Commission may vote to take action on any case.

3. **Presenter: Larry Voyles, Director. Director's Goals and Objectives – 2008.** The Director will provide the Commission with an update on the progress of the approved goals and objectives for 2008. The Commission may vote to take action on, or provide the Department direction on items covered in the update.
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.

TIME CERTAIN 10:00AM

5. **Presenter: Anthony Guiles, Legislative Liaison. Proposed State Trust Land Ballot Initiative ('Conserving Arizona's Water and Land')** The Commission will be provided an informational presentation on the proposed State Trust Land Conservation Initiative. Proponents and opponents may testify to the merits of the initiative. The Commission may vote to take a position or provide direction to the Department regarding this initiative application.

TIME CERTAIN 11:00AM

6. **Presenter: Anthony Guiles, Legislative Liaison. Transportation and Infrastructure Moving Arizona's Economy ("TIME") Act.** The Commission will be provided an informational presentation, on the subject of Transportation and Infrastructure Moving Arizona's Economy ("TIME") Act. Proponents and opponents may testify on the merits of the initiative. The Commission may vote to take a position or provide direction to the Department regarding this ballot proposition.
7. **Presenter: Ty Gray, Assistant Director, Information and Education Division. Information and Education Activities Briefing.** The Commission will be given an update of Department activities and events related to Information and Education Programs. The update covers activities and events that have occurred since the June 2008 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
8. **Presenter: Ty Gray, Assistant Director, Information and Education Division. Discounts for SCTP Participants.** The Commission will be provided a briefing on the feasibility of providing discounts or grants at the Ben Avery Clay Target Center to SCTP Participants who qualify for National competitions to off-set target costs associated with practices for these competitions. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
9. **Presenter: Mark Weise, Development Branch Chief. Commission Briefing on Status of New Wildlife Center.** The Department will be providing the Commission with a current status of the Department's new wildlife center facility. This item is for Commission information only.

10. Presenter: Josh Avey, Habitat Branch Chief. An Update on Current Issues, Planning Efforts, and Proposed Projects on All Lands in Arizona and Other Matters Related Thereto. The Commission will be briefed on the latest developments relating to the implementation of land and resource management plans and projects on private, state and federal lands in Arizona and other matters related thereto. The update addresses decisions or activities since the June 2008 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.

MOVED TO CONSENT AGENDA (13d)

11. Presenter: Chantal S. O'Brien, Research Branch Chief. The Commission will be asked to vote to approve an Intergovernmental Agreement (IGA) with Pima County for a research study to determine culvert use by wildlife and a fence study to direct animals to the culverts. Request for the Commission to Approve an Intergovernmental Agreement (IGA) with Pima County for surveillance of existing culverts to determine species use relative to culvert parameters and an experimental study to determine fencing characteristics that will keep various guilds of species off roadways and direct them to culvert roadway crossings.

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 (Begins at 12:00 p.m.)

13. 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: Chantal O'Brien, Research Branch Chief. Memorandum of Understanding with Purdue University.** The Commission will be asked to vote to approve a new Memorandum of Understanding between the Department and Purdue University for collaborative research.
- b. **Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve the Utility Permit Agreement with Arizona Public Service for the Purpose of Continuing Service for Installation, Operation, and Maintenance of Electric Poles and Lines That Provide Electricity to Irrigation Well Sites #2 and #4 at the Powers Butte Wildlife Area, Maricopa County, Arizona.** The Commission will be asked to vote to approve the Utility Permit Agreement with Arizona Public Service for the purpose of continuing service to install, operate and maintain electric poles and lines that provide electricity to irrigation well sites #2 and #4 at Powers Butte Wildlife Area, Maricopa County, Arizona.

- c. **Presenter: Josh Avey, Habitat Branch Chief. Request for Commission Approval of a 10-year Permit Agreement renewal with the City of Flagstaff for a 3-Acre Playground and Bus Stop at the Commission-owned Bow and Arrow Park property located in Coconino County, Arizona.** The Commission will be asked to vote to approve a 10-year Permit Agreement renewal with the City of Flagstaff for a 3-acre playground and bus stop at Bow and Arrow Park located in Coconino County, Arizona.
- d. **Presenter: Chantal S. O'Brien, Research Branch Chief. The Commission will be asked to vote to approve an Intergovernmental Agreement (IGA) with Pima County for a research study to determine culvert use by wildlife and a fence study to direct animals to the culverts.** Request for the Commission to Approve an Intergovernmental Agreement (IGA) with Pima County for surveillance of existing culverts to determine species use relative to culvert parameters and an experimental study to determine fencing characteristics that will keep various guilds of species off roadways and direct them to culvert roadway crossings.

ADDITIONAL ITEM

- e. **Presenter: Chantal O'Brien, Research Branch Chief. Memorandum of Understanding with Arizona State Parks Board.** The Commission will be asked to vote to approve a new Memorandum of Understanding with the Arizona State Parks Board that will allow for a more mutually beneficial working relationship for the common purpose of developing and maintaining fish and wildlife resources.
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14. Presenter: Mike Senn, Assistant Director of Field Operations. Shelley Cutts, Assistant Attorney General. Update on the status and Department coordination on new air quality regulations as proposed or enacted by State, County and Municipal Governments pursuant to passage of Senate Bill 1552 and their impacts on vehicular access for hunters and anglers in Maricopa and Pinal Counties. The Commission will be presented with an update on the status and Department coordination on new air quality regulations as proposed or enacted by State, County and Municipal Governments pursuant to passage of Senate Bill 1552 and their impacts on vehicular access for hunters and anglers in Maricopa and Pinal Counties. The Commission may vote to provide the Department direction on this issue.

15. Presenter: Gene Elms, 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>
Hardin, James R.	Count A: Possession of unlawfully taken wildlife (mule deer).

Gamez, Lorne S.	Count A: Possession of unlawfully taken wildlife (mule deer).
McKenzie, Lynn N.	Count A: Allow use of tag by another.
Morrison, Jason A.	Count A: Take big game with unlawful method (mule deer). Count B: Possess unlawfully taken wildlife (mule deer).
Cole, Christopher L.	Count A: Take wildlife in a closed area (elk).
Skinner, Del D.	Count A: Take deer in excess of the bag limit (2 mule deer).
Cluff, Ryan S.	Count A: Attach tag to deer that was killed by another.
Burris, Daniel S.	Count B: Possess unlawfully taken wildlife (mule deer).
Humphries, William E. K.	Count A: Take bull elk with antlerless tag. Count C: Use tag of another.
Perez, Julian E.	Count A: Take javelina in closed season. Count B: Possess unlawfully taken javelina.
Gonzalez, Blas R.	Count A: Take deer without a tag.
Soderman, Norman C.	Count A: Obtain license/tag by fraud/misrepresentation.

16. Presenter: Gene F. Elms, Law Enforcement Branch Chief. Rehearing Request Regarding Previous License Revocation/Civil Assessment. Mr. Bradley J. Sears has requested that the Arizona Game and Fish Commission grant a rehearing regarding the action taken on January 18, 2008, revoking his licenses to hunt, fish, and trap for a period of ten (10) years, civilly assessing him \$1,500.00 and further requiring that he complete a Hunter Education course before obtaining any license in the State of Arizona. The Commission may vote to affirm, modify its decision, or grant a rehearing.

17. Presenter: Gene F. Elms, Law Enforcement Branch Chief. Rehearing Request Regarding Previous License Revocation/Civil Assessment. Mr. Jeffrey T. Fore has requested that the Arizona Game and Fish Commission grant a rehearing regarding the action taken on revoking his licenses to hunt, fish, and trap for a period of two (2) years, invoking a civil assessment of \$8,000.00, and further requiring that he complete a Hunter Education course before obtaining any license in the State of Arizona. The Commission may vote to affirm, modify its decision, or grant a rehearing.

18. Call to the Public. Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.

Saturday, August 9, 2008, Arizona Game and Fish Commission at the at the Radisson Woodlands Hotel 1175 West Route 66, Flagstaff, Arizona 86001.

Meeting begins at 8:00 a.m.

Pledge of Allegiance.

Awards and Commissioning of Officers.

- 1. Presenter: Jay Cook, Education Branch Chief, Information and Education Division. 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 2008 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 2. Presenter: Bob Miles, Information Branch Chief. Presentation on the Department's Recommendation to Implement an Additional Application Form for the Spring Hunt Draw Process.** The Commission will hear a presentation regarding the Department's recommendation to implement an additional application form for the spring hunt application process including associated public outreach and information. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 3. Presenter: Eric Gardner, Nongame Branch Chief. Nongame Subprogram Activities Briefing; December 10, 2007 through June 30, 2008.** The Commission will be briefed regarding activities under the Nongame Subprogram; December 10, 2007 through June 30, 2008. This item is for Commission information only.
- 4. Presenter: Eric Gardner, Nongame Branch Chief. Memorandum of Understanding between the United States Department of the Interior Fish and Wildlife Service Region 2 and the Arizona Game and Fish Commission on Roles and Responsibilities for Implementing the Endangered Species Act in Arizona.** The Commission will be asked to vote to authorize the Department to finalize negotiations, execute, and amend as necessary a new Memorandum of Understanding among the Department and United States Department of the Interior Fish and Wildlife Service Region 2 on Roles and Responsibilities for Implementing the Endangered Species Act in Arizona.
- 5. Presenter: Mike Rabe, Small Game Program Supervisor. Consideration of Proposed Commission Order 21-Waterfowl and Commission Order 22-Snipe for the 2008-2009 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.

6. **Presenter: Brian F. Wakeling, Big Game Management Supervisor. Consideration of Proposed Commission Orders 5, 6, 8, and 9, for Spring 2009 Hunting Seasons.** The Commission will consider and may vote to approve Commission Orders 5, 6, 8, and 9 (spring turkey, spring javelina, spring buffalo, and spring bear) establishing seasons and season dates, bag and possession limits, permit numbers, and open areas.
7. **Presenter: Bob Broscheid, Assistant Director, Wildlife Management. Formation of a Constituent Group to discuss Wildlife Management in Arizona's Designated Wilderness Areas.** The Commission will discuss the formation of a group to discuss Wildlife Management in Designated Wilderness Areas in an effort to reach consensus on issues.
8. **Presenter: Harry Seck, Assistant Director, Special Services. Hunt Permit-tag Application Schedule for Spring 2009 Hunts.** The Department will provide the Commission with a presentation related to the proposed hunt-permit tag application schedule for spring 2009 hunts. The Commission will be asked to vote to approve the application schedule.

REMOVED FROM THE AGENDA

- ~~9. **Presenter: Bob Posey, Kingman Regional Supervisor. Request to Restrict Public Access to the Upper Verde River Wildlife Area by Locking the Gate at the Main Access Point.** The Commission will be asked to vote and approve the Department's request to lock the main access gate at the Upper Verde River Wildlife Area (UVRWA). Vehicular access will be restricted to administrative and appropriate public use as approved by the Department.~~

10. **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.
11. **Director's and Chairman's Reports.** The Director and the Chairman will report on Department and Commission activities since the last meeting. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.
12. **Commissioners' Reports.** The Commissioners will report on their activities since the last meeting related to Game and Fish Commission duties and responsibilities. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.

13. Approval of Minutes and Signing of Minutes. The Commission will be asked to approve the minutes from June 27-28, 2008 and July 3, 2008, and if approved, the signing of the minutes from June 27-28, 2008 and July 3, 2008.

14. Future Agenda Items.

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The agenda may be revised and additional items may be added prior to the meeting as authorized by A.R.S. §38-431.02. In that event, an addendum to the agenda will be noticed and posted prior to the meeting at Department offices. Commission agenda items not noticed for a specific time may be taken out of order.

Background materials provided to Commission members concerning public agenda items are available for public inspection at the main office of the Arizona Game and Fish Department at 5000 W. Carefree Highway, Phoenix, at Department regional offices in Pinetop, Flagstaff, Kingman, Yuma, Tucson, Mesa and at the meetings.

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

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

One or more members of the Commission may appear and participate in the meeting telephonically or by other electronic means.

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, or this document in an alternative format, by contacting the AGFD Deputy Director, 5000 W. Carefree Highway, Phoenix, Arizona 85086, 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”



Larry D. Voyles
Director