



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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GOVERNOR
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DEPUTY DIRECTOR
VACANT
CHIEF OF STAFF
GARY HOVATTER



September 3, 2008

REVISION #2

A public meeting of the Arizona Game and Fish Commission will be held on September 5-6, 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, September 5, 2008, Arizona Game and Fish Commission at the Regional Office
2878 E. White Mountain Blvd., Pinetop, Arizona 85935.**

Meeting begins at 10:00 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; Honie notice of claim.*

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: Lizette Morgan, Acting Branch Chief, Funds Planning. Quarterly Budget Review.** The Commission will be updated on the current status of the FY09 Budget. This item is for information only, no action will be taken.
- 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.

ADDITIONAL ITEMS

- 4.a. **Presenter: Anthony Guiles, Legislative Liaison. Proposition 105-Majority Rules-Let the People Decide.** The Commission will be provided an informational presentation on Proposition 105, *Majority Rules-Let the People Decide*. The Commission may vote to take a position or provide direction to the Department regarding this initiative.
- 4.b. **Presenter: Josh Avey, Habitat Branch Chief. An Update on Current Status of Coordination between Arizona Department of Transportation (ADOT) and the Department to Address Funding Needs for Future Transportation Demands and Their Effects on Wildlife.** The Commission will be briefed on the latest coordination efforts between ADOT and the Department. The update will include progress toward addressing funding needs that will arise from the development of future transportation infrastructure in Arizona. The Commission may take action or provide the Department with further direction on information covered in this item.
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5. **Presenter: Jennifer Stewart, Rules and Risk Branch Chief. Request to Approve the Article 2 Five-Year Rule Review Report on Miscellaneous Licenses and Permits for Filing with the Governor's Regulatory Review Council.** The Commission will be asked to vote to approve the 2008 Five-Year Rule Review Report on Commission Rules in Article 2, dealing with miscellaneous licenses and permits, for filing with the Governor's Regulatory Review Council under A.R.S. § 41-1056.
6. **Presenter: Jennifer Stewart, Rules and Risk Branch Chief. Request to Approve a Notice of Docket Opening and Notice of Proposed Rulemaking to establish a new Article 10 and new rules, Addressing Off-Highway Vehicles, in response to legislative amendments contained in Senate Bill 1167.** The Commission will be asked to vote to approve a Notice of Docket Opening and Notice of Proposed Rulemaking to establish a new Article 10 and new rules, addressing Off-Highway Vehicles, in response to legislative amendments contained in Senate Bill 1167. The notice will be submitted to the Secretary of State's Office for publication in the *Arizona Administrative Register*.

REMOVED FROM AGENDA

- ~~7. **Presenter: Jennifer Stewart, Rules and Risk Branch Chief. Request for Commission Guidance Regarding Ongoing Article 3 Rule Making Team Item: Removal of Animal Remains from Hunting Areas**~~

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.

Lunch Break (Begins at 12:00 p.m.)

REMOVED FROM THE AGENDA

- ~~9. **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.~~

10. 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: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve an Amendment to the Intergovernmental Agreement with the City of Tucson for the Purpose of Continued Development of a Habitat Conservation Plan.** The Commission will be asked to vote to approve an amendment to the existing Intergovernmental Agreement with the City of Tucson for the purpose of continued Development of a Habitat Conservation Plan.
- b. **Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve an Amendment to the Intergovernmental Agreement with the Pima County Regional Flood Control District for the Purpose of Developing a Biological Monitoring Plan, as a Component of the Multi-Species Conservation Plan** The Commission will be asked to vote to approve an amendment to the existing Intergovernmental Agreement with the Pima County Regional Flood Control District for the purpose of developing a Biological Monitoring Plan, as a component of the Multi-Species Conservation Plan..
- c. **Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve a Special Use Permit with the U.S. Department of Agriculture, Coconino National Forest, for Maintenance of Two Rainwater Catchments Located along State Route 179 near Sedona, Arizona, to Provide a Year-round Water Source for Wildlife.** The Commission will be asked to vote to approve a Special Use Permit with the U.S. Department of Agriculture, Coconino National Forest, for maintenance of two rainwater catchments located along State Route 179 near Sedona, to provide a year-round water source for wildlife.

REMOVED FROM AGENDA

- d. **Presenter: Josh Avey, Chief, Habitat Branch. Request for Commission's Approval for the Department to apply for a USFWS Section 6 grant.** The Commission will be asked to vote to approve the application for a USFWS Section 6 Grant that will be used to acquire the Triangle Bar Ranch property located in Pinal County, Arizona.
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- e. **Presenter: Leonard Ordway, Region V Supervisor. Intergovernmental Agreement between the Arizona Game and Fish Commission and the City of Coolidge Regarding Hunting within City Limits.** The Commission will be asked to vote to approve an Intergovernmental Agreement with the City of Coolidge to allow the discharge of firearms by licensed hunters pursuing wildlife during an open season to the extent and in areas where such activities are deemed safe and practical within the City of Coolidge. This agreement will allow for

identified hunting areas to be modified in order to include future annexations, and will allow for the closure of areas no longer deemed appropriate for hunting

- f. **Presenter: Chantal O'Brien, Research Branch Chief. Memorandum of Understanding with the Gila River Indian Community.** The Commission will be asked to vote to approve a new Memorandum of Understanding with the Gila River Indian Community (Community) that will allow a more harmonious working relationship for the common purpose of developing and maintaining the Community's fish and wildlife resources in the best interest of the Community and the people of Arizona.

ADDITIONAL ITEMS

- g. **Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve an Intergovernmental Agreement with the City of Tucson for the Purpose of Continued Development of a Habitat Conservation Plan.** The Commission will be asked to vote to approve an Intergovernmental Agreement with the City of Tucson for the purpose of continued Development of a Habitat Conservation Plan.
- h. **Presenter: Pat Barber, Yuma Regional Supervisor. Request for Commission approval of a Memorandum of Understanding between the Department and the Bureau of Reclamation for the Lower Colorado River Multi-Species Conservation Program.** The Commission will be asked to vote to approve a Memorandum of Understanding between the Department and the Bureau of Reclamation outlining the use and management of Commission-owned and managed lands for Lower Colorado River Multi-Species Conservation Program purposes.

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11. **Presenter: Marty Fabritz, Executive Staff Assistant. 2008 Annual Commission Awards Selection.** The Department will provide an overview of the 2008 Commission award nominees and will ask the Commission to vote to select the 2008 Commission award recipients. The Commission may vote to select award recipients 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.

ADDITIONAL ITEM

13. **Presenter: Ty Gray, Assistant Director, Information and Education Division. Option for Relocating the Adobe Mountain Wildlife Rehabilitation Center.** The Commission will be provided a briefing on an additional option to consider for relocating the Adobe Mountain Wildlife Rehabilitation Center, namely, relocating the Center to the Commission-leased Deer Valley South property. The Commission may vote to take action on, or provide the Department direction on this item.
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**Saturday, September 6, 2008, Arizona Game and Fish Commission at the Regional Office
2878 E. White Mountain Blvd., Pinetop, Arizona 85935.**

Meeting begins at 8:00 a.m.

Pledge of Allegiance.

Awards and Commissioning of Officers.

- 1. 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 August 2008 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 2. 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 August 2008 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 3. Presenter: Harry Seck, Assistant Director, Special Services Division. Request by Mr. Pete Tartaglia, Jr. for a hearing requesting a 2008 deer permit in hunt 1015.** Mr. Pete Tartaglia, Jr. is requesting a hearing before the Arizona Game and Fish Commission to be given a deer permit in hunt 1015 (unit 12A). Mr. Tartagila purchased a 2008 super conservation license in December 2007 in order to archery hunt in unit 12A west. Subsequent to this purchase unit 12A west was ordered to be a permitted archery hunt. Because of this Mr. Tratanglia has request a permit in hunt 1015 which was his first choice on his 2008 deer application for which he was unsuccessful.
- 4. 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 August 2008 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.

DESCRIPTION CHANGE

- 5. Presenter: Josh Avey, Habitat Branch Chief. Request for Commission to Authorize the Department to Execute a Land Exchange of the 3-acre Commission-owned Bow and Arrow Park Property with the City of Flagstaff in Exchange for a 20-year Water Commitment or a longer term as deemed appropriate by the Commission.** The Commission will be asked to vote to authorize the Department to sell the Commission-owned 3-acre Bow and Arrow Park property located in Coconino County, Arizona to the City of Flagstaff, in exchange for a 20-year

water commitment or a longer term as deemed appropriate by the Commission and authorize the Department to execute all documents associated with the disposal.

- 6. Presenter: Josh Avey, Chief, Habitat Branch. Request for Commission Approval for the Department to Acquire the Yarbrough Property from The Nature Conservancy in Cochise County, Arizona.** The Commission will be asked to vote to approve acquisition of the Yarbrough property in Cochise County and to prepare and execute a Purchase Agreement with The Nature Conservancy.
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MOVED TO CONSENT F-10h

- 7. Presenter: Pat Barber, Yuma Regional Supervisor. Request for Commission approval of a Memorandum of Understanding between the Department and the Bureau of Reclamation for the Lower Colorado River Multi-Species Conservation Program.** The Commission will be asked to vote to approve a Memorandum of Understanding between the Department and the Bureau of Reclamation outlining the use and management of Commission-owned and managed lands for Lower Colorado River Multi-Species Conservation Program purposes.
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- 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. 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.

- 10. 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.

- 11. Approval of Minutes and Signing of Minutes.** The Commission will be asked to approve the Commission meeting minutes from the August 8-9, 2008 meeting, and if approved, the signing of the minutes from the August 8-9, 2008 Commission meeting.

12. 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.

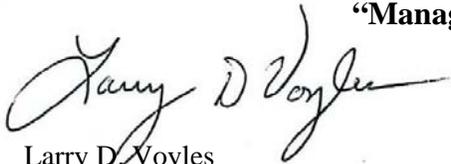
The Commission may go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03 (A) (3) & (4).

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