



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

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**GOVERNOR**  
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**October 7, 2009**

**Revision #1**

A public meeting of the Arizona Game and Fish Commission will be held on October 9, 2009, 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, October 9, 2009, Arizona Game and Fish Commission at the Arizona Game and Fish Department 5000 W. Carefree Highway, Phoenix, Arizona 85086.**

**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; Honie v. Knight Transportation, Inc., et al., CV2009-050859; Hoepfner notice of claim; Anderson v. Arizona Game and Fish Department, et. al C20089051. Center for Biological Diversity v. U.S. Bureau of Land Management, et al., CV 09-8011-PCT-GMS; Corbett v. State of Arizona, et al., CV 2009-016279; Sayer Notice of Claim; Center for Biological Diversity 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 session or defer a decision to a later date.

**Pledge of Allegiance.**

**Awards and Recognition.**

- 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 v. U.S. Fish and Wildlife Service CV-07-1185; Honie v. Knight Transportation, Inc., et al., CV2009-050859; Hoepfner notice of claim; Anderson v. Arizona Game and Fish Department, et. al C20089051. Center for Biological Diversity*

*v. U.S. Bureau of Land Management, et al., CV 09-8011-PCT-GMS; Corbett v. State of Arizona, et al., CV 2009-016279; Sayer Notice of Claim; Center for Biological Diversity Notice of Claim.*

3. **Presenter: Anthony Guiles, Legislative Liaison. Legislative Engagement and 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.
4. **Presenter: Ty Gray, Assistant Director, Information and Education Division Information, Education and Watchable Wildlife Activities Briefing.** The Commission will be given an update of Department activities and events related to Information, Education and Watchable Wildlife Programs. The update covers activities and events that have occurred since the September 2009 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
5. **Presenter: Josh Avey, Habitat Branch Chief. Lands and Habitat Program Update.** 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 September 2009 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
6. **Presenter: Lawrence M. Riley, Division Coordinator, Wildlife Management Division. Aquatic Invasive Species Legislation Implementation (HB2157).** The Commission will be briefed on how the recently passed Aquatic Invasive Species Legislation (HB2157) is being implemented within the Department. This presentation is for information only, no action will be taken by the Commission.
7. **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 the revision of the Master Memorandum of Understanding (MOU) between the United States Forest Service (FS) Arizona State Office, and the State of Arizona, Arizona Game and Fish Commission (Commission).** The Commission will be asked to vote to approve the Master Memorandum of Understanding between the FS Arizona State Office and the Commission. When signed, this Master MOU will replace the existing statewide Master Memorandum of Understanding between FS and the Commission. The Commission may vote to take action on, or provide the Department direction on this item.

- b. **Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve an Agreement with the Sierra Vista Rod and Gun Club, Inc. for the Continued Development, Operation, and Management of a Public Shooting Range and Related Recreation Facilities for the Sierra Vista Shooting Range, Cochise County, Arizona.** The Commission will be asked to vote to approve an Agreement with the Sierra Vista Rod and Gun Club, Inc. for the continued development, operation, and management of a public shooting range and related recreation facilities for the Sierra Vista Shooting Range, Cochise County, Arizona. The Commission may vote to take action on, or provide the Department direction on this item.
8. **Presenter: Jay Cook, Education Branch Chief, Information and Education Division. Shooting Sports Activities Briefing.** The Commission will be given an update of Department activities related to shooting sports including shooting programs and shooting range development statewide. The update covers activities that have occurred since the September 2009 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
9. **Presenter: Jay Cook, Education Branch Chief, Information and Education Division. Ben Avery Clay Target Center Corporate Fee Schedule.** The Commission will be provided a recommendation for a new fee schedule for Corporate Events at the Ben Avery Clay Target Center. The Commission may vote to take action on, or provide the Department direction on this item.
10. **Presenter: Jennifer Stewart, Rules and Risk Branch Chief. Rulemaking and Review Report Processes Presentation.** The Department will present an informational slide show regarding rulemaking and rule review report processes. This presentation is for information only, no action will be taken by the Commission.

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**Additional Item**

- 10.A **Presenter: Jennifer Stewart, Rules and Risk Branch Chief. Request to approve Department recommendations for submission to the Governor's Office to continue rulemaking for rules meeting the criteria outlined in House Bill 2008, Section 28(B).** House Bill 2008 requires the Department to submit a request to the Governor's Office in order to continue rulemaking for any items allowed under the new legislation. The Commission will be asked to vote to approve the Department's recommendations for submission to the Governor's Office requesting permission to proceed with rulemaking for rules that meet the criteria outlined in the bill. The Commission may vote to take action on and provide the Department direction on this item.
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11. **Presenter: Jennifer Stewart, Rules and Risk Branch Chief. Request for Commission approval of the Article 9 Five-year Review Report, regarding Arizona Wildlife Conservation Fund Grants, for submission to the Governor's Regulatory Review Council.** The Department is requesting the Commission vote to approve the Five-year Review Report for Article 9, regarding Arizona Wildlife Conservation Fund Grants, for submission to the Governor's Regulatory Review Council. The Commission may vote to take action on, or provide the Department 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 (Begins at 12:00 p.m.)**

**13. 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.

<b>Name</b>	<b>Docket #</b>	<b>Conviction</b>
Presmyk, Kevin D.	2009-0073	Count A: Assist unlawful take of Big Game for monetary gain (1) Mountain Lion
Limppo, Michael G.	2009-0092	Count A: Take Deer by unlawful method
DeWees, Michael W.	2009-0093	Count A: Exceed Bag Limit (1) Bighorn Sheep Civil Assessment Only
Smith, Jayme	2009-0094	Count A: Take Mountain Lion without tag
Ullery, Larry M.	2009-0095	Count A: Unlawful angling (5 poles)
Cook, Jacey	2009-0097	Count A: Knowingly take Big Game (White Tail Deer) during Closed Season Count B: Take White Tail Deer without valid license Count C: Take White Tail Deer without valid permit/tag
Johnson, Kyle	2009-0098	Count A: Possession of unlawfully taken Mule Deer
White, Jered W.	2009-0099	Count A: Knowingly take one (1) Mule Deer during closed season

**14. Presenter: Gene Elms, Law Enforcement Branch Chief. Rehearing Request Regarding Previous License Revocation/Civil Assessment.** Jorge Valenzuela has requested that the Arizona Game and Fish Commission grant a rehearing regarding the revocation of his license privileges for five (5) years, invoking an \$8,000.00 civil assessment, and completion of a Hunter Education course before obtaining any license(s) to take wildlife in the State of Arizona. The Commission may vote to affirm or modify its decision, or grant a rehearing.

**15. Presenter: Gene Elms, Law Enforcement Branch Chief. Rehearing Request Regarding Previous License Revocation/Civil Assessment.** Edmundo H. Valenzuela, Sr., has requested that the Arizona Game and Fish Commission grant a rehearing regarding the revocation of his license privileges for five (5) years, invoking an \$8,000.00

civil assessment, and completion of a Hunter Education course before obtaining any license(s) to take wildlife in the State of Arizona. The Commission may vote to affirm or modify its decision, or grant a rehearing.

- 16. Presenter: Gene Elms, Law Enforcement Branch Chief. Petition from Mr. Phil Carr of Tucson, Arizona, for revision of Arizona Commission Rule R12-4-303(A)(3) Unlawful Devices, Methods, and Ammunition.** Petition from Mr. Phil Carr of Tucson, Arizona, requesting that the Commission consider and vote to revise rule R12-4-303(A)(3), Unlawful Devices, Methods, and Ammunition, to include 8 gauge shotguns as lawful devices. The Commission may vote to approve or deny Mr. Carr's Petition.
- 17. Presenter: Kirk Young, Fisheries Branch Chief. Request to Amend Commission Order 40: Fish, Closure of Frye and Grapevine Creeks.** The Commission will be asked to vote to temporarily close Frye and Grapevine creeks to allow introduced Gila trout to establish populations. The Commission may vote to take action on, or provide the Department direction on this item.
- 18. Presenter: Gary R. Hovatter, Deputy Director, F.O.D./I.E.D. Preparation for the 2010 Resumption of on-the Road Commission Meetings.** The Department will provide the Commission with a full analysis of preparations for on the road Commission meetings that are scheduled for 2010. The Commission may vote to change its meeting locations for 2010 or provide the Department direction on this item.
- 19. 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.
- 20. 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.
- 21. 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.
- 22. Approval of Minutes and Signing of Minutes.** The Commission will be asked to approve the Commission meeting minutes from the June 26-27, 2009, and if approved, the signing of the minutes from the June 26-27, 2009.
- 23. Future Agenda Items and Action Items.**

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*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.*

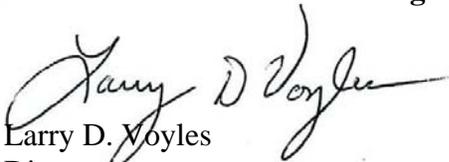
*The Commission may go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03 (A) (3) & (4).*

*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. Woyles  
Director