



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

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**Governor**

Janet Napolitano

**Commissioners**

Chairman, Susan E. Chilton, Arivaca

W. Hays Gilstrap, Phoenix

Joe Melton, Yuma

Michael M. Golightly, Flagstaff

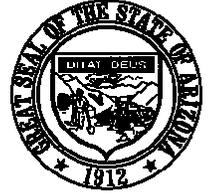
Joe Carter, Safford

**Director**

Duane L. Shroufe

**Deputy Director**

Steve K. Ferrell



March 26, 2004

A public meeting of the Arizona Game and Fish Commission will be held on April 16-17, 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, April 16, 2004, Arizona Game and Fish Commission at the Fraternal Order of Police Lodge #2, 12851 N. 19<sup>th</sup> Avenue, Phoenix, Arizona 85029.**

**Meeting begins at 7:30 a.m.**

**1. Executive Session**

- a. 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 sale or lease of real property and associated water rights pursuant to A.R.S. § 38-431.03 (A)(7).
- b. 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 *State of Arizona v. Norton, CIV02-0402 PHX-FJM; Montoya v. Manning*, 301 F.3d 985 (9<sup>th</sup> Cir. 2002); *In Re General Stream Adjudication for the Little Colorado River and Gila River; Mark Boge v. Arizona Game & Fish Commission & Shroufe, CIV2000-020754; Mary R. LLC, et. al. v. The Arizona Game & Fish Commission, CIV2001-015313; 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; In the Matter of Search Warrant No. CR 2002-2395SW; Phelps Dodge Corp. v. Arizona Dept. of Water Resources, LC2003-000243-001DT; and Arizona Biological Society, et. al. v. BLM, IBLA appeal no. 2002-412.*

**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: *State of Arizona v. Norton, CIV02-0402 PHX-FJM*; *Montoya v. Manning*, 301 F.3d 985 (9<sup>th</sup> Cir. 2002); *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game & Fish Commission & Shroufe, CIV2000-020754*; *Mary R. LLC, et. al. v. The Arizona Game & Fish Commission, CIV2001-015313*; *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*; *In the Matter of Search Warrant No. CR 2002-2395SW*; *Phelps Dodge Corp. v. Arizona Dept. of Water Resources, LC2003-000243-001DT*; *Arizona Biological 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, Acting 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 March 13, 2004, Commission meeting. 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.
5. **Presenter: Don Winslow, Acting Education Branch Chief. Statewide Shooting Range Project Update.** The Commission will be provided a presentation on the status of various statewide shooting range issues and projects. The update addresses decisions or activities since the March 13, 2004, Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
6. **Presenter: Jay Adkins, Assistant Attorney General. Bellemont Shooting Range at Time Certain 10 a.m.** Greenfield Land Development Inc., which owns lands adjacent to the proposed Range near Flagstaff, Arizona, will present a proposal to the Commission to take action to reduce the possibility of creating a nuisance by operating the Range so as to avoid the filing of a lawsuit against the Commission for an injunction and possible damages. The Commission may be asked to vote on the proposal. The Commission may vote to go into Executive Session for the purpose of obtaining legal advice form its attorneys on this matter pursuant to A.R.S. § 38-431.03(A)(3) & (4).
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: Ron Sieg, Region II Supervisor. Request for approval of a Road Right-of-Way Agreement with the Hopi Tribe for the Raymond and Chevelon Wildlife Areas.** The Department requested that the Hopi Tribe grant Rights-of-way Agreements for access across Hopi Lands to the Raymond and Chevelon Wildlife Areas. The Hopi Tribal Council has approved these Rights-of-way and we are requesting that the Commission also approve them.
- b. **Presenter: Bob Broscheid, Habitat Branch Chief. Request for Commission Approval of a Memorandum of Understanding Between the Bureau of Land Management and the Arizona Game and Fish Commission Regarding Cooperating Agency Status During the Development of Resource Management Plans for Three National Monuments and Five Planning Areas.** The Commission will be asked to vote to approve a Memorandum of Understanding between the Bureau of Land Management and the Arizona Game and Fish Commission regarding Cooperating Agency Status during the development of Resource Management Plans for Three National Monuments and Five Planning Areas.
- c. **Presenter: Bob Broscheid, Habitat Branch Chief. Request for the Commission to Approve a Revised Memorandum of Agreement (MOA) between the U.S. Army Corps of Engineers and the Commission to Provide Guidance and Oversight to the Department Regarding Acceptance, Expenditure and Administration of In-Lieu Fees for Future Off-Site Mitigation Projects in Arizona.** The Commission will be asked to vote to approve a revised MOA between the U.S. Army Corps of Engineers and the Commission that would allow the Department to accept and expend in-lieu fees for future off-site mitigation projects.
- d. **Presenter: Bob Broscheid, Habitat Branch Chief. Request for Commission Approval of a Memorandum of Understanding Between the Bureau of Land Management, National Park Service, and the Arizona Game and Fish Commission Regarding Cooperating Agency Status During the Development of Management Plans for the Grand Canyon-Parashant and Vermilion Cliffs National Monuments and the Arizona Strip Resource Planning Area.** The Commission will be asked to vote to approve a Memorandum of Understanding between the Bureau of Land Management, National Park Service, and the Commission regarding Cooperating Agency status during the development of Management Plans for the Grand Canyon-Parashant and Vermilion Cliffs National Monuments and the Arizona Strip Resource Planning Area.
- e. **Presenter: Jim deVos, Research Branch Chief. Request for Commission Approval to Enter into an Agreement with the Arizona State University, East Campus, to Facilitate Cooperative Research and Management Actions.** The Commission will be asked to vote to authorize the Department to enter into an agreement with Arizona State University, East Campus that will facilitate cooperative research and management projects to be implemented. Specific projects will require a scope of work.

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. **Presenter: Mark Weise, Development Branch Chief. Landowner Relations Program (LRP) Presentation to the Commission.** The Commission will be provided with an informational presentation related to new programmatic elements within the LRP. A brief summary of recent accomplishments will be presented along with goals for the next fiscal year. The Commission may vote to provide the Department with direction on this item.
10. **Presenter: Bill E. Van Pelt, Nongame Mammals Program Manager. Science and the Administrative Process for Requesting Federal Delisting of the Hualapai Mexican Vole.** The Department will provide a briefing on the process implemented to request the delisting of the endangered Hualapai Mexican vole. The Commission may vote to give the Department direction on this item.
11. **Presenter: Roy C. Averill Murray, Amphibians and Reptiles Program Manager. Status of the Desert Tortoise in Arizona.** The Department will provide a briefing on the biological and legal status of the Mohave and Sonoran desert populations of the tortoise in Arizona, and the statewide conservation effort that has thus far precluded the need for Federal listing of the Sonoran Desert population. The Commission may vote to give the Department direction on this item.
12. **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 following individuals.

<u>Name</u>	<u>Conviction</u>
Ginez, Rigoberto M.	<b>Citation #219684</b> Count A: Possession of unlawfully taken big game (deer). Count B: Hunt big game with the aid of a vehicle (deer). Count C: Hunt big game with the aid of artificial light (deer).
Padilla, Manerin E.	Count A: Improperly tag big game (deer). Count B: Possession of unlawfully taken big game (deer). Count C: Hunt big game with the aid of a vehicle (deer). Count D: Hunt big game with the aid of artificial light (deer).

Padilla, Robert A.

**Citation #219680**

Count A: Possession of unlawfully taken big game (deer).

**Citation #219685**

Count A: Hunt big game with the aid of a vehicle (deer).

Count B: Hunt big game with the aid of artificial light (deer).

Padilla, Juan C.

Count A: Possession of unlawfully taken big game (deer).

Count B: Hunt big game with the aid of a vehicle (deer).

Count C: Hunt big game with the aid of artificial light (deer).

Leon, Hector D. A.

Count A: Hunt big game with the aid of artificial light (deer).

Count B: Hunt big game with the aid of a vehicle (deer).

Count C: Possession of unlawfully taken big game (deer).

Cabrera, Juan O.

Count A: Possession of unlawfully taken big game (deer).

Count B: Hunt big game with the aid of a vehicle (deer).

Count C: Hunt big game with the aid of artificial light (deer).

Coleman, III, Harold

Count A: Take wildlife during closed season (3 Ridge nosed rattlesnakes).

Count B: Possession of unlawfully taken wildlife (1 Gila Monster).

Count C: Possess restricted wildlife (3 Ridge nosed rattlesnakes)

Count D: Possess restricted wildlife (2 Banded Rock rattlesnakes).

Count E: Possess restricted wildlife (1 Caiman).

Misch, Theodore W.

Count A: Take wildlife during closed season (mule deer doe).

Count B: Allow edible portions of wildlife to waste (mule deer doe).

Smart, Joshua D.

Count B: Take wildlife by unlawful method (dogs).

Childers, Charles E

Count B: Take wildlife by unlawful method (dogs).

Owen, Dennis A.

Count A: Shoot from a motor vehicle.

Count B: Take wildlife without a valid license (turkey).

- 13. 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.
- 14. 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.
- 15. 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.
- 16. Approval of Minutes** for March 13, 2004, and a Telephone Conference Call on March 16, 2004, and **Signing of Minutes** for February 13, 2004.

**Saturday, April 17, 2004, Arizona Game and Fish Commission at the Fraternal Order of Police Lodge #2, 12851 N. 19<sup>th</sup> Avenue, Phoenix, Arizona 85029.**

**Meeting begins at 8:00 a.m.**

**Awards and Commissioning of Officers.**

- 1. Presenter: Richard Rico, Assistant Director, Special Services. Hunt Permit-Tag Application Schedule for Fall 2004 and Spring 2005 Hunts.** The Department will provide the Commission with a presentation related to the proposed hunt-permit tag application schedule for the fall 2004 and spring 2005 hunts. The Commission will be asked to vote to approve the application schedule.
- 2. Presenter: Vashti C. Supplee, Game Branch Chief. Consideration of Proposed Commission Orders 2-5, 7-10, and 26 for 2004-2005 Hunting Season.** The Commission will consider and may vote to approve Commission Orders 2-5 (deer, pronghorn antelope, elk, and turkey), 7-10 (bighorn sheep, buffalo, bear, and lion), and 26 (population management) establishing seasons and season dates, bag and possession limits, permit numbers, and open areas. A permit-tag application schedule for these hunts will also be presented. A detailed description of all proposals is available for public review at all Department offices. Spring turkey, spring bear, spring buffalo, and javelina Commission orders will be presented at the August Commission meeting.

3. **Presenter: Vashti C. Supplee, Game Branch Chief. Consideration of Proposed Commission Orders 11-18 for 2004-2005 Hunting Season.** The Commission will consider and may vote to approve Commission Orders 11-18 (tree squirrel, cottontail rabbit, predatory and furbearing mammals, other mammals and birds, pheasant, quail, chukar partridge, and blue grouse) establishing seasons and season dates, bag and possession limits, and open areas.
4. **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.
5. **Presenter: Vashti C. Supplee, Game Branch Chief. Consideration of Proposed Commission Order 23: Trapping for the 2004-2005 Season.** The Commission will consider and may vote to approve Commission Order 23: Trapping, establishing season dates, legal species, open-closed areas, bag and possession limits.
6. **Presenter: Terry B. Johnson, Nongame Branch Chief. Request to Amend Commission Order 25: Raptors.** The commission will be asked to vote to amend Commission Order 25: Raptors, establishing open areas, season dates, and bag and possession limits for 2004, to allow for the reissuing of permits to take nestling peregrine falcons as proposed by the Department.
7. **Presenter: Brian F. Wakeling, Big Game Supervisor. Options for Elk Management in Areas Where Management Objectives are to Keep Elk Numbers at the Lowest Possible Level.** The Commission will be briefed on options to make elk tags more available in areas where management objectives are to keep elk numbers at the lowest possible level, such as on the North Kaibab in Unit 12A. The Commission may vote to take action or provide the Department with direction on this item.
8. **Presenter: Mark E. Naugle, Rules and Risk Manager. Request to Close the Rulemaking Record and Adopt the Notice of Exempt Rulemaking to Amend R12-4-802, Wildlife Area Restrictions, as Part of the Annual Hunt Recommendation Process.** The Commission will be asked to vote to close the rulemaking record and adopt the Notice of Exempt Rulemaking to amend R12-4-802, Wildlife Area Restrictions, as part of the annual hunt recommendation process. The amendment will restrict target or clay pigeon shooting to designated areas in the Arlington Wildlife Area (located in Unit 39).
9. **Presenter: Mark E. Naugle, Rules and Risk Manager. Request to Close the Rulemaking Record and to Approve the Notice of Final Rulemaking and the Economic, Small Business, and Consumer Impact Statement for Proposed Amendments to R12-4-102, Fees for Licenses, Tags, Stamps, and Permits.** The Commission will be asked to vote to close the rulemaking record and to approve the Notice of Final Rulemaking and the economic, small business, and consumer impact statement for amendments to increase and/or decrease fees in R12-4-102, Fees for Licenses, Tags, Stamps, and Permits, as proposed in the Notice of Proposed Rulemaking.

**10. Presenter: Mark E. Naugle, Rules and Risk Manager. Request to Approve a Notice of Rulemaking Docket Opening for Article 1. Definitions and General Provisions.** The Commission will be asked to vote to approve a Notice of Rulemaking Docket Opening for the amendment of the Article 1. Definitions and General Provisions identified in the Five-Year Rules Review report approved by the Commission at the October 22, 2003, Commission meeting.

**11. 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.

**12. 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.

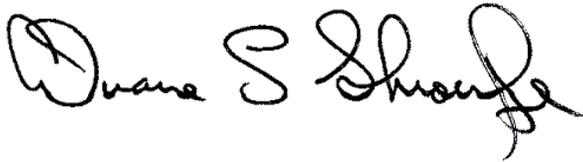
During the public meeting, the Commission may afford any person, his duly authorized representative, or both, the opportunity to present statements relating to agenda items, with or without the opportunity to present them orally.

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"*

A handwritten signature in black ink that reads "Duane L. Shroufe". The signature is written in a cursive, flowing style.

Duane L. Shroufe  
Director

DLS:dy