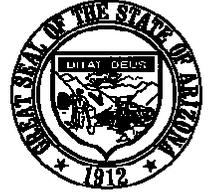




THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT
2221 West Greenway Road, Phoenix, AZ 85023-4399
(602) 942-3000 • www.azgfd.com

Governor
Janet Napolitano
Commissioners
Chairman, Joe Carter, Safford
Susan E. Chilton, Arivaca
W. Hays Gilstrap, Phoenix
Joe Melton, Yuma
Michael M. Golightly, Flagstaff
Director
Duane L. Shroufe
Deputy Director
Steve K. Ferrell



September 26, 2003

A public meeting of the Arizona Game and Fish Commission will be held on October 17-18, 2003, 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 17, 2003, Arizona Game and Fish Commission at the Fraternal Order of Police Lodge #2, 12851 N. 19th Avenue, Phoenix, Arizona 85029.

Meeting begins at 7:30 a.m.

1. Executive Session

- a. 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 (9th 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; and in the matter of Search Warrant No. CR 2002-2395SW; The Fund for Animals et. al. v. Norton et. al., USDC D.C. 1:30-CV-00892 (RJL); and Phelps Dodge Corp. v. Arizona Dept. of Water Resoruces, LC2003-000243-001DT.*

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

- 2. John Kennedy, 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 thereto. The update addresses decisions or activities since the September 5, 2003, Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.

3. **Presenter: John Kennedy, 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 Lord's 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 Lord's Ranch Property.
4. **Presenter: John Kennedy, Habitat Branch Chief. Request for the Commission to Approve the Proposed Revised Policy Statement on Heritage Fund Acquisitions - Second Read.** The Commission will be asked to vote to approve the Proposed Revised Policy Statement on Heritage Fund Acquisitions.
5. **Presenter: John Kennedy, Habitat Branch Chief. Request for the Commission to Approve an Agreement for Right-of-Way Between the City of Phoenix and the Commission for the Installation, Operation, and Maintenance of Underground Water, Sewer, and Fiber Optic Lines Through the Commission's Ben Avery Property.** The Commission will be asked to vote to approve an Agreement for Right-of-Way between the City of Phoenix and the Commission for the installation, operation, and maintenance of underground water, sewer, and fiber optic lines through the Commission's Ben Avery Property.
6. **Presenter: Kerry Baldwin, Education Branch Chief, Information and Education Division. 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 September 5, 2003, Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
7. **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 (9th 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; and in the matter of *Search Warrant No. CR 2002-2395SW*; *The Fund for Animals et. al. v. Norton et. al.*, USDC D.C. 1:30-CV-00892 (RJL); and *Phelps Dodge Corp. v. Arizona Dept. of Water Resoruces*, LC2003-000243-001DT. A written report will also be available. The Commission may vote to take action on any case.
8. **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.

9. **Presenter: Ron Sieg, Regional Supervisor, Region II. Consideration of the North Kaibab Game Cooperative Fund Budget for Fiscal Year 2004 and presentation of the five-year work plan as required by the Sikes Act Agreement.** The Commission will be asked to vote to approve the North Kaibab Game Cooperative Fund Budget for FY 2004 and the five-year work plan for spending funds generated by the Sikes Act Cooperative Agreement with the U.S. Forest Service, Kaibab National Forest.
10. **Presenter: Jim deVos, Research Branch Chief. Request for the Commission to Authorize the Department to Initiate a Sportfish Restoration Project to Evaluate the Potential for and the Impacts from a Striped Bass Fishery at Lake Pleasant.** The Commission will be asked to vote to authorize the Department to initiate a Sportfish Restoration Project designed to evaluate the potential for and the impacts from establishing a striped bass fishery at Lake Pleasant.
11. **Presenter: Leonard Ordway, Law Enforcement Branch Chief. Request for the Commission to Review the Recent OHV Program Report Done by the Department and Give Direction for the Department to Continue Operating under Existing OHV Program Strategic Emphasis until Wildlife 2012 is Developed and Approved.** The Commission will be asked to vote, based on their review of the Department's OHV Program Report, to give direction for the Department to continue operating under existing OHV Program strategic emphasis until Wildlife 2012 is developed and approved.
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. **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.
14. **Presenter: Mark E. Naugle, Rules & Risk Manager. Request to Approve the Five-Year Rule Review Report for Article 1, Definitions and General Provisions, including but not limited to R12-4-102, Fees for Licenses, Tags, Stamps, and Permits.** The Commission will be asked to vote to approve the Five-Year Rule Review Report for Article 1, Definitions and General Provisions rules for filing with the Governor's Regulatory Review Council under A.R.S. § 41-1056. As a part of this agenda item, the Commission may also discuss amendments to R12-4-102. Fees for Licenses, Tags, Stamps, and Permits, including fee increases for licenses, tags, stamps, and permits. The Commission may vote to give the Department direction on initiating rulemaking to amend Article 1 rules, including but not limited to R12-4-102.

- 15. Presenter: Fred J. Bloom, Development Branch Chief. Memorandum of Understanding (MOU) Between the City of Bullhead City and the Arizona Game and Fish Department (Department).** The Commission will be asked to vote to approve an MOU between the City of Bullhead City and the Department to facilitate their participation in the Boating Access Program.
- 16. Presenter: Fred J. Bloom, Development Branch Chief. Review of Items Related to the Master Plan for the Department Headquarters.** The Department will be providing the Commission with a review of items presented at the September 2003 Commission meeting related to the Master Plan for the Department Headquarters. The Commission may vote to provide the Department with further direction on this item.
- 17. Presenter: Richard Rico, Assistant Director, Special Services. Request From Mr. Richard Sprague for a Hearing Associated with the Reinstatement of Bonus Points for his stepson Chad Converse Related to the Fall 2003 Hunting Season.** The Commission may vote on Mr. Richard Sprague's request for a hearing relative to the reinstatement of bonus points for his stepson Chad Converse, and may proceed with the hearing accordingly.
- 18. Presenter: Dana Yost, Executive Staff Assistant. Rescheduling of the December 2003 Commission Meeting.** The Commission will reconsider the scheduled date and location of the December 2003 Commission meeting to allow Commissioners to attend the December 5, 2003, dedication of the CAP Fish Access Site (part of the Lake Havasu Fish Improvement Project) at the Bill Williams River National Wildlife Refuge. The Commission may vote to change the location of the December 2003 Commission meeting to an alternate site, including but not limited to Lake Havasu City, Arizona, and they may vote to change the date of the meeting to an alternate date, including but not limited to December 4, 2003.
- 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 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.
- 21. 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.
- 22. Approval of Minutes** for September 4-5, 2003, and **Signing of Minutes** for August 8-9, 2003.

Friday, October 17, 2003, Arizona Game and Fish Commission at the Arizona Game and Fish Department Headquarters, 2222 W. Greenway Road, Phoenix, Arizona 85023. Note: The Commission may reconvene at the Fraternal Order of Police Lodge #2, 12851 N. 19th Avenue, Phoenix, Arizona 85029, following agenda item 23 below.

Meeting begins at 4:00 p.m.

23. Duane L. Shroufe, Director. Dedication of the Wildlifer Memorial Garden. The Commission will participate in the dedication of the Wildlifer Memorial Garden located at the Game and Fish Headquarters at 2222 W. Greenway Road, Phoenix, Arizona, at Time Certain 4:00 pm. Public participation is invited.

Saturday, October 18, 2003, Arizona Game and Fish Commission at the Fraternal Order of Police Lodge #2, 12851 N. 19th Avenue, Phoenix, Arizona 85029.

Meeting begins at 8:00 a.m.

Awards and Commissioning of Officers.

- 1. Presenter: Lawrence M. Riley, Fisheries Branch Chief. Briefing on Fisheries Program Accomplishments During 2002 and 2003.** The Commission will be provided an overview of Program accomplishments and performance during the past program year. Briefings will be provided by Fisheries Branch and Nongame Branch. Posters and other briefing materials will be available for public inspection. No action will be taken.
- 2. Presenter: Lawrence M. Riley, Fisheries Branch Chief. Public Process to Determine if Biennial Amendments to Commission Order 40 (Fish) is Advantageous and Appropriate.** The Commission will be briefed on the concept of a biennial Commission Order 40 process, and initiation of public input on the concept. The Commission may vote to take action on, or provide the Department direction on, this item.
- 3. Presenter: Lawrence M. Riley, Fisheries Branch Chief. Request to Amend Commission Order 40 (Fish), Concerning Specific Proposals for Bag and Possession Limits, Special Regulations, and Specific Closures for Sport Fishing for Calendar Year 2004.** The Commission will be asked to vote to adopt Commission Order 40: Fish, establishing open seasons, open areas, and bag and possession limits for calendar year 2004.
- 4. Presenter: Terry B. Johnson, Nongame Branch Chief. Request to Adopt Commission Order 25: Raptors.** The Commission will be asked to vote to adopt Commission Order 25: Raptors, establishing open areas, season dates, and bag and possession limits for 2004, as proposed by the Department.
- 5. Presenter: Terry B. Johnson, Nongame Branch Chief. Request to Adopt Commission Order 41: Amphibians.** The Commission will be asked to vote to adopt Commission Order 41: Amphibians, establishing open areas, season dates, and bag and possession limits for 2004, as proposed by the Department.

6. **Presenter: Terry B. Johnson, Nongame Branch Chief. Request to Adopt Commission Order 42: Crustaceans and Mollusks.** The Commission will be asked to vote to adopt Commission Order 42: Crustaceans and Mollusks, establishing open areas, season dates, and bag and possession limits for 2004, as proposed by the Department.
7. **Terry B. Johnson, Nongame Branch Chief. Request to Adopt Commission Order 43: Reptiles.** The Commission will be asked to vote to adopt Commission Order 43: Reptiles, establishing open areas, season dates, and bag and possession limits for 2004, as proposed by the Department.
8. **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 2004-2005.** The Commission will consider and may vote to take action on applications from organizations for 2004-2005 Special Big Game License-Tags as per R12-4-120.
9. **Presenter: Tice Supplee, Game Branch Chief. Hearing on 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 2004-2005.** The Department will request that the Commission vote to approve Commission Order 29: Special Hunts, establishing season dates, bag limits, number of license tags, and open areas, in accordance with A.R.S. 17-346.
10. **Presenter: Terry B. Johnson, Chief, Nongame and Endangered Wildlife Program. List of Species for which Heritage "IIAPM" Funds can be Expended.** The Department will present to the Commission a draft list of species that meet the criteria at A.R.S. 17-296, defining the "sensitive species" for which Heritage "IIAPM" funds (including land acquisition funds) can be expended. The Commission will be asked to vote to approve the list, and to delegate to the Director the authority to amend the list as appropriate and necessary.
11. **Presenter: Bruce D. Taubert, Assistant Director, Wildlife Management Division. Fisheries Management Issues Related to Decommissioning of the Arizona Public Service Child's-Irving Power Plant and Proposed Restoration of Fossil Creek to Promote Conservation of Native Fishes.** The Department will discuss previous Commission guidance on fisheries management approaches in relation to proposed restoration of Fossil Creek to promote native fish conservation. The Commission will be asked to vote to authorize the Department to take a flexible and comprehensive approach to structuring the Fossil Creek restoration project, contingent upon successful collaboration with and general concurrence by the affected angling, conservation, and other interests.
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 will 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