



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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GOVERNOR

JANICE K. BREWER

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DEPUTY DIRECTORS

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BOB BROSCHEID



REVISION #1

May 11, 2011

A public meeting of the Arizona Game and Fish Commission will be held on **May 13, 2011 at the Arizona Game and Fish Department, 5000 W. Carefree Highway, Phoenix, Arizona 85086** as authorized by A.R.S. § 17-201(D). Unless expressly provided otherwise with any matter, the Commission may discuss and may vote to take action on the following matters:

Meeting begins at 8:00 a.m.

Pledge of Allegiance.

Awards and Recognition.

- 1. State and Federal Legislation. Presenter: Anthony Guiles, Legislative Liaison.** 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.
- 2. Shooting Sports Activities Briefing. Presenter: Jay Cook, Shooting Ranges Branch Chief.** 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 last regular Commission meeting.
- 3. Information, Education and Wildlife Recreation Activities Briefing. Presenter: Ty Gray, Assistant Director, Information, Education and Wildlife Recreation.** The Commission will be given an update of Department activities and events since the last regular Commission meeting related to Information, Education and Wildlife Recreation Programs.
- 4. Lands and Habitat Program Update. Presenter: Josh Avey, Habitat Branch Chief.** The Commission will be briefed on the latest developments since the last regular Commission meeting 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.
- 5. Commission Discussion of Recreational Access Issues within Arizona. Presenter: Mike Senn, Assistant Director Wildlife Management.** The Department will summarize the Commission workshop discussion of recreational access issues during their workshop of April 16, 2011. The discussion stemmed, in part, from the March 23, 2011 Commission Decision to close the 2011 pronghorn antelope hunts originally approved for Game Management Unit 19B during the fall of 2011.

6. **Request for the Commission to Approve a Memorandum of Understanding with Bat Conservation International to solidify working relationship and facilitate future collaborative efforts to conserve and manage Arizona bats. Presenter: Eric Gardner, Chief, Nongame Branch.** The Commission will be asked to approve a Memorandum of Understanding with Bat Conservation International to solidify working relationship and facilitate future collaborative efforts to conserve and manage Arizona bats.
7. **Request for Commission approval of the Article 6 Five-year Review Report, regarding Rules of Practice Before the Commission, for submission to the Governor's Regulatory Review Council (G.R.R.C.). Presenter: Marty Fabritz, Executive Staff Assistant.** The Department is requesting the Commission to approve the Five-year Review Report for Article 6, regarding Rules of Practice Before the Commission, for submission to G.R.R.C.

NEW ITEM

8. **Request to approve the Department's recommendation to submit a request to the Governor's Office for permission to initiate rulemaking to implement House Bill 2396, Game and Fish; Trophies; Enforcement. Presenter: Leonard Ordway, Assistant Director, Field Operations.** House Bill 2396 authorizes the Department to amend R12-4-304 Lawful Methods for Taking Wild Mammals, Birds, and Reptiles using the exempt rulemaking process. The Department will ask the Commission to approve its recommendation to submit a request to the Governor's Office for permission to initiate rulemaking to implement the bill.
9. **Request to Approve a Renewal of Emergency Rulemaking for Article 11 Addressing Issues Associated with Aquatic Invasive Species and a Notice of Docket Opening, Notice of Proposed Rulemaking, and Economic Impact Statement adopting Article 11 and amending rules within Article 4 addressing live wildlife and Article 5 addressing boating and water sports. Presenter: Mike Senn, Assistant Director, Wildlife Management.** The Department will ask the Commission to approve a Renewal of Emergency Rulemaking for Article 11 addressing issues associated with Aquatic Invasive Species and a Notice of Docket Opening, Notice of Proposed Rulemaking, and Economic Impact Statement adopting Article 11 and amending rules within Article 4 addressing live wildlife and Article 5 addressing boating and water sports.
10. **Request to Approve the Notice of Exempt Rulemaking for R12-4-517. Presenter: Leonard Ordway, Assistant Director, Field Operations.** The Commission will be asked to approve the Notice of Exempt Rulemaking for R12-4-517; amending the rule to allow a person to use of non-motorized watercraft on Rose Canyon Lake when permitted by the U.S. Forest Service.
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.

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

12. **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 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. **United States Coast Guard Memorandum of Agreement continuance. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** The Commission will be asked to approve entering into a Memorandum of Agreement (MOA) continuance between the Department of Homeland Security - the United States Coast Guard and the State of Arizona - Arizona Game and Fish Department.
- b. **Request for Commission Approval of a Lease Agreement with the State Forester for Office Rental Space at the Commission’s Pinetop Regional Office, Navajo County, Arizona. Presenter: Josh Avey, Habitat Branch Chief.** The Commission will be asked to approve a Lease Agreement with the State Forester for office rental space at the Commission’s Pinetop Regional Office, Navajo County, Arizona.
- c. **Request for the Commission to Approve the Agreement for Right-of-Way with the City of Safford for the Purpose of Installing, operating, and Maintaining an Underground Wastewater Main at Roper Lake, Graham County, Arizona. Presenter: Josh Avey, Habitat Branch Chief.** The Commission will be asked to approve the Agreement for Right-of-Way with the City of Safford for the purpose to install, operate and maintain an underground wastewater main at Roper Lake, Graham County, Arizona.

- 13. **Law Enforcement Program Briefing. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** The Commission will be updated on activities and developments since the last regular Commission meeting relating to the Department’s Law Enforcement Program.

TIME CERTAIN AT 2:00 PM

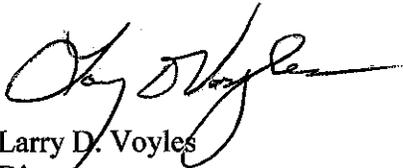
- 14. **Hearings on License Revocations for Violations of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** The Commission will consider and take action on the license revocations and/or civil assessments for the individuals listed below:

Name	Docket #	Count	Conviction
Sidney L. Harris, Jr.	2011-0030	Count A:	Obtain 2010 License by Misrepresentation
Christian Olson	2011-0038	Count B:	Take Wildlife Wrong Sex
Felipe Velazquez	2011-0039	Count A:	Possess/Transport Unlawfully Taken Wildlife
Israel Chavez	2011-0040	Count A:	Possess/Transport Unlawfully Taken Wildlife
		Count B:	Take Wildlife Closed Season
Edwin C. Jess	2011-0041	Count A:	Take Wildlife Closed Season
Steven Wannebo	2011-0043	Count A:	Set Leg Hold Trap on Public Land
		Count B:	Set Leg Hold Trap on Public Land
		Count C:	Set Leg Hold Trap on Public Land
		Count D:	Set Leg Hold Trap on Public Land
		Count F:	Set Trap Within ½ Mile of Residence
		Count G:	Set Trap Within ½ Mile of Residence
		Count H:	Set Trap Within ½ Mile of Residence
Russell F. Kovalik	2011-0044	Count A:	Possess Unlawfully Taken Wildlife
Sharon I. Kovalik	2011-0045	Count B:	Possess Unlawfully Taken Wildlife
Donald H. Chapton	2011-0046	Count B:	As Amended Obtain License by Fraud 2006
		Count D:	As Amended Obtain License by Fraud 2008
		Count E:	As Amended Obtain License by Fraud 2008
Kurt Eikmeier	2011-0047	Count B:	Take Dove Without Valid License

15. **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.
16. **Executive Session (The Commission will not vote to take any action during 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; 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; Mohave Valley Shooting Range Appeal; Reed v. Arizona Game and Fish Department, C20111354; Lorta v. Arizona Game and Fish Commission, CV-11-134; Proposed Rosemont Copper Mine Project NEPA.*
17. **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;; 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; Mohave Valley Shooting Range Appeal; Reed v. Arizona Game and Fish Department, C20111354; Lorta v. Arizona Game and Fish Commission, CV-11-134.*
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.
19. **Approval of Minutes and Signing of Minutes.** The Commission may approve the Commission meeting minutes from April 11, 2011 telephonic meeting and the April 16, 2011 workshop, and if approved, will sign the minutes.
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 information only. 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 information only. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.

22. Future Agenda Items and Action Items.

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Larry D. Voyles
Director

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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”