



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

5000 W. CAREFREE HIGHWAY
PHOENIX, AZ 85086-5000
(602) 942-3000 • WWW.AZGFD.GOV

GOVERNOR

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REVISION #1

November 30, 2011

A public meeting of the Arizona Game and Fish Commission will be held on **December 2-3, 2011 at the Arizona Game and Fish Department, 5000 W. Carefree Highway, Phoenix, Arizona 85086** as authorized by A.R.S. § 17-201(D). **Members of the public may attend the meeting in person or view the meeting from any one of the Department's six Regional Offices via video teleconference or webcast viewing at www.azgfd.gov. Members of the public attending in person or viewing via teleconference may submit Speaker Cards (Blue Cards) if they wish to speak to the Commission. The ability to speak to the Commission for those viewing the webcast is not available.** Unless expressly provided otherwise with any matter, the Commission may discuss and may vote to take action on the following matters:

Friday, December 2, 2011, 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 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. 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 related to Information, Education and Wildlife Recreation Programs. The update covers activities and events that have occurred since the last Commission meeting and will include alternatives and recommendations on achieving Director's Goal and Objective #12.
- 3. Wildlife Center Project Briefing. Presenter: Kellie Tharp, Education Branch Chief.** The Department will be providing the Commission a proposed objective for the Wildlife Center Project and a briefing on the project timeline and approach. The Commission will be asked to approve the Wildlife Center Project objective and associated planning timeline.
- 4. Monthly Update on Recreation Access Issues within Arizona. Presenter: Al Eiden, Landowner Relations Program Manager.** The Commission will be briefed on the latest developments since the last regular Commission meeting relating to recreational access issues on private, state and federal lands in Arizona, progress on items related to the April 16 Commission Workshop, and other matters related thereto.

5. **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.
6. **Request for the Commission to approve the Department Entering into Five Conservation Easement Agreements with Private Landowners along the Upper San Pedro River, and to Approve the Accompanying Memorandum of Understanding (MOU) with The Nature Conservancy (TNC) for Monitoring Each Conservation Easement, Cochise County, Arizona. Presenter: Josh Avey, Habitat Branch Chief.** The Commission will be asked to approve the Department entering into five conservation easement agreements with private landowners along the Upper San Pedro River, and to approve the accompanying Memorandum of Understanding (MOU) with The Nature Conservancy (TNC) for monitoring each conservation easement, Cochise County, Arizona.
- 6A. **Informational Update on Sonoran Pronghorn Recovery Efforts. Presenter: Pat Barber, Yuma Regional Supervisor.** The Commission will be provided an informational update regarding the history of Department involvement in the Sonoran pronghorn recovery efforts, current status and ongoing efforts, and a preview of the reintroduction of pronghorn into currently unoccupied historic habitat.
7. **Cooperative Agreement for Livestock Operations at Horseshoe Ranch. Presenter: Rod Lucas, Mesa Regional Manager.** The Commission will be asked to approve a Cooperative Agreement with JH Cattle Company, which will facilitate the required federal Base Property Lease for livestock operations based out of the Commission-owned Horseshoe Ranch.
8. **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. **Request for the Commission to Approve a Memorandum of Understanding with Sul Ross State University. Presenter: Brian F. Wakeling, Game Branch Chief.** The Commission will be asked to approve a Memorandum of Understanding to allow the Department to enter into cooperative investigations and research with Sul Ross State University.
 - b. **Request for the Commission to Approve the License Agreement to Permit the City of Phoenix Police Department to Use a Portion of Ben Avery Shooting Facility for Conducting Employment-related Firearms Training and Qualifying for the City of Phoenix Police Officers, Maricopa County, Arizona. Presenter: Jay Cook, Shooting Sports Branch Chief.** The Commission will be asked to approve the license agreement to permit the City of Phoenix Police Department to use a portion of Ben Avery Shooting Facility for conducting employment-related firearms training and qualifying for the City of Phoenix police officers, Maricopa County, Arizona.
 - c. **Request for the Commission to Approve Amending the Existing Department of Public Safety Lease at Ben Avery Shooting Facility to Allow the Construction of a 300 Yard Range, Restrooms, Education Building and extend the lease to 2028. Presenter: Jay Cook, Chief, Shooting Sports Branch Chief.** The Commission will be asked to approve

amending the existing Department of Public Safety Lease at Ben Avery Shooting Facility to allow the construction of a 300 yard range, restrooms, education building and lease extension.

TIME CERTAIN AT 10:30 AM

9. **Commission Briefing on the Department's Involvement in Mexican Wolf Reintroduction in Arizona and New Mexico and Related Mexican Wolf Recovery and Conservation Issues. Presenter: Lawrence M. Riley, Assistant Director for Wildlife Management.** The Department will provide a presentation on the Mexican wolf reintroduction program and other wolf reintroduction and recovery efforts. The Commission may vote to reaffirm existing policy guidance and/or to provide new or additional policy guidance to the Department on any or all aspects of Mexican wolf conservation, including reintroduction and range-wide recovery.
10. ***ITEM MOVED TO 6A***
11. **Mission Statement Revision. Presenter: Lawrence M. Riley, Assistant Director for Wildlife Management.** The Commission will be asked to approve a revised Department mission statement.
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. **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 |
|--------------------|-----------------|--------------|--|
| James E. Lynch | 2011-0067 | Count 5: | Obtain License or Permit by Fraud |
| Tyler C. Lynch | 2011-0068 | Count 5: | Obtain License or Permit by Fraud |
| Rick J. Lynch | 2011-0069 | Count 5: | Obtain License or Permit by Fraud |
| Mike J. Pucelik | 2011-0065 | Count A: | Waste of Edible Game Meat |
| George R. Whitlock | 2011-0066 | Count B: | Fail to Immediately Tag |
| | | Count D: | Possess Unlawfully Taken Wildlife |
| | | Count E: | Waste of Edible Game Meat |
| Joseph B. Nichols | 2011-0073 | Count A: | Obtain 2010 Arizona License By Fraud |
| | | Count B: | Obtain 2010 Arizona Tag By Fraud |
| Joseph B. Nichols | 2011-0074 | Count A: | Obtain Lifetime Arizona License By Fraud |

15. **Request to Approve the Notice of Exempt Rulemaking to Amend R12-4-304 Addressing Lawful Methods of Take to implement House Bill 2396. Presenter: Dana McGehee, FOR6 Wildlife Manager.** The Department will ask the Commission to approve a Notice of Exempt Rulemaking amending R12-4-304 to implement House Bill 2396.
16. **Request to Approve the Draft Notice of Exempt Rulemaking to Amend Article 8 addressing wildlife areas and Department property. Presenter: Jennifer Stewart, Rules and Risk Branch Chief.** The Department will ask the Commission to approve a Draft Notice of Exempt Rulemaking amending rules within Article 8, addressing wildlife areas and Department property.
17. **Request to Approve Notices of Rulemaking Docket Opening and Proposed Rulemaking and Economic Impact Statement Amending Rules Within Articles 1 Addressing Management Unit Boundaries and Article 3 Addressing Taking and Handling of Wildlife to Implement House Bill 2543 and Senate Bill 1334. Presenter: Jennifer Stewart, Rules and Risk Branch Chief.** The Department will ask the Commission to approve a Notice of Docket Opening, Notice of Proposed Rulemaking, and Economic Impact Statement amending rules within Articles 1 addressing management unit boundaries and Article 3 addressing taking and handling of wildlife to implement House Bill 2543 and Senate Bill 1334.
18. **Request to Approve a Notice of Final Rulemaking and Economic Impact Statement amending R12-4-422 to ensure compliance with amendments made to federal sport falconry regulations. Presenter: Jennifer Stewart, Rules and Risk Branch Chief.** The Commission will be asked to vote to approve the Notice of Final Rulemaking and Economic Impact Statement amending R12-4-422 to ensure compliance with amendments made to federal sport falconry regulations.
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.

Saturday, December, 3, 2011, Meeting begins at 8:00 a.m.

Pledge of Allegiance.

Awards and Recognition.

1. **Shooting Sports Activities Briefing. Presenter: Jay Cook, Shooting Sports 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 Commission meeting.
2. **Request Commission to Approve Acquisition of a Federal Patent from the BLM Kingman Office for the Development of the Tri-State Shooting Range, Along With Associated Documents and Agreements. Presenter: Jay Cook, Shooting Sports Branch Chief.** Request Commission to Approve Acquisition of a Federal Patent from the BLM Kingman Office for the Development of the Tri-State Shooting Range, Along With Associated Documents and Agreements.

3. **Request for Commission Approval of the Transfer of the Adair Shooting Park in Yuma County, Arizona, from the Bureau of Reclamation (BOR) to the AZ Game and Fish Commission. Presenter: Jay Cook, Shooting Sports Branch Chief.** The Commission will be asked to approve the transfer of the Adair Shooting Park in Yuma County, Arizona, from the Bureau of Reclamation to the AZ Game and Fish Commission.
4. **Consideration of Proposed Amendments to the Guidelines for the 2012–2013 and 2013–2014 Hunting Seasons. Presenter: Brian F. Wakeling, Game Branch Chief.** The Commission will consider and may vote to amend the Hunt Guidelines process schedule and the 2012–2013 and 2013–2014 Hunt Guidelines governing hunting seasons to accommodate Hopi Trust Lands located in Units 4A, 5A, and 5B and allocation of permits to Hopi tribal members.
5. **Consideration of Proposed Commission Orders 3, 4, and 26 for 2012 Hunting Season. Presenter: Brian F. Wakeling, Game Branch Chief.** The Commission will consider Commission Orders 3 (pronghorn antelope), 4 (elk), and 26 (population management) establishing seasons and season dates, bag and possession limits, permit numbers or authorized limits, and open areas for the respective 2012 fall hunting season.
6. **Hunt Permit-Tag Application Schedule for the Elk/Antelope 2012 Hunts. Presenter: Lizette Morgan, CFO, Business & Finance.** The Department will provide the Commission with a presentation related to the proposed hunt-permit tag application schedule for the elk/antelope 2012 hunts.
7. **Consideration of Amendments to Commission Orders 10 (Mountain Lion), 11 (Tree Squirrel), 12 (Cottontail), 13 (Predatory and Furbearing Mammals), 14 (Other Birds and Mammals), 16 (Quail), 19 (Dove), and 21 (Waterfowl) for 2011–2012 Hunting Seasons. Presenter: Brian F. Wakeling, Game Branch Chief.** The Commission will consider and may approve amendments to Commission Orders 10, 11–16, 19, 21, and 22 for 2011–2012 hunting seasons to incorporate changes to open areas as authorized by SB1334 and changes to method of take as authorized in R12-4-304.
8. **Request to Reinstate Bonus Points for Mr. Bruce Lane. Presenter: Lizette Morgan, CFO, Business & Finance.** Mr. Bruce Lane was drawn for elk in Unit 1, 2B, and 2C for hunt dates 11/25/11-12/1/11. Due to Mr. Lane’s concern over hunting conditions as a result of the Wallow fire, he is requesting that he be allowed to return his tag and have his bonus points returned.
9. **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.
10. **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; Anderson v. Arizona Game and Fish Department, et. al C2008905; Center for Biological Diversity v. U.S. Bureau of Land Management, et al., CV 09-8011-PCT-GMS; Sayer Notice of Claim; Reed v. Arizona Game and Fish Department, C20111354; Lorta v. Arizona Game and Fish Commission, CV-11-134; Proposed Rosemont Copper Mine Project NEPA; Notice of intent to sue the Forest Service by the Pacific Environmental Advocacy Center related to the use of lead ammunition in the California condor recovery zone.

b. Personnel Matters. The Commission may vote to go into Executive Session to discuss personnel matters, including the Director's Goals and Objectives and the Director's annual evaluation process 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.

11. 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; 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; Sayer Notice of Claim; Reed v. Arizona Game and Fish Department, C20111354; Lorta v. Arizona Game and Fish Commission, CV-11-134.*

12. Approval of Minutes and Signing of Minutes. The Commission may approve the Commission meeting minutes from August 26-27, 2011, October 14, 2011, and November 4-5, 2011.

13. 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.

14. 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 for information only. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.

15. Future Agenda Items and Action Items.



Larry D. Voyles
Director

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”