



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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REVISION #1

August 1, 2012

A public meeting of the Arizona Game and Fish Commission will be held on **August 3-4, 2012 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 vote to take action on the following matters:

Friday, August 3, 2012, Meeting starts at 8:00 A.M.

Pledge of Allegiance

- 1. 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.
- 2. Discussion of Commission Policy Regarding the Development of the Commission Meeting Agenda including Discussion of a First and Second Read Process. Presenter: Ben Alteneder, Community and Congressional Relations.** The Department will provide a presentation on the development of the Commission meeting agenda, including a potential First and Second Read process for agreements and other similar matters requiring Commission approval.
- 3. 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.
- 4. 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 regular Commission meeting.

5. **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 regular Commission meeting, including the proposed Wildlife Center project and progress on Director Goal and Objective #9.
 6. **Nongame Subprogram Activities Briefing. Presenter: Eric Gardner, Chief, Nongame Branch.** The Commission will be briefed regarding activities under the Nongame Subprogram; April 1, 2012 through July 31, 2012.
 7. **Law Enforcement Program Briefing. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** The Commission will be updated on the activities and developments relating to the Department's Law Enforcement Program. The update covers activities and events that have occurred since the last regular Commission meeting.
 8. **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.
 9. **Renewal of a Cooperative Agreement with Salt River Project (SRP). Presenter: Josh Avey, Habitat Branch Chief.** The Commission will be briefed on the renewal of a Cooperative Agreement with SRP for the purpose of operating and maintaining a stream gage within the Upper Verde River Wildlife Area, Yavapai County, Arizona.
 10. **Memorandum of Understanding with BLM for the Sonoran Valley Parkway Project Environmental Impact Statement (EIS). Presenter: Josh Avey, Habitat Branch Chief.** The Department will brief the Commission on a Memorandum of Understanding (MOU) to allow the Department to be a Cooperating Agency in the Development of the Sonoran Valley Parkway Project EIS.
 11. **Consideration of an Memorandum of Understanding with Coconino County for the Management of Rogers Lake. Presenter: Ron Sieg, Flagstaff Regional Supervisor.** The Commission will be briefed on entering into a Memorandum of Understanding (MOU) with Coconino County to cooperatively manage land and wildlife resources at Rogers Lake Natural Area.
- *ITEM WITHDRAWN***
12. **Memorandum of Understanding with Great Basin Bird Observatory.**
 13. **Agreement with Tri-State Shooting Park, Inc. for the Operation of a Commission owned Public Shooting Facility in Mohave County, Arizona. Presenter: Jay Cook, Shooting Sports Branch Chief.** The Commission will be briefed on an Agreement with Tri-State Shooting Park, Inc. for the operation of a Commission owned shooting facility in Mohave County, Arizona.
 14. **Scholastic Clay Target Program Update. Presenter: Craig McMullen, Wildlife Recreation Branch Chief.** The Commission will be given an update of Department activities related to the Scholastic Clay Target Program. The update will cover program structure, participation and funding options. The Commission may provide direction to the Department and/or may vote to take action on funding options.

15. **Proposal to Combine Fee Related Director Goal and Objectives.** Ty Gray, Assistant Director, Information, Education and Recreation Division. The Commission will be provided a proposal to combine 2011 Director Goal and Objective #2 (Future Funding and Revenue) with 2012 Director Goal and Objective #9 (Simplify Hunt and Fish License Structure and Youth Definition).

NEW ITEM

- 15A. **Update on the Department’s Strategic Planning Process.** Presenter: Sherry Crouch, Acting Funds and Planning Manager. The Commission will be briefed on the current status and timeline associated with the Strategic Plan. The Commission may provide direction to the Department.

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

16. **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.

TIME CERTAIN AT 2:00 PM

17. **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
Kit N. Goodwin	2012-0043	Count A:	Take Wildlife Closed Season (Elk)
		Count C:	Possess/Transport Unlawfully Taken Wildlife
		Count B:	Possess Unlawfully Taken Wildlife
Nathan N. Villa	2012-0044	Count A:	Possess Unlawfully Taken Wildlife (Javelina)
		Count B:	Possess Unlawfully Taken Wildlife
Saul L. Villa	2012-0045	Count A:	Take Wildlife Without Tag (Javelina)
		Count B:	Possess Unlawfully Taken Wildlife
		Count C:	Possess Unlawfully Taken Wildlife
Arthur L. Power	2012-0046	Count A:	Take Wildlife Without Valid Tag (Bear)
		Count C:	Possess Unlawfully Taken Wildlife
		Count B:	Possess Unlawfully Taken Wildlife
James F. Kasper	2012-0054	Count A:	Take Wildlife Without License (Javelina)
		Count B:	Possess/Transport Unlawfully Taken Wildlife
		Count C:	Possess Unlawfully Taken Wildlife
Pedro H. Cortez	2012-0055	Count A:	Take Wildlife Without License (Ringtail Cat)
		Count B:	Take Wildlife From Motor Vehicle
		Count C:	Take Wildlife Using Artificial Light
Sergio G. Gomez	2012-0056	Count B:	Hunt Without Valid License
Ramon Herrera	2012-0057	Count A:	Take Wildlife Using Artificial Light
		Count B:	Take Wildlife From Motor Vehicle

18. **Request to Approve the Expenditures of Unspent Balances in the Heritage Fund, Wildlife Conservation Fund, and Off-Highway Vehicle Fund for Fiscal Year 2013.** Presenter: Lizette Morgan, CFO, Business & Finance. The Commission will be asked to approve the expenditure of unspent balances in the Heritage Fund, including all of its sub-funds, the Wildlife Conservation Fund, and the Off-Highway Vehicle Fund for Fiscal Year 2013.

19. **Request to Approve the Game and Fish Fund Budget Request for Fiscal Years 2014 and 2015. Presenter: Lizette Morgan, CFO, Business & Finance.** The Commission will be asked to approve the proposed expenditures from the Game and Fish Fund for Operating and Capital Outlay programs for Fiscal Years 2014 and 2015.
20. **Request to Approve the Watercraft Licensing Fund Budget Request for Fiscal Years 2014 and 2015. Presenter: Lizette Morgan, CFO, Business & Finance.** The Commission will be asked to approve the proposed expenditures from the Watercraft Licensing Fund for Fiscal Years 2014 and 2015.
21. **Request to Approve the Game, Nongame, Fish and Endangered Species Fund Budget Request for Fiscal Years 2014 and 2015. Presenter: Lizette Morgan, CFO, Business & Finance.** The Commission will be asked to approve the proposed operating expenditures from the Game, Nongame, Fish and Endangered Species Fund for Fiscal Years 2014 and 2015.
22. **Request to Approve the Capital Improvement Fund Budget Request for Fiscal Years 2014 and 2015. Presenter: Lizette Morgan, CFO, Business & Finance.** The Commission will be asked to vote to approve the proposed expenditures from the Capital Improvement Fund for Fiscal Years 2014 and 2015.
23. **Request to Approve the Waterfowl Conservation Fund Budget Request for Fiscal Years 2014 and 2015. Presenter: Lizette Morgan, CFO, Business & Finance.** The Commission will be asked to approve the proposed expenditures from the Waterfowl Conservation Fund for Fiscal Years 2014 and 2015.
24. **Request to Approve the Wildlife Endowment Fund Budget Request for Fiscal Years 2014 and 2015. Presenter: Lizette Morgan, CFO, Business & Finance.** The Commission will be asked to approve the proposed expenditures from the Wildlife Endowment Fund for Fiscal Years 2014 and 2015.
25. **Request to Approve the Federal Assistance Funds Budget Request for Fiscal Years 2014 and 2015. Lizette Morgan, CFO, Business & Finance.** The Commission will be asked to approve the proposed expenditures from the Pittman-Robertson, Dingell-Johnson/Wallop-Breaux; Coast Guard Boating Safety; Section 6 Endangered Species Act and State Wildlife Grants for Fiscal Years 2014 and 2015.
26. **Request to Approve the Heritage Fund Budget Request for Fiscal Years 2014 and 2015. Lizette Morgan, CFO, Business & Finance.** The Commission will be asked to approve the proposed expenditures from the Environmental Education; Habitat Evaluation and Protection; Administration/Support Services; Public Access; Identification, Inventory, Acquisition, Protection, and Management; and Urban sub-funds for Fiscal Year 2014 and Fiscal Year 2015.
27. **Request to Approve the Off-Highway Vehicle Fund Budget Request for Fiscal Years 2014 and 2015. Lizette Morgan, CFO, Business & Finance.** The Commission will be asked to approve the proposed expenditures from the Off-Highway Vehicle Fund for Fiscal Years 2014 and 2015.
28. **Request to Approve the Wildlife Conservation Fund Budget Request for Fiscal Years 2014 and 2015. Lizette Morgan, CFO, Business & Finance.** The Commission will be asked to approve the proposed expenditures from the Arizona Wildlife Conservation Fund for Fiscal Years 2014 and 2015.

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Saturday, August 4, 2012, Meeting begins at 8:00 a.m.

Pledge of Allegiance.

1. **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.
2. **Consideration of Proposed Commission Order 21–Waterfowl and Commission Order 22–Snipe for the 2012–2013 Hunting Season. Presenter: Mike Rabe, Small Game Management Supervisor.** The Commission will consider Commission Order 21 (Waterfowl) and Commission Order 22 (Snipe), establishing seasons and season dates, bag and possession limits, and open areas for 2012–2013.
3. **Consideration of Proposed Commission Orders 5, 6, 8, and 9, for Spring 2013 Hunting Seasons. Presenter: Amber A. Munig, Big Game Management Supervisor.** The Commission will consider Commission Orders 5, 6, 8, and 9 (spring turkey, spring javelina, spring buffalo, and spring bear) establishing seasons and season dates, bag and possession limits, permit numbers, and open areas for spring 2013.

NEW ITEM

- 3A. **Hunt Permit-Tag Application Schedule for Spring 2013 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 spring 2013 hunts. The Commission will be asked to vote to approve the application schedule.

NEW ITEM

- 3B. **2012 Fall Draw Briefing. Presenter: Doug Cummings, Information Systems Branch Chief.** The Department will provide the Commission a briefing on the recently completed 2012 Fall Draw.

NEW ITEM

- 3C. **Update of Public Affairs, News Releases and Outreach. Presenter: Jim Paxon, Information Branch Chief.** The Commission will be given an update of Department activities and events related to news releases and outreach that has occurred since the last regular Commission meeting in June.
4. **Update and Overview of The Peregrine Fund Partnership with the Department and Other Cooperators Regarding the Voluntary Non-lead Program. Presenters: Larry Riley, Assistant Director, Wildlife Management Division and Chris Parish, The Peregrine Fund.** The Commission will be provided with an update and overview of The Peregrine Fund partnership with the Department and other cooperators regarding and the voluntary non-lead program in Arizona.

5. **Rulemaking Recommendations for Article 3 Taking and Handling of Wildlife. Presenter: Dana McGehee, FOR6 Wildlife Manager.** The Department will present rulemaking recommendations for Article 3 rules, regarding the taking and handling of wildlife. This presentation is for information only and no action will be taken by the Commission.
6. **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 for legal advice 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; Reed v. Arizona Game and Fish Department, C20111354; Wagner v. Personnel Board, LC2011-000683; Graham v. State of Arizona*; Proposed Rosemont Copper Mine Project NEPA; *United States and State of Arizona v. Freeport-McMoran Inc., et al., 12-CV-00307-TUC-CKJ; Mosley, et al. Motion for Rehearing (Dockets 2012-001 – 2012-004)*; Notice of intent to sue the Forest Service for alleged violations of RCRA and ESA over the use of lead ammunition on the national forests; *WildEarth Guardians v. James Lane, CIV 12-118*.
 - b. **Personnel Matters.** The Commission may vote to go into Executive Session in accordance with A.R.S. § 38-431.01(A)(1) to discuss personnel matters associated with the Director's Goals and Objectives and the Director's performance. The Commission may take action in the public session or defer any action to a later date.
 - c. **Legal Counsel.** The Commission may vote to go into Executive Session in accordance with A.R.S. § 38-431.03(A)(3) for the purpose of discussing and consulting with legal counsel for legal advice on impacts to the Commission and Department from State Personnel Reform.
 - d. **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 for legal advice in order to consider its position and to instruct legal counsel regarding the Commission's position concerning a proposed agreement related to water right claims in the Bill Williams River watershed and the use of Planet Ranch for purposes of the MSCP.
 - e. **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 for legal advice in order to consider its position and to instruct legal counsel regarding the Commission's position concerning the Commission's administrative and judicial remedies under federal law challenging federal land management agency actions that effect state resource management authority.
- *NEW ITEM*
- f. **Litigation and Legal Counsel.** The Commission may vote to meet in Executive Session in accordance with A.R.S. § 38-431.03(A)(2), (3) and (4) for the purpose of discussing records exempt by law from public inspection and discussing and consulting with legal counsel for legal advice in order to consider its position and to instruct legal counsel regarding the Commission's position concerning the Department's response to an archeological disturbance during a construction project on Department property.

NEW ITEM

- g. 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 for legal advice in order to consider its position and to instruct legal counsel regarding the Commission's position concerning hunting and the use of weapons in the City of Scottsdale's McDowell Mountain Preserve.
- 7. 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; Reed v. Arizona Game and Fish Department, C20111354; Wagner v. Personnel Board, LC2011-000683; Graham v. State of Arizona*; Proposed Rosemont Copper Mine Project NEPA; *United States and State of Arizona v. Freeport-McMoran Inc., et al., 12-CV-00307-TUC-CKJ; Mosley, et al. Motion for Rehearing (Dockets 2012-001 – 2012-004)*; Notice of intent to sue the Forest Service for alleged violations of RCRA and ESA over the use of lead ammunition on the national forests; *WildEarth Guardians v. James Lane, CIV 12-118*.
- 8. Approval of Minutes and Signing of Minutes.** The Commission may approve the Commission meeting minutes from June 22-23, 2012.
- 9. 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.
- 10. 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.
- 11. Future Agenda Items and Action Items.**

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for Larry D. Voyles Deputy
Director 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”