



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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

GOVERNOR
JANICE K. BREWER
COMMISSIONERS
CHAIRMAN, NORMAN W. FREEMAN, CHINO VALLEY
JACK F. HUSTED, SPRINGVILLE
J.W. HARRIS, TUCSON
ROBERT E. MANSELL, WINSLOW
KURT R. DAVIS, PHOENIX
DIRECTOR
LARRY D. VOYLES
DEPUTY DIRECTORS
GARY R. HOVATTER
BOB BROSCHEID



REVISION #2

September 6, 2012

A public meeting of the Arizona Game and Fish Commission will be held on **September 7-8, 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 item on the agenda, the Commission may discuss and vote to take action on the following matters:

Friday, September 7, 2012, Meeting starts at 8:00 A.M.

Pledge of Allegiance

Awards and Recognition

- 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.
- 1A. Commission Rules of Practice. Presenter: Norm Freeman, Chairman.** The Commission will discuss the "Commission Rules of Practice" as approved at its March 2011 meeting. The document consists of approaches and rules of practice that the Commission will be operating under.
- 2. 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.
- 3. Pilot Project for a Landowner-Departmental Compact to Manage Public Access. Presenter: Tom Finley, Field Supervisor, Prescott Sector.** The Department will provide the Commission with a presentation on proposal to evaluate a Landowner-Departmental Compact.
- 4. Request for the Commission to Approve a Memorandum of Understanding with Great Basin Bird Observatory to conduct research on and management of various bird species.**

Presenter: Eric Gardner, Chief, Nongame Branch. The Commission will be asked to approve a Memorandum of Understanding with Great Basin Bird Observatory for the purpose of research and management of Arizona bird species.

5. **Request for Commission to Approve the Memorandum of Understanding with the White Mountain Land Trust. Presenter: Lawrence M. Riley, Assistant Director.** The Commission will be asked to approve a new Memorandum of Understanding between the Department and the White Mountain Land Trust for the purposes of establishing a framework for collaboration in the conservation of lands of mutual interest to both parties.
6. **Item moved to Saturday, Consent Agenda #7h.**
7. **Request for Commission to Approve Disposal of a Portion of the Commission Owned Sovereign Lands Located along the Gila River. Presenter: Lawrence M. Riley, Assistant Director.** The Commission will be asked to approve disposal of a portion of the Commission owned Sovereign Lands located along the Gila River.
8. **Request to Approve Proposed Rulemaking Amending Article 3 Rules Addressing the Taking and Handling of Wildlife. Presenter: Dana McGehee, FOR6 Wildlife Manager.** The Department will ask the Commission to approve a Notice of Docket Opening, Notice of Proposed Rulemaking, and Economic Impact Statement amending rules within Article 3, Addressing the Taking and Handling of Wildlife.
9. **Request to Approve Proposed Rulemaking Amending Article 7 Rules Addressing Heritage Grants and Article 9 Rules Addressing Arizona Wildlife Conservation Fund Grants. 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 Statements amending rules within Article 7 Heritage Grants and rules within Article 9 addressing Arizona Wildlife Conservation Fund Grants.

NEW

- 9A. **Request to Approve Proposed Rulemaking Amending Article 5 Rules Addressing Boating and Water Sports. 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 Article 5, Addressing Boating and Water Sports.
10. **Briefing on Development Project on Commission-owned Property. Presenter: Jim Odenkirk, Assistant Attorney General.** The Commission will be briefed on cultural resource and archeological issues associated with a development project on Commission-owned property. The Commission may provide direction to the Department on the Commission's expectations for resolving these issues and whether to resume the project.

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

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.

TIME CERTAIN AT 2:00 PM

- 12. 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 |
|--------------------|-----------------|----------------------|---|
| Dennis M. Leonard | 2012-0042 | Count A: Count D: | Take Wildlife Without License (Deer) Possession of Unlawfully Taken Wildlife |
| Scott G. MacDonald | 2012-0047 | Count A: | Trapping on Public Lands |
| Kevin P. Pettit | 2012-0048 | Count A: | Waste of Edible Game Meat (Javelina) |
| David L. Ingram | 2012-0049 | Count B: | Destruction of Livestock While Hunting |
| Michael W. Ingram | 2012-0050 | Count C: | Destruction of Livestock While Hunting |
| Cory J. Rickerl | 2012-0051 | Count B: | Destruction of Livestock While Hunting |
| Scott C. Bowse | 2012-0054 | Count A: | Obtain Resident License by Misrepresentation |

- 13. Request to Continue Motion for Rehearing Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** David Abney, Attorney for Donald Mosley, Michael Mosley, Johnny Moran, Jr., and Ronald Lewis, has requested a continuance of his rehearing request regarding the revocation of his clients' hunting and fishing licenses for five (5) years, completion of the Hunter Education Course, and the shared civil assessment of \$2,700.00 for fifty-four (54) doves. The Commission may vote to grant or deny the request.
- 14. Mark Bellini Petition to the Commission for a Tag of his Choice in the 2013 Archery Elk Season. Presenter: Lizette Morgan, CFO, Business and Finance.** Mark Bellini is petitioning the Commission for an archery elk tag in the 2013 season. Mr. Bellini's credit card was denied and his application was subsequently rejected by the Department for an archery elk permit.
- 15. Upcoming Election for the Cibola Valley Irrigation and Drainage District Board of Directors. Presenter: Pat Barber, Region IV Supervisor.** The Arizona Game and Fish Commission owns 1,309 acres of land within the Cibola Valley Irrigation and Drainage District, and for the last three years has had a sitting Commissioner elected onto the District Board of Directors. Election for the next two year term of the Board will be occurring in November of 2012 and the Department is seeking Commission direction on how they wish to proceed relative to the Board and the election.
- 16. 2012 Annual Commission Awards Selection. Presenter: Ben Alteneeder, Community and Congressional Relations.** The Department will provide an overview of the 2012 Commission award nominees and will ask the Commission to vote to select the 2012 Commission award recipients.
- 17. 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; Reed v. Arizona Game and Fish*

Department, C20111354; Wagner v. Personnel Board, LC2011-000683; 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; Center for Biological Diversity and Defenders of Wildlife v. Salazar, et.al., (USDC Arizona)

- b. 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.
 - c. 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 Commission property.
 - d. 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 legal effect of the Commission's current Mexican wolf reintroduction guidance on any future Commission action related to the Mexican wolf project.
 - e. 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 and consulting with legal counsel for legal advice in order to consider its position and to develop a negotiating position regarding hunting on checkerboard lands inside the Petrified Forest National Parks expansion area.
 - f. Legal Counsel.** The Commission may vote to go into Executive Session in accordance with A.R.S. § 38-431.03(A)(2),(3) and (4) for the purpose of discussing and consulting with legal counsel for legal advice on implications of State Personnel Reform Law implementation.
 - g. Personnel Matters.** The Commission may vote to go into Executive Session in accordance with A.R.S. § 38-431.03(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.
- 18. 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; Reed v. Arizona Game and Fish Department, C20111354; Wagner v. Personnel Board, LC2011-000683; 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,*

* * * * *

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

Pledge of Allegiance

Awards and Recognition

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. **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 2013 and 2014. Presenter: Eric Swanson, Acting Fisheries Branch Chief.** The Commission will be asked to adopt Commission Order 40: Fish, establishing open seasons, open areas, closures and bag and possession limits for calendar year 2013 and 2014.
 3. **Request to Adopt Commission Order 25: Raptors. Presenter: Eric S. Gardner, Nongame Branch Chief.** The Commission will be asked to vote to adopt Commission Order 25: Raptors, establishing open areas, season dates, and annual permit and possession limits for 2013 and 2014, as proposed by the Department.
 4. **Request to Adopt Commission Order 41: Amphibians. Presenter: Eric S. Gardner, Nongame Branch Chief.** The Commission will be asked to vote to adopt Commission Order 41: Amphibians, establishing open areas, season dates, and bag and possession limits for 2013 and 2014, as proposed by the Department.
 5. **Request to Adopt Commission Order 42: Crustaceans and Mollusks. Presenter: Eric S. Gardner, Nongame Branch Chief.** The Commission will be asked to adopt Commission Order 42: Crustaceans and Mollusks, establishing open areas, season dates, and bag and possession limits for 2013 and 2014, as proposed by the Department.
 6. **Request to Adopt Commission Order 43: Reptiles. Presenter: Eric S. Gardner, Nongame Branch Chief.** The Commission will be asked to adopt Commission Order 43: Reptiles, establishing open areas, season dates, and bag and possession limits for 2013 and 2014, as proposed by the Department.
- *NEW*
- 6A. **Consideration of Amendment to Open Areas for Commission Orders 12, 13, 14, 16, and 19 for Fall-Spring Hunting Seasons in 2012-2013 and 2013-2014. Presenter: Brian F. Wakeling, Game Branch Chief.** The Commission will consider and may vote to approve amendments to note 19 for small game (Commission Orders 12, 13, 14, and 16), note 8 for dove (Commission Order 19), and the area description and several notes for falconry-only dove (Commission Order 19) regarding open areas within Maricopa County.

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 approve briefings and updates without further public input or discussion and to approve other 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. **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.
 - b. **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.
 - c. **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.
 - d. **Lands and Habitat Program Update. Presenter: Lawrence M. Riley, Assistant Director.** The Commission will be provided an update 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.
 - e. **Renewal of a Road Closure on State Trust Land Approximately Seven Miles Northeast of Benson, Arizona. Presenter: Mark Weise, Development Branch Chief.** The Department will ask the Commission to approve a request by Ed Monzingo to renew a road closure on State Trust Land located approximately seven miles northeast of Benson, Arizona.
 - f. **Renewal of a Road Closure on State Trust Land Approximately Twelve Miles Northeast of Benson, Arizona. Presenter: Mark Weise, Development Branch Chief.** The Department will ask the Commission to approve to renew a road closure on State Trust Land located approximately twelve miles northeast of Benson, Arizona.
 - g. **Renewal of Memorandum of Understanding (MOU) - Participation on the Arizona Council for Enhancing Recreation and Tourism (ACERT). Presenter: Craig McMullen, Wildlife Recreation Branch Chief.** The Department will brief the Commission on renewal of an MOU that will allow the Department to be a cooperating agency in the promotion of recreation tourism in Arizona.
 - h. **Request for Commission to Approve Renewal of a Cooperative Agreement. Presenter: Lawrence M. Riley, Assistant Director.** The Commission will be asked to approve the renewal of a cooperative agreement between the Commission, the City of Yuma, Arizona, the Quechan Indian Tribe, and Yuma Crossing National Heritage Corporation for restored areas of the Yuma East Wetlands in Yuma County, Arizona.

8. **Approval of Minutes and Signing of Minutes.** The Commission may approve the Commission meeting minutes from August 2, 2012 and August 3-4, 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.**



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”