



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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GOVERNOR

JANICE K. BREWER

COMMISSIONERS

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ROBERT E. MANSELL, WINSLOW

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EDWARD "PAT" MADDEN, FLAGSTAFF

DIRECTOR

LARRY D. VOYLES

DEPUTY DIRECTOR

TY E. GRAY



PUBLIC MEETING NOTICE AND AGENDA REVISION #1

December 4, 2013

A public meeting of the Arizona Game and Fish Commission will be held on **December 6-7, 2013** 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 at http://www.azgfd.gov/inside_azgfd/CommissionCam.shtml. On Friday only, members of the public may view the meeting from any one of the Department's six Regional Offices via video teleconference. Members of the public attending in person or viewing via video 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, December 6, 2013 - 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. 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: Anthony Guiles, Assistant Director, Information, Education and Recreation Division.** 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.

- 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: Joyce Francis, Habitat Branch Chief.** 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. **Nongame Subprogram Activities Briefing; August 1, 2013 through October 31, 2013. Presenter: Michael Rabe, Nongame Wildlife Branch Chief.** The Commission will be provided an update regarding activities under the Nongame Wildlife Subprogram; August 1, 2013 through October 31, 2013.
- f. **Request to Approve the Draft Notice of Exempt Rulemaking to Amend R12-4-802 and R12-4-803 addressing Wildlife Areas and Department Property. Presenter: Jennifer Stewart, Rules and Risk Branch Chief.** The Commission will be asked to approve a draft Notice of Exempt Rulemaking amending rules within Article 8, addressing wildlife areas and Department property.

REVISED

- 3. **State and Federal Legislation. Presenter: Jorge Canaca, Assistant 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. The Commission will also review its position on designation of Commission members to represent the Commission at the Legislature on emergency issues and issues on which the Commission has taken an official position.
- 4. **Updates on Bison Management Strategies for the House Rock Wildlife Area Bison Herd. Presenter: Craig McMullen, Flagstaff Regional Supervisor.** The Commission will be provided updates on the Department's bison management strategies for the House Rock Wildlife Area (HRWA) bison herd.
- 5. **License Simplification System Go-Live Update for Online License Sales and Draw Systems. Presenter: Doug Cummings, Information Systems Branch Chief.** The Department will provide an update on the schedule to implement License Simplification changes in the Online License Sales and Draw systems. This will detail the schedule for going live with the new system.
- 6. **Budget Allocation Formula for Draw Application Fees. Presenter: Ty Gray, Deputy Director.** The Department will present the Commission with a proposed budget allocation formula for the expenditure of three dollars from resident and five dollars from non-resident Draw Application fees beginning in 2014.
- 7. **Customer Portal Strategy. Presenter: Doug Cummings, Information Systems Branch Chief.** The Department will present an update on the development of a customer portal strategy. The

customer portal is the concept of a website that provides tools for Department customers to access information and products.

NEW

- 7A. Arizona Natural Resources Review Council (NRRC). Presenter: Gary R. Hovatter, Special Assistant to the Director.** Commission update on the Department's participation in the NRRC. The Council was established in January by Executive Order of the Governor with the Department Director acting as Council Chair. The Commission may vote to provide direction to the Department.

Agenda Items #8 through #12 are first read items. The Commission may choose to take action on first read items as needed or may direct the Department to place first read items on the consent agenda for approval at the next Commission meeting.

- 8. Memorandum of Understanding with the Mule Deer Foundation for Cooperative Activities. Presenter: Brian F. Wakeling, Game Branch Chief.** The Commission will be briefed on a Memorandum of Understanding to allow the Department to cooperate with the Mule Deer Foundation on projects for public information and wildlife habitat enhancement.
- 9. Preview of Five-year Review Report Recommendations for Article 1. Definitions and General Provisions. Presenter: Amber Munig, Big Game Supervisor.** The Commission will be asked to consider for future approval, proposed recommendations to be included in the five-year review report for Article 1, regarding definitions and general provisions.
- 10. Memorandum of Understanding with the Rocky Mountain Bird Observatory. Presenter: Esther Rubin, Branch Chief, Research Branch.** The Commission will be asked to review for future approval a Memorandum of Understanding with the Rocky Mountain Bird Observatory.
- 11. Becker Lake Wildlife Area Land Exchange. Presenter: Joyce Francis, Habitat Branch Chief.** The Commission will be briefed on a potential exchange of approximately an acre of land at the Becker Lake Wildlife Area for 1.11 acres of land and one acre-foot of water right.
- 12. Memorandum of Understanding with the Southwestern Region of the Forest Service and the University of New Mexico. Presenter: Joyce Francis, Habitat Branch Chief.** The Commission will be briefed on a potential MOU between the Commission, the Southwestern Region of the Forest Service and the University of New Mexico for the exchange of information on the status and distribution of Threatened, Endangered and Sensitive (TES) species on Forest Service Lands in Arizona and New Mexico.
- 13. Mexican Wolf Planning Principles and Plan Requirements Statements. Presenter: Jon Cooley, Endangered Species Coordinator.** The Commission will be asked to approve planning principles and key objectives for the Mexican Wolf Reintroduction Project in Arizona, which will serve as a framework for developing Department comments to upcoming comment/scoping and Environmental Impact Statement (EIS) development processes on USFWS proposed rules, and to provide a foundation for the Department's ongoing Mexican Wolf planning efforts.

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

- 14. 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.

15. **Petition for Rule Change to Commission Rule R12-4-517(B); Watercraft Motor and Engine Restrictions. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** The Commission may consider a petition by Richard Apperson to revise Commission Rule 12-4-517(B) to remove the 10 horse power (hp) restrictions on 29 small lakes and replace it with a “no wake” speed restrictions on all 29 of those waterways.

REVISED

TIME CERTAIN AT 2:00 PM

16. **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
Juan Bejar	2013-0046	Count A:	Possess/Transport Unlawfully Taken Wildlife (Javelina)
Robert J. Small	2013-0056	Count C: Count D: Count E:	Take Wildlife Unlawful Method Possess/Transport Unlawfully Taken Wildlife Unlawful Possession of Wildlife Parts
Richard V. Nielsen	2013-0057	Count A: Count B: Count C:	Possess Unlawfully Taken Wildlife (Trout) Exceed Bag Limit Exceed Possession Limit
David E. Nord	2013-0059	Count A:	Obtain Resident Hunting License by Fraud

TIME CERTAIN – ITEMS 17, 18 AND 19 WILL BE IMMEDIATELY FOLLOWING THE LICENSE REVOCATION HEARINGS

17. **Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Michael S. Herring has requested that the Arizona Game and Fish Commission grant a rehearing regarding the revocation of his license.
18. **Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Julian R. Milligan has requested that the Arizona Game and Fish Commission grant a rehearing regarding the revocation of his license.
19. **Rehearing Request Regarding Previous License Revocation/Civil Assessment. Gene F. Elms, Law Enforcement Branch Chief.** Phillip A. Milligan has requested that the Arizona Game and Fish Commission grant a rehearing regarding the revocation of his license.
20. **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; Wagner v. Personnel Board, LC2011-000683*; Proposed Rosemont Copper Mine Project NEPA; *WildEarth Guardians v. James Lane, CIV 12-118*; *Center for Biological Diversity v. U.S. Forest Service, CV 12-0817*; *Anderson v. Arizona Game and Fish*

Department., 226 Ariz. 39 (2010); *Red Wolf Coalition, et.al. v. North Carolina Wildlife Resources Commission.*

- 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 and staff regarding the Commission's option to divest the 26 Bar property.
- c. 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 performance. The Commission may take action in the public session or defer any action to a later date.
- 21. 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; Wagner v. Personnel Board, LC2011-000683; Proposed Rosemont Copper Mine Project NEPA; WildEarth Guardians v. James Lane, CIV 12-118; Center for Biological Diversity v. U.S. Forest Service, CV 12-08176.*
- 22. Approval of Minutes and Signing of Minutes.** The Commission may approve the Commission meeting minutes from September 6-7, 2013, October 4, 2013, November 1-2, 2013 and November 2, 2013.
- 23. 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 for information only. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.
- 24. 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.
- 25. Future Agenda Items and Action Items.**

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Saturday, December 7, 2013, 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. Consideration of Proposed Commission Orders 3, 4, and 26 for 2014 Hunting Season. Presenter: Brian F. Wakeling, Game Branch Chief.** The Commission may approve 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 2014 fall hunting season.

3. **Hunt Permit-Tag Application Schedule for 2014 Antelope and Elk 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 Antelope and Elk 2014 hunts and will ask the Commission to approve the application schedule.
4. ***ITEM REMOVED*** (Appeal of Wildlife Holding License Denial postponed to January 2014)

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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”