



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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Governor

Janet Napolitano

Commissioners

Chairman, Susan E. Chilton, Arivaca

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Joe Melton, Yuma

Michael M. Golightly, Flagstaff

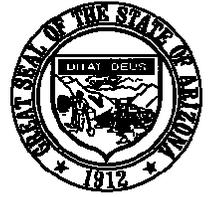
William H. McLean, Gold Canyon

Director

Duane L. Shroufe

Deputy Director

Steve K. Ferrell



July 22, 2004

A public meeting of the Arizona Game and Fish Commission will be held on August 12, 13, and 14, 2004, and as authorized by A.R.S. § 17-201(D), the Commission will discuss and may vote to take action on the following matters:

Thursday, August 12, 2004, Arizona Game and Fish Commission at the Lobby of the North Rim Lodge at the Grand Canyon.

Meeting begins at 11:30 a.m.

The Commission may attend a working field trip to the North Rim of the Grand Canyon. The Grand Canyon National Park staff will be facilitating a work session on the North Rim of the Grand Canyon to review issues associated with bison within Grand Canyon National Park. No official action will be taken by the Commission.

Friday, August 13, 2004, Arizona Game and Fish Commission at the DuBois Center, Northern Arizona University - Building 64, 2nd floor Ballroom, 306 E. Pine Knoll Dr., Flagstaff, AZ 86011.

Note: Free parking is available in NAU Lots 45 and 46.

Meeting begins at 12:30 p.m.

1. Executive Session

- a. Sale or Lease of Real Property.** The Commission may vote to go into Executive Session to discuss, consult with, and instruct its attorneys and Department staff concerning negotiations for the sale or lease of real property and associated water rights pursuant to A.R.S. § 38-431.03 (A)(7).
- b. 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 on *Montoya v. Manning*, CIV98-0239 PHX RCB; *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game & Fish Commission & Shroufe*, CIV2000-020754; *Mary R. LLC, et. al. v. The Arizona Game & Fish Commission*, CIV2001-015313; *Ameduri and Yee et. al. v. U.S. Forest Service et al.*, U.S. District Court No. CIV 02 2495 PCT FJM; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; *Phelps Dodge Corp. v. Arizona Dept. of Water Resources*,

LC2003-000243-001DT; Arizona Zoological Society, et. al. v. BLM, IBLA appeal no. 2002-412, Center for Biological Diversity v. Norton, 03 CV-01558 RCL, and Audubon Society of Portland v. USFWS, CV04-670-KI.

- c. Legal Counsel Regarding the Silverbell Bighorn Sheep Herd.** The Commission may vote to meet in Executive Session in accordance with A.R.S. sections 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel in order to consider its position and instruct legal counsel regarding the Commission's position on possible settlement or litigation over the damages associated with the epizootic episode in the Silverbell Bighorn Sheep Herd.
- d. Personnel Matters.** The Commission may vote to go into Executive Session to discuss personnel matters, including the Director's goals and objectives pursuant to A.R.S. § 38-431.01 (A) (1). The Commission may decide this matter in the public meeting or defer a decision to a later date.

Public Session begins immediately following the Executive Session, but no later than 1:30 p.m.

2. Presenter: Leonard L. Ordway, Law Enforcement Branch Chief. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife at Time Certain 1:30 p.m. The Commission will consider and take action on the Department's recommendations for license revocations and/or civil assessments for the individuals listed below.

<u>Name</u>	<u>Conviction</u>
Marquez, Isidro	Count A: Possess unlawfully taken wildlife (2 antelope). Count B: Possess unlawfully taken wildlife (2 rabbits). Count C: Take wildlife without a valid license (2 rabbits).
Meza, Miguel Garcia	Count A: Possess wildlife unlawfully taken (2 antelope). Count C: Knowingly take wildlife during a closed season (2 antelope). Count D: Take wildlife without a valid license/permit/tag (2 antelope). Count E: Take wildlife with the aid of a vehicle (2 antelope).
Gonzalez, Jr., Maurillo M.	Count A: Possess wildlife unlawfully taken (2 antelope). Count C: Take wildlife during a closed season (2 antelope). Count D: Take wildlife without a valid license/permit/tag (antelope). Count E: Take wildlife with the aid of a vehicle (2 antelope).

Marquez, Amador	Count A: Possess wildlife unlawfully taken (2 antelope). Count B: Possess wildlife unlawfully taken (2 rabbits). Count C: Take wildlife with the aid of a vehicle (2 antelope). Count D: Travel off road.
Gonzalez, Jesus M.	Count A: Possess wildlife unlawfully taken (2 antelope). Count B: Possess wildlife unlawfully taken (2 rabbits).
Avila, Maurillo M.	Count A: Possess wildlife unlawfully taken (2 antelope). Count B: Possess wildlife unlawfully taken (2 rabbits).
Walker, Kelvin Landon	Count A: Possess unlawfully taken wildlife (mule deer).
Chilson, Sr., Michael S.	Count A: Take big game in excess of bag limit (elk). Count B: Take big game and allow to waste (elk).
Chalernsouk, Boun	Count A: Knowingly take wildlife during closed season (turkey). Count B: Possession of unlawfully taken wildlife (turkey).
Vongphakdy, Bounmy	Count A: Possession of unlawfully taken wildlife (turkey).
Jenkins, Christopher Wm.	Count A: Take wrong gender during antlerless hunt (elk). Count B: Waste of game meat (elk).

- 3. Presenter: Leonard L. Ordway, Law Enforcement Branch Chief. Rehearing Request Regarding Previous License Revocation/Civil Assessment.** Mr. Alan Kowalski, has requested the Arizona Game and Fish Commission to schedule a rehearing regarding the action taken on **June 18, 2004**, revoking his license(s) to hunt, fish, or trap for a period of five (5) years, invoking a civil assessment of \$1,366.64 and further requiring him to complete Hunter Education before obtaining any license(s) in the State of Arizona. The Commission may vote to affirm or modify its decision, or grant a rehearing.
- 4. Presenter: Bob Broscheid, Habitat Branch Chief. An Update on Current Issues, Planning Efforts, and Proposed Projects on State and Federal Lands in Arizona and Other Matters Related Thereto.** The Commission will be briefed on the latest developments relating to the implementation of land and resource management plans and projects on state and federal lands in Arizona and other matters related hereto. The update addresses decisions or activities since the June 18, 2004 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 5. Presenter: Bob Broscheid, Habitat Branch Chief. A Presentation Regarding the Bureau of Land Management's Ongoing Planning Efforts in Arizona.** The Commission will be briefed on the Bureau of Land Management's current efforts to develop Monument management plans and revise several Resource Management Plans in Arizona.

Representatives from the BLM and Department will provide the Commission with a status of these planning efforts and a general overview of the issues and management tools being considered within the five National Monuments and Resource Planning Areas.

6. **Presenter: Bob Broscheid, Habitat Branch Chief. Request for the Commission to Approve the Agreement Between the Commission and the City of Phoenix for an Underground Utility Right-of-Way in Perpetuity at the Ben Avery Shooting Facility, Maricopa County, Arizona.** The Commission will be asked to vote to approve the agreement with the City of Phoenix for an underground utility right-of-way in perpetuity at the Commission's Ben Avery Shooting Facility in Maricopa County, Arizona.
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 vote 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. **Presenter: Bob Broscheid, Habitat Branch Chief. Request for the Commission to Approve the Agreement for Permit with the City of Tucson for the Purpose of Providing Water Service to the Commission's Tucson Regional Office, Pima County, Arizona.** The Commission will be asked to vote to approve the Agreement for Permit with the City of Tucson for the purpose of providing water service to the Commission's Tucson Regional Office.
 - b. **Presenter: Bob Broscheid, Habitat Branch Chief. Request for the Commission to Approve the Renewal of Two State Grazing Leases Acquired with the Purchase of the Grasslands Wildlife Area and to Approve the Renewal of the Associated Sub-leases for Grazing the Leased Lands Identified in the Grasslands Wildlife Area Grazing Plan and Cooperative Agreement.** The Commission will be asked to vote to approve the renewal of two State grazing leases acquired with the purchase of the Grasslands Wildlife Area and to approve the renewal of the associated sub-leases for grazing the leased lands.
 - c. **Presenter: Mark Weise, Development Branch Chief. Memorandum of Understanding (MOU) between Arizona Game & Fish Department, U.S. Border Patrol and Arizona State Land Department.** The Commission will be asked to vote to approve the Memorandum of Understanding (MOU) for the cooperation in control and closure of unauthorized wildcat roads within five miles of the international border between the state of Arizona and Mexico.
 - d. **Presenter: Mark Weise, Development Branch Chief. Memorandum of Understanding (MOU) for Granite Mountain Multi Use Area.** The Commission will be asked to vote to approve the MOU for the Granite Mountain Multi-Use Area.

- e. **Presenter: Eric D. Swanson, Urban Fishing Program Manager. Interagency Agreement for the Urban Fishing Program between the Arizona Game and Fish Commission and the Town of Gilbert for Water Ranch Lake.** The Commission will be asked to vote to approve and adopt an interagency agreement between the Department and the Town of Gilbert to conduct an Urban Fishing Program at Water Ranch Park for a period of two years.
 - f. **Presenter: Eric D. Swanson, Urban Fishing Program Manager. Interagency Agreement for the Urban Fishing Program between the Arizona Game and Fish Commission and the City of Surprise for Surprise Lake.** The Commission will be asked to vote to approve and adopt an interagency agreement between the Department and the City of Surprise to conduct an Urban Fishing Program at Surprise Lake for a period of two years.
8. **Presenter: Don Winslow, Acting Education Branch Chief. Statewide Shooting Range Project Update.** The Commission will be provided a presentation on the status of various statewide shooting range issues and projects. The update addresses decisions or activities since the June 2004 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
 9. **Presenter: Marty Macurak, Assistant Director, Information and Education Division. Memorandum of understanding with the Arizona State Rifle and Pistol Association.** The Department will provide the Commission with a draft concession agreement between the department and Arizona State Rifle Pistol Association for the operation of the Ben Avery Range Fund. The Commission may vote to take action on or provide the Department direction on possible modifications to the agreement.
 10. **Presenter: Anthony Guiles, Legislative Liaison. State and Federal Legislation.** 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.
 11. **Presenter: Steve Goodman, Nongame Specialist, Region III. Conservation of the Black-footed Ferret.** The Department will brief the Commission on the biological and legal status of the black-footed ferret, and the ongoing conservation effort to recover, downlist, and/or delist this species. The Commission may vote to give the Department direction on this item.
 12. **Litigation Report.** The Department's legal counsel may report on the status of the following litigation matters: *Montoya v. Manning*, CIV98-0239 PHX RCB; *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game & Fish Commission & Shroufe*, CIV2000-020754; *Mary R. LLC, et. al. v. The Arizona Game & Fish Commission*, CIV2001-015313; *Ameduri and Yee et. al. v. U.S. Forest Service et al.*, U.S. District Court No. CIV 02 2495 PCT FJM; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; *Phelps Dodge Corp. v. Arizona Dept. of Water Resources*, LC2003-000243-001DT; *Arizona Zoological Society, et. al. v. BLM, IBLA appeal no. 2002-412*, and issues associated with potential litigation over the status of black-tailed prairie dogs and mountain plovers, and Mexican garter snake. A written report will also be available. The Commission may vote to take action on any case.

- 13. 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.
- 14. Director's and Chairman's Reports.** The Director and the Chairman will report on recent Department and Commission activities. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.
- 15. Commissioners' Reports.** The Commissioners will report on their recent activities related to Game and Fish Commission duties and responsibilities. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.
- 16. Approval of Minutes** for June 9, 2004, and June 18-19, 2004; and **Signing of Minutes** for May 14, 2004.

Saturday, August 14, 2004, Arizona Game and Fish Commission at the DuBois Center, Northern Arizona University - Building 64, 2nd floor Ballroom, 306 E. Pine Knoll Dr., Flagstaff, AZ 86011.

Note: Free parking is available in NAU Lots 45 and 46.

Meeting begins at 8:00 a.m.

Awards and Commissioning of Officers.

- 1. Presenter: Brian Wakeling, Big Game Supervisor, Game Branch. Consideration of Proposed Commission Orders 5, 6, 8, and 9, 2005 Spring Hunting Season.** The Commission will consider and may vote to approve Commission Orders 5, 6, 8, and 9 (spring turkey, javelina, spring buffalo, and spring bear) establishing seasons and season dates, bag and possession limits, permit numbers, and open areas. A detailed description of all proposals is available for public review at all Department offices.
- 2. Presenter: Mike Rabe, Migratory Game Bird Supervisor, Game Branch. Consideration of Proposed Commission Order 21–Waterfowl and Commission Order 22-Snipe for the 2004-2005 Hunting Season.** The Commission will consider and may vote to approve Commission Order 21 (Waterfowl) and Commission Order 22 (Snipe), establishing seasons and season dates, bag and possession limits, and open areas. A detailed description of all proposals is available for public review at all Department offices.

3. **Presenter: Mark E. Naugle, Rules & Risk Manager. Request to Approve a Notice of Rulemaking Docket Opening for Publication in the *Arizona Administrative Register* to Begin Rulemaking to Amend Article 1 Rules to 1) Eliminate the Permit Fee for the Purchase of Bonus Points, and 2) Give the Commission Greater Flexibility in the Issuing of Restricted Nonpermit-Tags and Over-the-Counter Nonpermit-Tags.** The Commission will be asked to vote to approve the Notice of Rulemaking Docket Opening for publication in the *Arizona Administrative Register* to begin rulemaking to amend rules in Article 1, Definitions and General Provisions. The amendments will 1) eliminate the permit fee for the purchase of bonus points, and 2) give the Commission greater flexibility in the issuing of Restricted Nonpermit-Tags and over-the-counter Nonpermit-Tags (for example, in order to bring elk populations in the Kaibab National Forest within management objectives).
4. **Presenter: Mark E. Naugle, Rules & Risk Manager. Request to Approve a Notice of Proposed Rulemaking for Publication in the *Arizona Administrative Register* to Amend Article 1 Rules to Address Issues Related to 1) Eliminating the Permit Fee for the Purchase of Bonus Points, and 2) Giving the Commission Greater Flexibility in the Issuing of Restricted Nonpermit-Tags and Over-the-Counter Nonpermit-Tags.** The Commission will be asked to vote to approve the Notice of Proposed Rulemaking for publication in the *Arizona Administrative Register* to amend rules in Article 1, Definitions and General Provisions. The amendments will 1) eliminate the permit fee for the purchase of bonus points, and 2) give the Commission greater flexibility in the issuing of Restricted Nonpermit-Tags and over-the-counter Nonpermit-Tags (for example, in order to bring elk populations in the Kaibab National Forest within management objectives).
5. **Presenter: Steve K. Ferrell, Deputy Director. Department Recommendations on the Options for Maintaining Resident Hunting Opportunity that were Identified for Further Development at the June 19, 2004, Commission Meeting.** The Department will provide the Commission with a briefing on the options for maintaining resident hunting opportunity that were identified for further development at the June 19, 2004, Commission meeting. The Commission may vote to take action on, or provide the Department with direction this item. The Commission may vote to go into executive session for the purpose of obtaining legal advice from its attorneys on this matter pursuant to A.R.S. section 38-431.03(A)(3) and (4).
6. **Presenter: Steve K. Ferrell, Deputy Director. Briefing on How the Department would Use New Revenues if a New License Fee Increase was Approved and Pursued.** The Department will provide the Commission with a briefing on how the Department would use new revenues if a new license fee increase was approved and pursued. The Commission may vote to provide the Department with direction on this item.
7. **Presenter: Dana Yost, Executive Staff Assistant. 2004 Annual Commission Awards Selection.** The Department will provide an overview of the 2004 Commission award nominees and will ask the Commission to vote to select the 2004 Commission award recipients. The Department will also ask the Commission to consider (effective with the 2005 awards cycle) eliminating the Media of the Year Award category and in its place instituting an Educator of the Year Award. The Commission may vote to select award recipients and to provide the Department with direction on this item.

8. 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.

9. Future Agenda Items.

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 2222 West Greenway Road, Phoenix, at Department regional offices in Pinetop, Flagstaff, Kingman, Yuma, Tucson, Mesa and at the meetings.

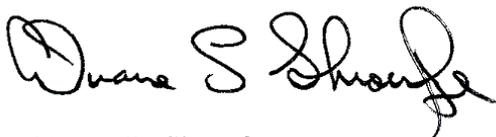
During the public meeting, the Commission may afford any person, his duly authorized representative, or both, the opportunity to present statements relating to agenda items, with or without the opportunity to present them orally.

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).

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, 2221 W. Greenway Road, Phoenix, Arizona 85023, 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"



Duane L. Shroufe
Director

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