



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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DIRECTOR
DUANE L. SHROUFE
DEPUTY DIRECTOR
STEVE K. FERRELL



REVISION #1

October 17, 2007

A public meeting of the Arizona Game and Fish Commission will be held on October 19-20, 2007, and as authorized by A.R.S. § 17-201(D), the Commission will discuss and may vote to take action on the following matters:

Friday, October 19, 2007, Arizona Game and Fish Commission at the Sheraton Crescent Hotel, 2620 W. Dunlap Phoenix, Arizona 85021.

Meeting begins at 9:00 a.m.

Awards and Commissioning of Officers.

- 1. 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.
- 2. Presenter: Ty Gray, Assistant Director Information and Education Division. Statewide Shooting Range Briefing.** The Commission will be given an update of Department activities related to shooting range support and development statewide. The update covers activities that have occurred since the September 2007 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 3. Presenter: Ty Gray, Assistant Director Information and Education Division. Information and Education Activities Briefing.** The Commission will be given an update of Department activities and events related to Information and Education Programs. The update covers activities and events that have occurred since the September 2007 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 4. Presenter: Josh Avey, Habitat Branch Chief. An Update on Current Issues, Planning Efforts, and Proposed Projects on All 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 private, state and federal lands in Arizona and other matters related hereto. The update addresses decisions or

activities since the September 2007 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.

5. **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: Josh Avey, Habitat Branch Chief. Request for Commission Approval of a Grant of Perpetual Right-of-Way with the Bureau of Land Management for Permanent Vehicular Access into the Whetstone Mountains in Pima County, Arizona.** The Commission will be asked to vote to approve a grant of perpetual right-of-way with the Bureau of Land Management for permanent vehicular access into the Whetstone Mountains in Pima County, Arizona.
 - b. **Presenter: Mark Weise, Development Branch Chief. Cost Share Agreement with ADOT for Signalization at the New Headquarters' Entry.** The Department will be asking the Commission to authorize the Department to enter into an agreement with ADOT pertaining to the cost of signalization at the new headquarters entry off of Carefree Highway. ADOT has agreed to provide 2/3 of the cost of the signalization equipment.
 - c. **Presenter: Mark Weise, Development Branch Chief. Intergovernmental Agreement (IGA) Between the Arizona Department of Transportation (ADOT) and the Arizona Game and Fish Department (Department).** The Commission will be asked to vote to approve an IGA between ADOT and the Department for the construction of two (2) wildlife water developments as mitigation to the widening of Highway 92 near Sierra Vista.
6. **Presenter: Josh Avey, Habitat Branch Chief. Request for Commission Approval for the Department to Acquire the Wells Property from The Nature Conservancy in Yavapai County, Arizona.** The Commission will be asked to vote to approve acquisition of the Wells property in Yavapai County and to prepare and execute a Purchase Agreement with The Nature Conservancy.
7. **Presenter: Ron Seig, Region II Supervisor. Request by Mr. Dan Depugh, Mr. Don Roberts, Mr. John Collins, Mr. Mike McCracken and Mr. Steve Albgra for a Hearing to Extend Hunt 7020 or Reinstate Their Bonus Points for Buffalo from the Spring 2007 Draw.** Mr. Dan Depugh, Mr. Don Roberts, Mr. John Collins, Mr. Mike McCracken and Mr. Steve Albgra are requesting a hearing before the Arizona Game and Fish Commission to either extend hunt 7020 or reinstate their bonus points earned for buffalo prior to their successful drawing for the spring 2007 hunting season. The Commission will vote to approve or deny the request.
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. **Presenter: Mark Weise, Development Branch Chief. Commission Briefing on Status of New Headquarters Facility.** The Department will be providing the Commission with a current status of the Department's new headquarters facility. This item is for Commission information only.
10. **Presenter: Mark Weise, Development Branch Chief. Arizona State Land Department Petition to Close a Block of State Trust Land in Pinal County to Hunting and Trapping.** The Department will be asking the Commission to vote to approve a petition to close a block of State Trust Land in Pinal County to hunting and trapping. The proposed closure is approximately 1090 acres of which approximately 750 acres is currently available to hunting with firearms.
11. **Presenter: Mark Weise, Development Branch Chief. Petition to Close a Road on State Trust Land Approximately Seven Miles Northeast of Benson, Arizona.** The Department will be asking the Commission to vote to approve a petition to close a road on State Trust land located approximately seven miles northeast of Benson, Arizona.
12. **Presenter: Mark Weise, Development Branch Chief. Petition to Close a Road on State Trust Land Approximately Twelve Miles Northeast of Benson, Arizona.** The Department will be asking the Commission to vote to approve a petition to close a road on State Trust land located approximately twelve miles northeast of Benson, Arizona.

13. 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 *In re General Stream Adjudication for the Little Colorado River and Gila River; State of Arizona v. George H. Johnson, CV2005-002692; Wilderness Watch vs. U.S. Fish and Wildlife Service CV-07-1185; Pruett v. Shroufe, 2:07-cv-01744-NVW.*
- 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 regarding the Commission's position on potential litigation regarding the use of temporary employment services at the Ben Avery Shooting Facility.
- c. **Litigation and Legal Counsel.** The Commission may vote to meet in Executive Session in accordance with A.R.S. § 38-431.03(A)(7) to discuss and consult with its representatives concerning negotiations with the United States Forest Service for a land exchange to acquire a site for a shooting range facility in Northern Arizona.

14. **Presenter: Pat Barber, 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 2:00 p.m.** The Commission will

consider and take action on the license revocations and/or civil assessments for the individuals listed below.

<u>Name</u>	<u>Conviction</u>
Kading, Kirk T.	Count A: Take wildlife (turkey decoy) without a permit.
Ash, Michael B.	Count A: Obtain license/tag by fraud/misrepresentation.
Trotter, Timothy N.	Count A: Obtain license/tag by fraud/misrepresentation.
Maduri, Anthony J.	Count B: Take big game (turkey decoy) without permit.
Bucy, Dennis C.	Count A: Take wildlife in closed season (javelina).
Tarantino, Jr., James	<u>6453</u> Count A & B: Take big game during closed season (Bighorn Sheep ewe).
	<u>6454</u> Count A: Possess big game unlawfully taken (Bighorn Sheep ewe).
Poston, Jason R.	Count A: Knowingly take big game in closed season (elk).
Kloosterman, Jeffery M.	Count A: Knowingly take big game in closed season (elk).
Watson, Ryan R.	Count B: Take big game by unlawful method (bear). Count C: Possess unlawfully taken big game (bear).
Ledbetter, Grover D.	Count A: Possess unlawfully taken big game (bear). Count B: Take big game without valid tag (bear).
Ledbetter, Bryan K.	Count A: Possess unlawfully taken big game (bear).

15. Presenter: Josh Avey, Habitat Branch Chief. Identification of Commission-Owned Properties for Land Exchange with the U.S. Forest Service to Acquire the Willard Springs Site for the Northern Arizona Shooting Range. The Commission will be asked to select which properties to offer the U.S. Forest Service in a land exchange to acquire the Northern Arizona Shooting Range Facility site. The Commission may vote to take action or provide direction to the Department concerning identification of suitable Commission-owned properties.

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.

MOVED TO SATURDAY

- 17. Presenter: Josh Avey, Habitat Branch Chief. 2007 Annual Commission Awards Selection.** The Department will provide an overview of the 2007 Commission award nominees and will ask the Commission to vote to select the 2007 Commission award recipients. The Commission may vote to select award recipients or provide the Department with direction on this item.
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Saturday, October 20, 2007, Arizona Game and Fish Commission at the Sheraton Crescent Hotel, 2620 W. Dunlap Phoenix, Arizona 85021.

Meeting begins at 9:00 a.m.

Awards and Commissioning of Officers.

- 1. Presenter: Eric Swanson, Urban Fishing Program Manager. Add Veteran's Oasis Lake in Chandler to the Urban Fishing Program as a Designated Urban Water and Establish Special Commission Order 40 Fishing Regulations.** The Commission will be asked to vote to add Veteran's Oasis Lake to the list of designated Urban Fishing Program waters, including amending Commission Order 40 to establish special regulations.
- 2. Presenter: Eric Swanson, Urban Fishing Program Manager. Renewal of an Interagency Agreement for the Urban Fishing Program between the Arizona Game and Fish Commission and the City of Mesa.** The Commission will be asked to vote to authorize the Department to finalize negotiations, execute, and amend as necessary an Interagency Agreement and any sub-agreements between the Department and the City of Mesa to conduct an Urban Fishing Program for a period of three years, commencing July 1, 2007 through June 30, 2010 on Red Mountain and Riverview lakes, designated urban fishing program waters.
- 3. Presenter: Kirk Young, Acting Fisheries Branch Chief; Chasa O'Brien, Research Branch Chief. Salt River Reservoirs Golden Alga Action Plan Update.** The Commission will be provided an update on the Salt River Reservoirs Golden Alga Action Plan.
- 4. 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 11am)

- 5. Presenter: Anthony Guiles, Legislative Liaison. Tumacacori Highlands Wilderness Act of 2007.** The Commission will be briefed on proposed legislation for the designation of the Tumacacori Highlands Wilderness Area within the Coronado National Forest. The Commission may vote to take action on, or provide the Department direction on, the information provided in this presentation.
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6. **Presenter: Shelley Cutts, Assistant Attorney General. Hiring a New Director for the Arizona Game and Fish Department.** Arizona Game and Fish Director Duane Shroufe has announced his intention to retire upon expiration of his current contract. This item is placed on the agenda to allow the Commission to discuss the process of hiring a new director. The Commission may also vote to take action or provide further direction to the Department regarding this matter.

MOVED FROM FRIDAY

7. **Presenter: Josh Avey, Habitat Branch Chief. 2007 Annual Commission Awards Selection.** The Department will provide an overview of the 2007 Commission award nominees and will ask the Commission to vote to select the 2007 Commission award recipients. The Commission may vote to select award recipients or provide the Department with direction on this item.
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8. **Executive Session**

- a. **Legal Counsel.** The Commission may vote to meet in executive session in accordance with A.R.S. 38-431(A)(4) for the purpose of receiving legal advice from counsel regarding the process for hiring a new agency director.

9. **Litigation Report.** The Department's legal counsel may report on the status of the following litigation matters: *In re General Stream Adjudication for the Little Colorado River and Gila River*; *State of Arizona v. George H. Johnson*, CV2005-002692; *Wilderness Watch vs. U.S. Fish and Wildlife Service CV-07-1185*. The Commission may vote to take action on any case.

10. **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 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.

11. **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 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.

12. **Approval of Minutes and Signing of Minutes.** The Commission will be asked to approve the minutes from July 13, 2007, August 17, 2007, and September 7, 2007 and if approved, the signing of the minutes from July 13, 2007, August 17, 2007, and September 7, 2007.

13. **Future Agenda Items.**

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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 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, 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, 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