



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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GOVERNOR
JANET NAPOLITANO
COMMISSIONERS
CHAIRMAN, MICHAEL M. GOLIGHTLY, FLAGSTAFF
WILLIAM H. MCLEAN, GOLD CANYON
BOB HERNBRODE, TUCSON
JENNIFER L. MARTIN, PHOENIX
ROBERT R. WOODHOUSE, ROLL
DIRECTOR
DUANE L. SHROUFE
DEPUTY DIRECTOR
STEVE K. FERRELL



September 5, 2007

REVISION #2

A public meeting of the Arizona Game and Fish Commission will be held on September 7, 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, September 7, 2007, Arizona Game and Fish Commission at the Arizona Game and Fish Regional Office, 2878 E. White Mountain Blvd. Pinetop, Arizona 85935.

Executive Session – begins at 7:00 a.m.

- 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; George H. Johnson, CV2005-002692; Wilderness Watch vs. U.S. Fish and Wildlife Service CV-07-1185.*
- 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. **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.

Public Session Begins at 8:00 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 August 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 August 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 thereto. The update addresses decisions or activities since the August 2007 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
5. **Presenter: Josh Avey, Habitat Branch Chief. Request for Commission Approval for the Department to Accept the Donation of Lands Adjacent to Arlington Wildlife Area in Maricopa County, Arizona.** The Commission will be asked to vote to approve the donation of lands adjacent to Arlington Wildlife Area in Maricopa County and execute a Donation Agreement.
6. **Presenter: Josh Avey, Habitat Branch Chief. Request for Commission Approval for Agreements with Willow Springs Properties LLC to Mitigate Impacts of Willow Springs Ranch South Village in Unit 37B.** The Commission will be asked to vote to approve two Agreements with Willow Springs Properties LLC to Mitigate Water Losses to Mule Deer, Ensure Sportsman Access, Address Nuisance Wildlife, and Implement Wildlife-Friendly Design at Willow Springs Ranch South Village Development in Unit 37B in Pinal County.

ADDITIONAL ITEM

- 6A. **Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve an Intergovernmental Agreement with Pima County Flood Control District to Develop an Ecological Monitoring Plan.** The Commission will be asked to vote to approve an Intergovernmental Agreement with Pima County Flood Control District to develop an ecological monitoring plan.
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7. **Presenter: Anthony Guiles, Legislative Liaison. Southeast Arizona Land Exchange and Conservation Act of 2007 – Federal Land Exchange for Resolution Copper Mining, LLC.** The Commission will be briefed on proposed legislation for the exchange of federal lands to Resolution Copper Mining, LLC. The Commission may vote to take action on, or provide the Department direction on, the information provided in this presentation.
8. **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.

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. **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.

ADDITIONAL ITEM

- 10A. **Presenter: Anthony Guiles Legislative Liaison. Supplemental Funding Initiative Language.** The Commission will be briefed on the development of draft language regarding a potential supplemental funding initiative that may include provisions for a new funding source from a sales tax and protection for the Heritage Fund. The Commission may vote to approve or provide changes to the proposed language and/or provide further direction regarding this item.
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MOVED TO 7:00 AM

11. 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; George H. Johnson*, CV2005-002692.
- 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.

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12. **Presenter: Steve Ferrell, Deputy Director. Supplemental Spending Plan For The Wildlife Conservation Fund.** The Department will brief the Commission on the Wildlife Conservation Fund. The Briefing will include presentation of a supplemental spending plan for Fiscal Years 2008 and 2009. The Commission may vote to approve and/or provide changes to the proposed plan and provide further direction regarding this item.
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ITEM REMOVED

13. **Presenter: Pat Barber, Law Enforcement Branch Chief. Request for Commission Approval of the Collection Agreement between the Arizona Game and Fish Commission and the Town of Eagar Arizona.** The Commission will be asked to vote to approve a Collection Agreement for the amount of \$10,000 with the Town of Eagar, Arizona, for the production and distribution of 5,000 "OHV routes on the Alpine and Springerville Ranger Districts" maps. The maps will be distributed to the public free of charge.
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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> |
|---------------------|---|
| Deitz, Terry L. | Count A: Take wrong sex (mule deer doe during buck season). |
| Hutchinson, John D. | Count C: Possession of unlawfully taken wildlife (2006 white-tailed deer). |
| Gonzales, Jesus | Count B: Take big game in a closed area (mule deer buck). |
| Sanchez, Manuel C. | Count A: Take dove while revoked. |
| Sanchez, Luis A. | Count A: Possession of unlawfully taken wildlife (turkey). |
| Tavasci, Jarrod C. | Count A: Take big game without a valid license/tag (mountain lion). |
| Scott, Benjamin T. | Count A: Possession of unlawfully taken big game (mountain lion). |
| Golden, Ronald D. | Count A: Obtain a license by fraud. |
| Gonzalez, Cesar | Count B: Possess unlawfully taken wildlife (elk). |
| Ballard, John D. | Count A: Take wildlife with the aid of a motor vehicle (mule deer). Count B: Knowingly discharge a firearm across a roadway. Count C: Take big game with an unlawful weapon (mule deer with rifle during archery season). |
| Camargo, Kurtis N. | Count A: Take wildlife in a closed area (elk). (Continued from the August 10, 2007 Commission Meeting) |

15. Presenter: Dustin McKissen, Operations Manager, SSHQ. Petition from the Publishers of *Huntin' Fool* Magazine to Amend R12-4-114, Dealing with Issuance of Nonpermit-tags and Hunt Permit-tags, to Limit the Number of Hunt Permit-Tags Available to Nonresidents in the Bonus Point Pass to 50% of the Nonresident Tags for Drawings for Bighorn Sheep, Buffalo, Antelope, Antlered Deer, Bull Elk, Javelina, and Turkey. The Commission will be asked to vote to take action on the petition submitted by the publishers of *Huntin' Fool* Magazine to amend R12-4-114, dealing with issuance of nonpermit-tags and hunt permit-tags. The amendment would limit the number of hunt permit-tags available to nonresidents in the bonus point pass to 50% of the nonresident tags

for drawings for bighorn sheep, buffalo, antelope, antlered deer, bull elk, javelina, and turkey.

ADDITIONAL ITEM

15A.Presenter: Dustin McKissen, Rules and Risk Manager. Request to Close the Rulemaking Record and Approve a Notice of Final Rulemaking to Amend Article 5 Rules, Dealing with Boating and Water Sports, as Stated in the 2005 Five-Year Review Approved by GRRC. The Commission will be asked to vote to close the rulemaking record and approve a Notice of Final Rulemaking to amend Article 5 rules, dealing with boating and water sports, principally as stated in the 2005 Five-Year Rules Review report approved by GRRC. The notice will be submitted to the Governor's Regulatory Review Council for approval.

ADDITIONAL ITEM

15B.Presenter: Dustin McKissen, Rules and Risk Manager. Request to Close the Rulemaking Record and Approve a Notice of Final Rulemaking to Amend Article 7 Rules, Dealing with Heritage Grants, as Stated in the 2005 Five-Year Review Approved by GRRC. The Commission will be asked to vote to close the rulemaking record and approve a Notice of Final Rulemaking to amend Article 7 rules, dealing with Heritage Grants, principally as stated in the 2005 Five-Year Rules Review report approved by GRRC. The notice will be submitted to the Governor's Regulatory Review Council for approval.

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.

17. 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 also may vote to take action or provide further direction to the Department regarding this matter.

18. Executive Session - MOVED TO 7:00A.M.

- 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.

ADDITIONAL ITEM

19. Presenter: Martin Fabritz, Executive Staff Assistant. Commissioner's Role While Attending External Meetings. The Commission will have a discussion regarding Commissioners' roles while attending external meetings and speaking regarding topics affecting the Commission and Department. This topic is for discussion only and no official action will be taken.

ADDITIONAL ITEM

20. 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 Commissioner's roles while attending external meetings.
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- 21. 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.
- 22. 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.
- 23. 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.
- 24. Approval of Minutes and Signing of Minutes.** The Commission will be asked to approve the minutes from July 13, 2007, July 19, 2007, August 8-11, 2007 and August 17, 2007 and if approved, the signing of the minutes from July 13, 2007, July 19, 2007, August 8-11, 2007 and August 17, 2007.

25. 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”

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Duane L. Shroufe
Director