



THE STATE OF ARIZONA  
**GAME AND FISH DEPARTMENT**

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**GOVERNOR**  
JANET NAPOLITANO  
**COMMISSIONERS**  
CHAIRMAN, WILLIAM H. MCLEAN, GOLD CANYON  
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**DEPUTY DIRECTOR**  
VACANT  
**CHIEF OF STAFF**  
GARY HOVATTER



**December 3, 2008**

**REVISION #1**

A public meeting of the Arizona Game and Fish Commission will be held on December 5-6, 2008, 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, December 5, 2008, Arizona Game and Fish Commission at the Francisco Grande 26000 Gila Bend Highway, Casa Grande, AZ 85293.**

**Meeting begins at 8:00 a.m.**

**1. 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 concerning *In re General Stream Adjudication for the Little Colorado River and Gila River; Wilderness Watch v. U.S. Fish and Wildlife Service CV-07-1185; Pruett v. Shroufe, 2:07-cv-01744-NVW; Turner notice of claim; Honie notice of claim.*
- b. 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 session or defer a decision to a later date.

**Pledge of Allegiance.**

**Awards and Recognition.**

- 2. 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; Wilderness Watch vs. U.S. Fish; Wildlife Service CV-07-1185; and Pruett vs. Shroufe, 2:07-cv-01744-NVW.* The Commission may vote to take action on any case.
- 3. 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.

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. The Commission may vote to take action on this issue.

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 October 2008 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 Acquire Buck Springs Ranch in Coconino County, Arizona.** The Commission will be asked to vote to approve the acquisition of Buck Springs Ranch in Coconino County for recovery of the Threatened Little Colorado Spinedace and to prepare and execute a Purchase Agreement.
6. **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 the Boundary Agreement with the Wilkins’ for the purpose of acknowledging the surveyed southern boundary at the Becker Lake Wildlife Area in Apache County, Arizona.** The Commission will be asked to vote to approve the Boundary Agreement with the Wilkins’ for the Purpose of acknowledging the surveyed southern boundary at the Becker Lake Wildlife Area in Apache County, Arizona.
  - b. **Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve an Amendment to the Intergovernmental Agreement with the Town of Marana for the Purpose of Continued Development of a Habitat Conservation Plan.** The Commission will be asked to vote to approve an amendment to the existing Intergovernmental Agreement with the Town of Marana for the purpose of continued Development of a Habitat Conservation Plan.
  - c. **Presenter: Mark Weise, Development Branch Chief. Intergovernmental Agreement (IGA) Between Mohave County and the Arizona Game and Fish Commission (Commission).** The Commission will be asked to vote to approve an IGA between Mohave County and the Commission for the construction of one (1) weather monitoring system at water development # 1090 – Tufa Tank to provide data for the County as well as provide remote monitoring of water levels at the catchment for the Department.

7. **Presenter: Harry Seck, Acting Deputy Director. Request to Approve Amendments to the Commission Approved Budget for Fiscal Year 2009 in the Wildlife Conservation Fund.** The Commission will be asked to vote to approve additional amendments to the Fiscal Year 2009 Wildlife Conservation Fund Budget as Approved by the Commission in June 2006 and amended in September 2007, March 2008 and June 2008.

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**ADDITIONAL ITEMS**

- a. **Presenter: Harry Seck, Acting Deputy Director. Commission Attendance at Mid-Winter and Summer WAFWA Meetings.** The Commission will discuss Commission attendance at the upcoming Mid-Winter Western Association of Fish and Wildlife Agencies, (WAFWA) Conference in January 2009 as well as the summer conference scheduled for June, 2009. The Commission may vote to take action or provide the Department further direction in the matter.
- b. **Presenter: Harry Seck, Acting Deputy Director. Commission Meeting Schedule Modification for 2009 Meetings.** The Commission will discuss the possibility holding all Commission meetings at the Phoenix Headquarters facility for 2009. The Commission may vote to take action or provide the Department further direction in the matter.

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8. **Presenter: Eric Gardner, Nongame Branch Chief. Nongame Subprogram Activities Briefing; July 1, 2008 through December 31, 2008.** The Commission will be briefed regarding activities under the Nongame Subprogram; July 1, 2008 through December 31, 2008. The Commission may vote to take action on, or provide the Department direction on, items covered in the presentation.
9. **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.

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

10. **Presenter: Gene Elms, 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>
Malik, Michael J.	Count B: discharge firearm w/ in ¼ mile while taking elk
Boales, Cameron	Count A: take antelope during the closed season

Pullium, Earl R.	Count A: use of aircraft to locate wildlife during a big game hunt
Arrollado, John L. Jr.	Count A: obtain license/ tag by fraud/ misrepresentation Count B: obtain license/ tag by fraud/ misrepresentation
Soderman, Norman C.	Count A: obtain license/ tag by fraud/ misrepresentation
Smart, Joshua D.	Count A: knowingly take bear during the closed season
Crowley, Oney D.	Count A: harassing wildlife with vehicle, a class two misdemeanor Count B: littering hunting and fishing areas, a class two misdemeanor

**11. Presenter: Gene Elms, Law Enforcement Branch Chief. Rehearing Request Regarding Previous License Revocation/Civil Assessment.** Mr. Cade Smith has requested that the Arizona Game and Fish Commission grant a rehearing regarding the action taken on May 16, 2008, revoking his licenses to hunt, fish, and trap for a period of five (5) years and further requiring that he complete a Hunter Education course before obtaining any license in the State of Arizona. The Commission may vote to affirm or modify its decision, or grant a rehearing.

**12. Presenter: Gene Elms, Law Enforcement Branch Chief. Rehearing Request Regarding Previous License Revocation/Civil Assessment.** Mr. Ralph E. Anderson has requested that the Arizona Game and Fish Commission grant a rehearing regarding the action taken on revoking his licenses to hunt, fish, and trap for a period of ten (10) years, invoking a civil assessment of \$8,000, and further requiring that he complete a hunter education course before obtaining any license in the State of Arizona. The Commission may vote to affirm, modify its decision, or grant a rehearing.

**13. Presenter: Jennifer Stewart, Rules and Risk Branch Chief. Request to Approve the Notice of Docket Openings and Notice of Proposed Rulemakings to Amend Article 3 Rules and additional affected rules in other articles, addressing the Taking and Handling of Wildlife.** The Commission will be asked to vote to approve the Notice of Docket Openings and Notice of Proposed Rulemakings to amend Article 3 rules as well as out of cycle changes to rules 102, 106, 216, 406, 409, and a new rule 412, addressing the Taking and Handling of Wildlife. The notices will be submitted to the Secretary of State's Office for publication in the *Arizona Administrative Register*. The Commission may vote to approve or modify the Notice of Docket Openings and Notice of Proposed Rulemakings.

**14. Presenter: Jennifer Stewart, Rules and Risk Branch Chief. Request to Approve a Draft Notice of Exempt Rulemaking to Amend Rules in Article 8 Addressing Wildlife Areas and Department Property.** The Commission will be asked to vote to approve a draft Notice of Exempt Rulemaking to amend rules in Article 8, addressing wildlife area restrictions and boundary descriptions. The Commission may vote to approve or modify the draft Notice of Exempt Rulemaking.

**15. Presenter: Jennifer Stewart, Rules and Risk Branch Chief. Request to Approve a Notice of Final Rulemaking and Economic Impact Statement, establishing a new Article 10 addressing Off-Highway Vehicles.** The Commission will be asked to vote to approve a Notice of Final Rulemaking and Economic Impact Statement, establishing a new Article 10 addressing Off-Highway Vehicles, in response to legislative amendments contained in Senate Bill 1167. The Notice of Final Rulemaking and Economic Impact Statement will then be submitted to the Governor's Regulatory Review Council (GRRC) for final approval and submitted to the Secretary of State's Office for publication in the *Arizona Administrative Register*.

**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.

**Saturday, December 6, 2008, Arizona Game and Fish Commission at the Francisco Grande 26000 Gila Bend Highway, Casa Grande, AZ 85293.**

**Meeting begins at 8:00 a.m.**

**Pledge of Allegiance.**

**Awards and Commissioning of Officers.**

- 1. Presenter: Jay Cook, Education Branch Chief, 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 October 2008 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 2. Presenter: Jay Cook, Education Branch Chief, Information and Education Division. Tucson Rod and Gun Club Shooting Range Update.** The Commission will be given an update on the Tucson Rod and Gun Club's efforts to build a non-profit public shooting range in the Tucson Area. 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 October 2008 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 4. Presenter: Shelley D. Cutts, Assistant Attorney General. Terms of Director's Employment Contract.** At its November 6, 2008 meeting, the Commission voted to offer Director Voyles a new five-year contract to serve as Director commencing on January 22,

2009. At this meeting, the Commission will discuss and may take action to approve or modify the terms of this new five-year contract.

5. **Presenter: Ron Sieg, Flagstaff Regional Supervisor. Request by Randy Carlson for Hearing to Replace a Hunting Tag.** Mr. Randy Carlson is requesting a hearing before the Commission to replace his 2008 elk tag as he contends Department actions interfered with his hunt success. The Commission may vote to grant or deny Mr. Carlson's request for a hearing. If a hearing is granted, the Commission may vote to hold the hearing at this meeting or reschedule the hearing at a later date.
6. **Presenter: Leonard Ordway, Tucson Regional Supervisor. Update on Public Access in Southeastern Arizona.** The Commission will be provided an update on access issues in Southeastern Arizona.
7. **Presenter: Rod Lucas, Mesa Regional Supervisor. Petition from Mr. Steven R. McCarter of Gilbert, Arizona, requesting reinstatement of his bonus points for elk as of the 2008 hunt draw.** The Commission will be asked to consider and vote to grant or deny a petition from Mr. Steven R. McCarter of Gilbert, Arizona, requesting reinstatement of his bonus points for elk as of the 2008 elk hunt draw, and that he be allowed to retain the elk antlers and hide from the animal he lawfully harvested during the muzzleloader hunt on October 2, 2008, in Unit 22S, Permit Tag 11, Hunt 3105.
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: Brian Wakeling, Big Game Management Supervisor. Consideration of Proposed Commission Orders 3, 4, and 26 for 2009 Hunting Season.** The Commission will consider and may vote to 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 2009 fall hunting season. A detailed description of all proposals is available for public review at all Department offices.
10. **Presenter: Harry Seck, Assistant Director, Special Services. Hunt Permit-tag Application Schedule for Winter 2009 Hunts.** The Department will provide the Commission with a presentation related to the proposed hunt-permit tag application schedule for winter 2009 antelope and elk hunts. The Commission will be asked to vote to approve the application schedule.
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.

**12. 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.

**13. 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.

**14. Approval of Minutes and Signing of Minutes.** The Commission will be asked to approve the Commission meeting minutes from the October 10-11, 2008, November 6, 2008 and November 7, 2008, and if approved, the signing of the minutes from the October 10-11, 2008, November 6, 2008 and November 7, 2008.

**15. 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 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.*

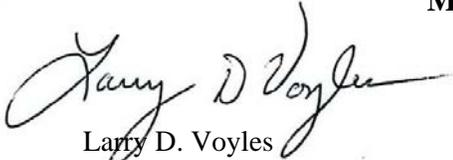
*The Commission may go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03 (A) (3) & (4).*

*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”**



Larry D. Voyles  
Director