



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

5000 W. CAREFREE HIGHWAY  
 PHOENIX, AZ 85086-5000  
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**GOVERNOR**  
 JANET NAPOLITANO  
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**DIRECTOR**  
 LARRY D. VOYLES  
**DEPUTY DIRECTOR**  
 STEVE K. FERRELL



**June 25, 2008**

**REVISION #2**

A public meeting of the Arizona Game and Fish Commission will be held on June 27-28, 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, June 27, 2008, Arizona Game and Fish Commission at the Arizona Game and Fish Department 5000 W. Carefree Highway, Phoenix, Arizona 85086.**

**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.*

**ADDITIONAL ITEM**

- b. Litigation and Legal Counsel.** The Commission may vote to go into executive session in accordance with A.R.S. § 38-431.03 (A)(3) and (4) for legal advice and to consider its position and instruct its attorneys concerning settlement discussions conducted *In re ASARCO LLC, et. al., Debtors* (US Bankruptcy Court for the Southern District of Texas, Case No. 05-21207). The settlement discussions are an attempt to resolve potential litigation related to the Proofs of Claim filed by the State of Arizona against ASARCO LLC in the United States Bankruptcy Court for natural resource damages to the Gila River and Mineral Creek from operations at the Ray Mine and Hayden Complex.

**Pledge of Allegiance.**

**Awards and Commissioning of Officers.**

- 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: Steve K. Ferrell, Deputy Director. Request to Approve the Expenditure of Unspent Balances in the Heritage Fund, Wildlife Conservation Fund, and Off Highway Vehicle Fund for Fiscal Year 2009.** The Commission will be asked to vote to approve the expenditure of unspent fund balances from Public Access; Identification, Inventory, Acquisition, Protection, and Management; Habitat Evaluation and Protection; Urban; Environmental Education; and Administration and Support Services (Interest monies) for Fiscal Year 2009. The Commission will also be asked to vote to approve the expenditure of unspent fund balances from the Wildlife Conservation Fund and the Off Highway Vehicle Fund for Fiscal Year 2009.
4. **Presenter: Steve K. Ferrell, Deputy Director. Request to Approve Amendments to the Commission-Approved budgets for Fiscal Year 2009 in the Game and Fish Fund, the Federal Funds, the Heritage Fund, the Wildlife Conservation Fund, and Off Highway Vehicle Fund.** The Commission will be asked to vote to approve additional amendments to the Fiscal Year 2009 Budget as Approved by the Commission in June 2006 and amended in September 2007 and March 2008. The additional amendments involve the Game and Fish Fund, the Federal Funds, the Heritage Fund, the Wildlife Conservation Fund and the Off Highway Vehicle Fund.
5. **Presenter: Steve K. Ferrell, Deputy Director. Request to approve the Game and Fish Fund Budget Request for Fiscal Years 2010 and 2011.** The Commission will be asked to vote to approve the proposed expenditures from the Game and Fish Fund for Operating and Capital Outlay programs for Fiscal Years 2010 and 2011.
6. **Presenter: Steve K. Ferrell, Deputy Director Request to approve the Watercraft Licensing Fund Budget Request for Fiscal Years 2010 and 2011.** The Commission will be asked to vote to approve the proposed expenditures from the Watercraft Licensing Fund for Operating and Capital Outlay programs for Fiscal Years 2010 and 2011.
7. **Presenter: Steve K. Ferrell, Deputy Director. Request to approve the Game, Nongame, Fish and Endangered Species Fund Budget Request for Fiscal Years 2010 and 2011.** The Commission will be asked to vote to approve the proposed operating expenditures from the Game, Nongame, Fish and Endangered Species Fund for Fiscal Years 2010 and 2011.
8. **Presenter: Steve K. Ferrell, Deputy Director. Request to approve the Capital Improvement Fund Budget Request for Fiscal Years 2010 and 2011.** The Commission will be asked to vote to approve the proposed expenditures from the Capital Improvement Fund for Fiscal Years 2010 and 2011.
9. **Presenter: Steve K. Ferrell, Deputy Director. Request to approve the Waterfowl Conservation Fund Budget Request for Fiscal Years 2010 and 2011.** The Commission will be asked to vote to approve the proposed expenditures from the Waterfowl Conservation Fund for Fiscal Years 2010 and 2011.
10. **Presenter: Steve K. Ferrell, Deputy Director. Request to approve the Wildlife Endowment Fund Budget Request for Fiscal Years 2010 and 2011.** The Commission will be asked to vote to approve the proposed expenditures from the Wildlife Endowment Fund for Fiscal Years 2010 and 2011.

- 11. Presenter: Steve K. Ferrell, Deputy Director. Request to approve the Federal Assistance Funds Budget Request for Fiscal Years 2010 and 2011.** The Commission will be asked to vote to approve the proposed expenditures from the Pittman-Robertson, Dingell-Johnson/Wallop-Breaux; Coast Guard Boating Safety; Section 6 Endangered Species Act; State Wildlife Grants; Landowner Incentive Program; and Special Contracts Federal Assistance Funds for Fiscal Years 2010 and 2011.
- 12. Presenter: Steve K. Ferrell, Deputy Director. Request to approve the Heritage Fund Budget Request for Fiscal Years 2010 and 2011.** The Commission will be asked to vote to approve the proposed expenditures from the Public Access; Identification, Inventory, Acquisition, Protection, and Management; Habitat Evaluation and Protection; Urban; Environmental Education; and Administration/Support Services (Interest monies) for Fiscal Years 2010 and 2011.
- 13. Presenter: Steve K. Ferrell, Deputy Director. Request to approve the Off-Highway Vehicle Fund Budget Request for Fiscal Years 2010 and 2011.** The Commission will be asked to vote to approve the proposed expenditures from the Off-Highway Vehicle Fund for Fiscal Years 2010 and 2011.
- 14. Presenter: Steve K. Ferrell, Deputy Director. Request to approve the Arizona Wildlife Conservation Fund Budget Request for Fiscal Years 2010 and 2011.** The Commission will be asked to vote to approve the proposed expenditures from the Arizona Wildlife Conservation Fund for Fiscal Years 2010 and 2011.
- 15. 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.
- 16. 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.
- 17. Presenter: Anthony Guiles, Legislative Liaison. Proposed State Trust Land Ballot Initiative 'Conserving Arizona's Water and Land'.** The Commission will be provided an informational presentation on the proposed State Trust Land Conservation Initiative. The Commission may vote to take a position or provide direction to the Department regarding this initiative application.
- 18. Presenter: Anthony Guiles, Legislative Liaison. T.I.M.E. Coalition's Transportation Initiative.** The Commission will be provided an informational presentation on the proposed Transportation Infrastructure Moving Arizona's Economy (T.I.M.E.) Initiative. The Commission may vote to take a position or provide direction to the Department regarding this initiative application.

- 19. 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 May 2008 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 20. 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 May 2008 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 21. Presenter: Josh Avey, Habitat Branch Chief. Request for Commission Approval for the Department to Terminate the Existing Access Easement to George Wise Spring in Santa Cruz County, Arizona.** The Commission will be asked to vote to approve the termination of an existing access easement across the Coal Mine Spring property to George Wise Spring in Santa Cruz County, Arizona.

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

- 22. 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 the Commission to Approve a Utility Permit Agreement with UNS Gas, Inc. for a 15' Wide Easement for Operation and Maintenance of Underground Gas Lines at the Pinetop Regional Office, Navajo County, Arizona.** The Commission will be asked to vote to approve a Utility Permit Agreement with UNS Gas, Inc. for a 15' wide easement for operation and maintenance of underground gas lines at the Pinetop Regional Office, Navajo County, Arizona.
  - b. Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve a Utility Permit Agreement with Citizens Telecommunications Company of the White Mountains, Inc. for a 15' Wide Easement for Operation and Maintenance of Underground Telephone Lines at the Pinetop Regional Office, Navajo County, Arizona.** The Commission will be asked to vote to approve a Utility Permit Agreement with Citizens Telecommunications Company of the White Mountains, Inc. for a 15' wide easement for operation and maintenance of underground telephone lines at the Pinetop Regional Office, Navajo County, Arizona.

- c. **Presenter: Josh Avey, Habitat Branch Chief. Request for Commission Approval to Renew a Ten-Year Permit with the Rio Salado Sportsman's Club, Inc. for Management and Operation of the Commission Owned Portion of the Rio Salado Shooting Range in Maricopa County, Arizona.** The Commission will be asked to vote to approve renewal of a ten-year permit with the Rio Salado Sportsman's Club, Inc. for management and operation of the Commission owned portion of the Rio Salado Shooting Range in Maricopa County, Arizona.
- d. **Presenter: Josh Avey, Habitat Branch Chief. Request for Commission Approval for the Department to Develop a New Lease Agreement with the Army Corps of Engineers and a Sharecropping Agricultural Lease at the Painted Rock Wildlife Area in Maricopa County, Arizona.** The Commission will be asked to vote to approve the Department to develop a new lease agreement with the Army Corps of Engineers and a sharecropping agricultural lease at the Painted Rock Wildlife Area in Maricopa County, Arizona.
- e. **Presenter: Chantal O'Brien, Research Branch Chief. Memorandum of Understanding with Sul Ross University.** The Commission will be asked to vote to approve a new Memorandum of Understanding between the Department and the Sul Ross University for collaborative research.
- f. **Presenter: Chantal O'Brien, Research Branch Chief. Request for the Commission to Approve a Collection Agreement with Sonoran Valley Management, LLC for Wildlife Movements and Habitat Connectivity Research in the Sonoran (formerly Rainbow) Valley.** The Commission will be asked to vote to approve a Collection Agreement with Sonoran Valley Management, LLC, for a research study to determine wildlife movements and habitat utilization along the proposed Sonoran Valley Road Project route.
- g. **Presenter: Chantal O'Brien, Research Branch Chief. The Commission will be asked to vote to approve a Collection Agreement with PCR Services Corporation for a research study to determine Southwestern Willow Flycatcher (WIFL) occupancy and habitat utilization along property owned by BHP Copper.** Request for the Commission to Approve a Collection Agreement with PCR Services Corporation for presence/absence surveys for WIFL and the evaluation of a potential breeding habitat map for on BHP Copper property along the San Pedro River, Pinal County.

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**ADDITIONAL NAMES ADDED**

- 23. Presenter: John Romero, Acting 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.
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Name

Conviction

Pena, Sr., Tommy	Count A: Take big game (elk) decoy without a license. Count B: Use permit of another. Count C: Shoot from motor vehicle.
Pena, Jr., Tommy F.	Count A: Allow use of tag by another.
Wolters, Mark S.	Count A: Take wildlife in a closed area (antelope). Count B: Possess unlawfully taken wildlife (antelope).
Wipff, John A.	Citation #232412 Count A: Take bull elk in excess of the bag limit. Citation #232410 Count A: Take antlerless deer during buck only season. Citation #232411 Count A: Take bull elk during closed season.
Salazar, Raul M.	Count A: Shoot deer (decoy) from a roadway. Count B: Take deer (decoy) without valid permit.
Robinson, Joshua J.	Count B: Take wildlife in closed season (4 antelope).
Martinez, Ronnie G.	Count A: Take wildlife in wrong unit (elk). Count B: Discharge firearm within ¼ mile of residence.
Kartanowicz, Francis D.	Count A: Obtain 2007 hunting license by fraud.
Smith, Scott E.	Failure to comply with terms of a citation for wildlife violations of take over limit big or trophy game and fail to purchase conservation stamp as per terms of the Wildlife Violator Compact with the State of Wyoming.
Mecke, Todd D.	Failure to comply with terms of a citation for wildlife violation of unlawful taking or possession of protected wildlife – over limit fish per the terms of the Wildlife Violator Compact with the State of Utah.
Smith, Cade S.	Count A: Locate wildlife (elk) from aircraft during hunt (Continued from the May 16, 2008 Commission Meeting).
Anderson, Ralph E.	Count C: Take big game in excess of bag limit (bull elk). (Continued from the May 16, 2008 Commission Meeting).

**24. Presenter: John Romero, Acting Law Enforcement Branch Chief. Rehearing Request Regarding Previous License Revocation/Civil Assessment.** Mr. Jeffrey T. Fore 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 two (2) years, invoking a

civil assessment of \$8,000.00, 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.

- 25. 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, June 28, 2008, Arizona Game and Fish Commission at the Arizona Game and Fish Department 5000 W. Carefree Highway, Phoenix, Arizona 85086.**

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

**Pledge of Allegiance.**

**Awards and Commissioning of Officers.**

- 1. Presenter: Brian Wakeling, Big Game Management Supervisor. Consideration of Applications for Special Big Game Hunt License Tags for Antelope, Bighorn Sheep, Black Bear, Buffalo, Elk, Javelina, Mountain Lion, Mule Deer, White-tailed Deer, and Turkey for 2009-2010.** The Commission will consider and may vote to take action on applications from organizations for 2009-2010 Special Big Game License Tags as per R12-4-120. A detailed description of all proposals is available for public review at all Department offices.
- 2. Presenter: Brian Wakeling, Big Game Management Supervisor. Consideration of Proposed Commission Order 29 for Special Big Game License-Tag Seasons for Mule Deer, White-tailed Deer, Antelope, Elk, Turkey, Javelina, Bighorn Sheep, Buffalo, Black Bear, and Mountain Lion for the 2009-2010 Special Tag Hunting Seasons.** The Commission will consider and may vote to approve Commission Order 29: Special Hunts, establishing seasons and season dates, bag and possession limits, permit numbers, and open areas for Special Big Game Hunt License Tags. A detailed description of all proposals is available for public review at all Department offices. (This item is to be considered immediately after the Commission approves applications for special big game hunt license-tags.)
- 3. Presenter: Mike Rabe, Small Game Program Supervisor. Consideration of Proposed Commission Orders 19, 20 and 24 for the 2008-2009 Hunting Season.** The Commission will consider and may vote to approve Commission Order 19 (dove), Commission Order 20 (band-tailed pigeons), and Commission Order 24 (sandhill cranes) establishing seasons and season dates, bag and possession limits, and open-closed areas. A detailed description of all proposals is available for public review at all Department offices.
- 4. 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 May 2008 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.

5. **Presenter: Anthony Chavez, Statewide Shooting Range Administrator. Statewide Shooting Range Grant Requests for FY 2009.** The Department's Shooting Ranges Grants Program received eleven grant applications for fiscal year 2009. The Department will ask the Commission to vote to approve six of the applications: 1.) Construction of safety berms and facility improvements at the Ralph C. Herrera Shooting Range (Mammoth); 2.) Purchase and construct an educational/training and meeting facility at the Pima Pistol Club (Tucson); 3.) Construction of a Skeet and Trap field at the Northeastern Arizona Shooting Range (St. Johns); 4.) Purchase clay target machines for a 5-stand/sporting clays course at the Ft. Huachuca Shooting Range (Sierra Vista); 5) Purchase clay target machines for a 5-stand sporting clays course at the Wickenburg Sportsman's Club (Wickenburg); and 6) Construction of safety fencing, berms, covered shooting stations and information kiosks at the Fredonia Public Shooting Facility (Fredonia) for a total of \$87,550.00.
6. **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.
7. **Presenter: Barbara Jewett, Branch Chief, Support Services. E-Commerce Request for Proposal (RFP).** The Department will be providing the Commission with information regarding the current status of the E-Commerce RFP and alternatives to procure services for an on-line hunt permit-tag draw. The Commission may vote to take action on, or provide the Department direction on, this item.
8. **Presenter: Mike Senn, Assistant Director of Field Operations; Shelley Cutts, Assistant Attorney General. Briefing on the status of new air quality regulations as proposed or enacted by State, County and Municipal Governments pursuant to passage of Senate Bill 1552 and their impacts on vehicular access for hunters and anglers in Maricopa and Pinal Counties.** The Commission will be presented with a briefing on the status of new air quality regulations as proposed or enacted by State, County and Municipal Governments pursuant to passage of Senate Bill 1552 and their impacts on vehicular access for hunters and anglers in Maricopa and Pinal Counties. The Commission may vote to provide the Department direction on this issue.
9. **Presenter: Marty Fabritz, Executive Staff Assistant. Proposed Dates and Locations of Arizona Game and Fish Commission Meetings for 2008 and January 2009.** The Commission will be asked to vote to approve a schedule for Commission meeting dates and locations for 2009 and January 2010.
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 May 16, 2008, and if approved, the signing of the minutes from May 16, 2008.

### **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 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).*

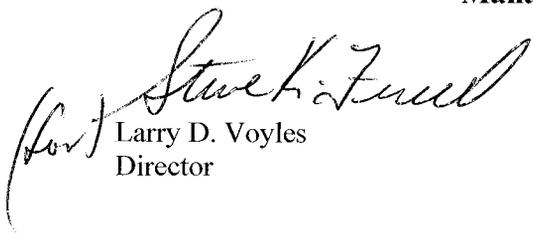
*One or more members of the Commission may appear and participate in the meeting telephonically or by other electronic means.*

*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”**

A handwritten signature in cursive script, appearing to read "Larry D. Voyles".

Larry D. Voyles  
Director