



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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June 24, 2009

Revision #1

A public meeting of the Arizona Game and Fish Commission will be held on June 26-27, 2009, 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 26, 2009, 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; Honie v. Knight Transportation, Inc., et al., CV2009-050859; Hoepfner notice of claim; Anderson v. Arizona Game and Fish Department, et. al C20089051. Center for Biological Diversity v. U.S. Bureau of Land Management, et al., CV 09-8011-PCT-GMS; Corbett Notice of Claim; Sayer Notice of Claim; Center for Biological Diversity 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 v. U.S. Fish and Wildlife Service CV-07-1185; Honie v. Knight Transportation, Inc., et al., CV2009-050859; Hoepfner notice of claim; Anderson v. Arizona Game and Fish Department, et. al C20089051. Center for Biological Diversity*

Additional Item

- 2.A Presenter: Bob Broscheid, Deputy Director. Request for Commission Approval under A.R.S. §17-405 to Transfer Game and Fish Funds to Meet Federal Match Requirements.** The Commission will be asked to vote to authorize the transfer of Game and Fish Funds to meet federal match requirements under existing provisions of A.R.S. 17-405.
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- 3. Presenter: Anthony Chavez, Statewide Shooting Range Administrator. Statewide Shooting Range Grant Requests for FY 2010.** The Department's Shooting Ranges Grants Program received ten grant applications for fiscal year 2010. The Department will ask the Commission to approve five of the applications totaling \$93,790.00. The Commission may vote to take action on, or provide the Department direction on this item.

- 4. Presenter: Ty Gray, Assistant Director, Information and Education Division. Information, Education and Watchable Wildlife Activities Briefing.** The Commission will be given an update of Department activities and events related to Information, Education and Watchable Wildlife Programs. The update covers activities and events that have occurred since the May 2009 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
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Numbers Changed

- 5. Presenter: Anthony Guiles, Legislative Liaison. Legislative Engagement and State and Federal Legislation at Time Certain 10:00 a.m.** The Commission will be briefed on the status of State and Federal legislation including a Congressional briefing by Congresswoman Anne Kirkpatrick at Time Certain 10:00 a.m. 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.

- 6. Presenter: Bob Broscheid, Deputy Director. Request to Approve Amendments to the Commission Approved Budget for Fiscal Year 2010 in the Wildlife Conservation Fund.** The Commission will be asked to vote to approve amendments to the Fiscal Year 2010 Wildlife Conservation Fund Budget as Approved by the Commission in June 2008. The Commission may vote to take action on, or provide the Department direction on this item.
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Additional Items

- 7. Presenter: Bob Broscheid, Deputy Director. Request to Approve Amendments to the Commission Approved Budget for Fiscal Year 2010 in the Off Highway Vehicle Fund.** The Commission will be asked to vote to approve amendments to the Fiscal Year 2010 Off Highway Vehicle (OHV) Fund Budget as Approved by the Commission in June 2008. The Commission will also be asked to vote to approve 8 new positions in the Off Highway Vehicle Fund. The Commission may vote to take action on, or provide the Department direction on these items.

8. **Presenter: Bob Broscheid, 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 2010.** 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 2010. 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 2010. The Commission may vote to take action on, or provide the Department direction on these items.
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Number Changed

9. **Presenter: Josh Avey, Habitat Branch Chief. Lands and Habitat Program Update.** 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 2009 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
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Additional Item

- 9.A **Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve the Use of the Upper Verde River Wildlife Area – Wells Parcels as a Match for the North American Wetlands Conservation Act Grant.** The Commission will be asked to vote to approve the use of the Upper Verde River Wildlife Area – Wells Parcels as a match for the North American Wetlands Conservation Act Grant. The Commission may vote to take action on, or provide the Department direction on this item.
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10. **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.
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Items Moved

- a. **Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve the Agreement for a Permit with Arizona Public Service for the Purpose of Continuing Service for Construction, Operation, and Maintenance of Electric Poles and Lines at Page Springs Hatchery – Bubbling Ponds, Yavapai County, Arizona.** The Commission will be asked to vote to approve the Agreement for a Permit with Arizona Public Service for the purpose of continuing service to construct, operate and maintain electric poles and lines at Page Springs Hatchery – Bubbling Ponds, Yavapai County, Arizona. The Commission may vote to take action on, or provide the Department direction on this item.

- b. **Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve a Memorandum of Understanding with US Forest Service for the Department to participate as a Cooperating Agency in the National Environmental Policy Act process concerning the Rosemont Copper Project.** The Commission will be asked to vote to approve a Memorandum of Understanding to allow the Department to be a Cooperating Agency in the National Environmental Policy Act process concerning the Rosemont Copper Project. The Commission may vote to take action on, or provide the Department direction on this item.

 - c. **Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve a Memorandum of Understanding with BLM for the Department to participate in the Development of the Solar Programmatic Environmental Impact Statement (PEIS).** The Commission will be asked to vote to approve a Memorandum of Understanding to allow the Department to be a Cooperating Agency in the Development of the Solar Programmatic Environmental Impact Statement (PEIS). The Commission may vote to take action on, or provide the Department direction on this item.
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Additional Item

- d. **Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve an Amendment to the Intergovernmental Agreement with the Pima County Regional Flood Control District for the Purpose of Developing a Biological Monitoring Plan, as a Component of the Multi-Species Conservation Plan.** The Commission will be asked to vote to approve an amendment to the existing Intergovernmental Agreement with the Pima County Regional Flood Control District for the purpose of developing a Biological Monitoring Plan, as a component of the Multi-Species Conservation Plan.
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Items Moved

- e. **Presenter: Ty Gray, Assistant Director, Information and Education Division. Proposed Revisions to the Heritage Public Advisory Committee Charter.** The Commission will be asked to vote to approve the proposed revisions to the Heritage Public Advisory Committee Charter. The Commission may vote to take action on, or provide the Department direction on this item.

- f. **Presenter: Rod Lucas, Mesa Regional Supervisor. Intergovernmental Agreement between the Arizona Game and Fish Commission and the City of Maricopa regarding hunting within city limits.** The Commission will be asked to vote to approve an Intergovernmental Agreement with the City of Maricopa to allow the discharge of firearms by licensed hunters pursuing wildlife during an open season to the extent and in areas where such activities are deemed safe and practical within the City of Maricopa. This agreement will allow for identified hunting areas to be modified in order to include future annexations, and will allow for the closure of areas no longer

deemed appropriate for hunting. The Commission may vote to take action on, or provide the Department direction on, this item.

Numbers Changed

11. Presenter: Marty Fabritz, Executive Staff Assistant. Commission Attendance at Y.P.G. Field Trip, June 30, 2009. The Commission will discuss and may decide whether a quorum of the Commission will participate in a tour of Yuma Proving Grounds on June 30th 2009. The Commission may vote to take action on, or provide the Department direction on this item.

12. 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.)

13. 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>
Scott, Benjamin	Count B: Possession of unlawfully taken mountain lion
Presmyk, Kevin	Count A: Assist in unlawful take of big game for monetary gain
Anderson, Aaron	Count A: Possession of unlawfully taken big game Count B: Unlawful method of take Count C: Litter while hunting
Peterson, Blair	Count A: Possession of unlawfully taken big game
Peterson, Chris	Count A: Possession of unlawfully taken big game Count B: Knowingly take big game in a closed season Count C: Take big game without a valid permit Count D: Waste edible portions of big game Count E: Unlawful cross country travel
Gurnett, Theresa	Count A: Allow use of tag by another Count B: Possession of unlawfully taken big game
Cook, Arthur	Count A: Use tag of another Count B: Take big game w/o valid permit Count C: Possession of unlawfully taken big game

Count D: Shooting from a maintained road

Hottle, Gregory

Count A: Take mule deer with handgun during archery-only season

Count B: Possess unlawfully taken mule deer

Valdez, Ivan

Count A: Use license and permit/tag of another

Valdez, Thomas

Count A: Allow another to use license and tag

- 14. Presenter: Gene Elms, Law Enforcement Branch Chief. Petition from Mr. James M. Forshey, Tucson, Arizona, requesting a change to the CHAMP Permit Rule (R12.4.217.G).** The Commission will be asked to consider and vote on a petition from Mr. James M. Forshey requesting that the Commission modify the CHAMP Permit Rule and remove the requirement that the assistant to the hunter be required to possess a valid hunting license. The Commission may vote to take action on, or provide the Department direction on, this item.

Item Removed

- ~~**15. Presenter: Mark Weise, Development Branch Chief. Landowner-Lessee/Sportsman Relations Committee Appointment.** The Department's Landowner Relations Program is recommending a new member to serve a 3-year term on the Landowner-Lessee/Sportsman Relations Committee. Mr. John Koleszar is vice president of the Arizona Deer Association and a board member of the Arizona Elk Society, Arizona Wildlife Federation and Arizona Sportsmen for Wildlife. Members of the Landowner-Lessee/Sportsman Relations Committee have approved Mr. Koleszar's nomination. The Commission may vote to approve the recommendation, or provide the Department direction on this item.~~

Presenter Change

- 16. Presenter: Gary R. Hovatter, Deputy Director, I.E.D/F.O.D. Department Privacy Policy.** The Commission will be given an update on the status of the development of a Department Privacy Policy. The Department has developed a new policy in compliance with current state law requiring the confidentiality and nondisclosure of personal identifying information including electronic identifiers. This update is in fulfillment of an action item from the May Commission meeting. This presentation is information only

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- 17. 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.
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Saturday, June 27, 2009, 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 Recognition.

- 1. Presenter: Josh Avey, Habitat Branch Chief. Summary of alternatives for site selection of the Northern Arizona Regional Shooting Facility, including projected scale, timeline, and budget commitments.** The Department will provide the Commission with a summary of alternatives for site selection of the Northern Arizona Regional Shooting Facility, including projected scale, timeline, and budget commitments. The Commission may vote to take action on or provide the Department direction on the alternatives.
- 2. Presenter: Jay Cook, Education Branch Chief, Information and Education Division. Shooting Sports Activities Briefing.** The Commission will be given an update of Department activities related to shooting sports including shooting programs and shooting range development statewide. The update covers activities that have occurred since the May 2009 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 3. Presenter: Brian F. Wakeling, Game Branch Chief. 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 2010-2011.** The Commission will consider and may vote to take action on applications from organizations and award 2010-2011 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.
- 4. Presenter: Brian F. Wakeling, Game Branch Chief. 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 2010-2011 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.
- 5. 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.)

- 6. Presenter: Mike Rabe, Small Game Program Supervisor. Consideration of Proposed Commission Orders 19, 20 and 24 for the 2009-2010 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.
- 7. Presenter: Harry Seck, Assistant Director, Special Services Division. E-Commerce Update.** The Commission will be provided with an update on the status of the Department's E-Commerce activities. The update will include information for online watercraft registration renewals, license sales and big game applications. The Commission may vote to take action on, or provide the Department direction on items covered in the update.
- 8. Presenter: Bob Broscheid, Deputy Director. Presentation on the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).** The Commission will be provided an overview of the CITES process and the implementation of international treaties and resolutions related to the sustainability in international trade of wild flora and fauna. This presentation is information only.
- 9. Presenter: Marty Fabritz, Executive Staff Assistant. Proposed Dates and Locations of Arizona Game and Fish Commission Meetings for 2010 and January 2011.** The Commission will be asked to vote to approve a schedule for Commission meeting dates and locations for 2010 and January 2011.
- 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.
- 11. Review and Update of Upcoming Commission Calendar Activities and Events.** The Commission has been provided with a calendar of events covering 60 days. The Commission may discuss and vote to take action on Commission attendance regarding the list of provided events.
- 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 April 8, 2009, April 14, 2009, April 17-18, 2009, April 23, 2009, May 15, 2009, and May 27, 2009, and if approved, the signing of the minutes from the April 8, 2009, April 14, 2009, April 17-18, 2009, April 23, 2009, May 15, 2009, and May 27, 2009.

15. Future Agenda Items and Action 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.

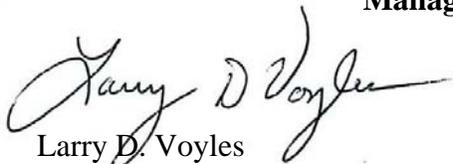
The Commission may go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03 (A) (3) & (4).

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

June 2009