



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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September 9, 2009

Revision #2

A public meeting of the Arizona Game and Fish Commission will be held on September 11-12, 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, September 11, 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; Hoeppner 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 v. State of Arizona, et al., CV 2009-016279; 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.
- c. Legal Advice on Arizona's Public Records Laws.** The Commission may vote to go into executive session pursuant to A.R.S. Section 38-431.03(A)(3) for discussion or consultation for legal advice with the Commission's legal counsel concerning Arizona's public records laws.

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 v. U.S. Bureau of Land Management, et al., CV 09-8011-PCT-GMS; Corbett v. State of Arizona, et al., CV 2009-016279; Sayer Notice of Claim; Center for Biological Diversity Notice of Claim.*
3. **Presenter: Anthony Guiles, Legislative Liaison. Legislative Engagement and 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.
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 August 2009 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. 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 August 2009 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
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 the Commission to Approve the Road Permit Agreement with Eight Private Landowners for the Purpose of Providing Legal Access to Private Property through Cluff Ranch Wildlife Area, Graham County, Arizona.** The Commission will be asked to vote to approve the road permit agreement with eight private landowners for the purpose of providing legal access to private property through the Cluff Ranch Wildlife Area, Graham 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 Commission Approval to Approve the Commercial Lease (No. 03-95720) with the Arizona State Land Department for a Ten-Year Lease of the Lands**

Occupied by the Kingman Regional Office. The Commission will be asked to vote to approve the Commercial Lease (No. 03-95720) with the Arizona State Land Department for a ten-year lease of the lands occupied by the Kingman Regional Office. 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 the Agreement for Permit with Tucson Electric Power Company for the Purpose of Continuing Service for Construction, Operation, and Maintenance of Electric Poles and Lines Through the Commission's Tucson Regional Office, Pima County, Arizona. The Commission will be asked to vote to approve the Agreement for Permit with Tucson Electric Power Company for the purpose of continuing service to construct, operate and maintain electric poles and lines through the Commission's Tucson Regional Office. The Commission may vote to take action on, or provide the Department direction on this item.

d. Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve the Mediation Agreement with Stakeholders Along the Bill Williams River Watershed for Lower Colorado River Multi-Species Conservation Plan (MSCP) Purposes Associated with the Planet Ranch Property Located in Mohave and La Paz Counties, Arizona. The Commission will be asked to vote to approve the Mediation Agreement with stakeholders along the Bill Williams River watershed for MSCP purposes associated with the Planet Ranch property located in Mohave and La Paz Counties, Arizona. The Commission may vote to take action on, or provide the Department direction on this item.

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: Harry Seck, Assistant Director, Special Services Division. Request by Mr. George Sells to be issued his First Choice Hunt Permit, in Lieu of his Second Choice for which he was Drawn. Mr. George Sells is requesting a hearing before the Arizona Game and Fish Commission to be issued his first choice hunt permit in the 2009 deer big game draw. The Commission may vote to accept or reject the petition or provide the Department with direction on this item.

8A. Presenter: Mike Senn, Assistant Director, Wildlife Management Division. Design, Role, and Function of the North American Wetland Conservation Act and the National Fish Habitat Conservation Act as Models for Federal Funding Partnerships. The Commission will be briefed on how the North American Wetland Conservation Act program is implemented and how it can be used to advance wetland conservation in Arizona. The National Fish Habitat Conservation Act is a similar program that is currently up for consideration by the 111th Congress. This item is for information only and no action will be taken by the Commission.

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>
Martin, David R.	09-91	Count A: License fraud
Balganon, Cesar A.	09-84	Count A: Take deer unlawfully without permit or tag Count B: Take deer by unlawful method Count C: Possess unlawfully taken white tail deer doe
Aguirre, Guillermo M.	09-86	Count B: Shoot from motorized vehicle Count C: Take big game without license Count D: Knowingly permit edible portions to waste
Aguirre, Daniel S.	09-85	Count A: Take with artificial light
Rodriguez-Carera, Osvaldo	09-81	Count A: Possess/transport unlawfully taken deer Count B: Criminal littering
Jimenez-Manuelas, Manuel	09-80	Count A: Possess/transport unlawfully taken deer Count B: Criminal littering
Solis, Roberto M.	09-79	Count A: Take deer during closed season Count B: Possess/transport unlawfully taken deer Count C: Take deer by unlawful method Count D: Criminal littering
Youngs, Jared A.	09-64	Count A: Take mule deer (3X4) without license/tag Count B: Knowingly take deer during closed season Count C: Waste of game meat (deer)
Youngs, Jared A.	09-65	Count A: Take mule deer (doe) without valid tag Count B: Knowingly take deer during closed season Count C: Waste of game meat (deer)

Youngs, Jared A.

09-67

Count A: Take mule deer (3X3) without license/tag

Count B: Take mule deer (2X2) without license/tag

- 11. Presenter: Gene Elms, Law Enforcement Branch Chief. Request for Commission approval to enter into Inter-Governmental Agreements to fund watercraft law enforcement efforts by watercraft law enforcement agencies.** The Commission will be asked to vote to approve eight Inter-Governmental Agreements for the purpose of providing watercraft law enforcement funding to seven county and one municipal boating law enforcement agencies.
- 12. Presenter: Marty Fabritz, Executive Staff Assistant. 2009 Annual Commission Awards Selection.** The Department will provide an overview of the 2009 Commission award nominees and will ask the Commission to vote to select the 2009 Commission award recipients. The Commission may vote to select award recipients or provide the Department with direction on this item.
- 13. 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 Change

Saturday, September 12, 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: 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 August 2009 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 2. Presenter: Brian F. Wakeling, Game Branch Chief. Presentation of the Proposed Hunt Guidelines for the fall 2010 through spring 2013 for Commission Approval.** The Commission will consider and may vote to approve or make changes to the proposed hunt guidelines for fall 2010 through spring 2013. The Commission may direct the Department to consider changes and/or new opportunities in the hunting and/or trapping guidelines. A detailed description of proposed hunt guidelines is available for public review at all Department offices.

3. **Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Take a Position on the Proposed S.409 Southeast Arizona Land Exchange and Conservation Act of 2009.** The Department will brief the Commission on the history and current status of the proposed S.409 Southeast Arizona Land Exchange and Conservation Act of 2009. The Commission may vote to take a position on, or provide the Department direction on this item.
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.
5. **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.
6. **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.
7. **Approval of Minutes and Signing of Minutes.** The Commission will be asked to approve the Commission meeting minutes from the June 26-27, 2009, and if approved, the signing of the minutes from the June 26-27, 2009.
8. **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

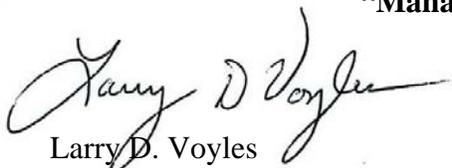
the Commission Attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03 (A) (3) & (4).

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