



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

2221 West Greenway Road, Phoenix, AZ 85023-4399  
(602) 942-3000 • www.azgfd.com

**Governor**

Janet Napolitano

**Commissioners**

Chairman, Susan E. Chilton, Arivaca

W. Hays Gilstrap, Phoenix

Joe Melton, Yuma

Michael M. Golightly, Flagstaff

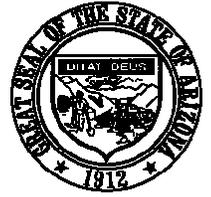
William H. McLean, Gold Canyon

**Director**

Duane L. Shroufe

**Deputy Director**

Steve K. Ferrell



---

**REVISION #1**

June 15, 2004

A public meeting of the Arizona Game and Fish Commission will be held on June 18 and 19, 2004, 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 18, 2004, Arizona Game and Fish Commission at the Arizona State Fairgrounds – Wildlife Building, 1826 W. McDowell Road, Phoenix, Arizona, 85005.**

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

**1. Executive Session**

- a. Sale or Lease of Real Property.** The Commission may vote to go into Executive Session to discuss, consult with, and instruct its attorneys and Department staff concerning negotiations for the sale or lease of real property and associated water rights pursuant to A.R.S. § 38-431.03 (A)(7).

---

**\*CHANGE**

- b. 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 on *Montoya v. Manning*, 301 F.3d 985 (9<sup>th</sup> Cir. 2002); In *Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game & Fish Commission & Shroufe*, CIV2000-020754; *Mary R. LLC, et. al. v. The Arizona Game & Fish Commission*, CIV2001-015313; *Ameduri and Yee et. al. v. U.S. Forest Service et al.*, U.S. District Court No. CIV 02 2495 PCT FJM; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; *Phelps Dodge Corp. v. Arizona Dept. of Water Resources*, LC2003-000243-001DT; *Arizona Biological Society, et. al. v. BLM, IBLA appeal no. 2002-412*, *Center for Biological Diversity v. Norton*, 03 CV-01558 RCL, *Audubon Society of Portland, et. al. v. USFWS*, CIV04-670KI.

- c. **Legal Counsel Regarding the Silverbell Bighorn Sheep Herd.** The Commission may vote to meet in Executive Session in accordance with A.R.S. sections 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel in order to consider its position and instruct legal counsel regarding the Commission's position on possible settlement or litigation over the damages associated with the epizootic episode in the Silverbell Bighorn Sheep Herd.

**Public Session begins immediately following the Executive Session, but no later than 9:00 a.m.**

---

**\*CHANGE**

## **2. Forest Health Issues**

- a. **Presenter: Bob Broscheid, Habitat Branch Chief. A Presentation Regarding the Status of Forest Health and Restoration Projects Under the Healthy Forests Restoration Act of 2003 in Arizona.** The Commission will be briefed on the current status of projects under the Healthy Forests Restoration Act of 2003. The Regional Forester of the United States Forest Service will provide a general overview of current efforts and progress towards reducing the risk of catastrophic wildfire within Arizona's wildlands and urban interface areas. The Commission may vote to take action on, or provide the Department direction on, this item.
- 

**\*MOVED FROM SATURDAY, 6/19/04, [AGENDA NUMBER S-12]**

- b. **Presenter: Tim Snow, Nongame Specialist, Region V. Conservation of the Mount Graham Red Squirrel.** The Department will provide a briefing on the biological and legal status of the Mount Graham red squirrel, and the ongoing conservation effort to recover, downlist, and/or delist this species. The Commission may vote to give the Department direction on this item.
- 

- 3. **Presenter: Steve K. Ferrell, Deputy Director. Request to Approve the Heritage Fund Budget Amendments, Wildlife Conservation Fund Budget Amendments, and Off Highway Vehicle Budget Amendments for Fiscal Year 2005.** The Commission will be asked to vote to approve the expenditures 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 2005. The Commission will also be asked to vote to approve the expenditures of unspent fund balances from the Wildlife Conservation Fund and Off Highway Vehicle Fund for Fiscal Year 2005.

4. **Presenter: Steve K. Ferrell, Deputy Director. Request to Approve the Game and Fish Fund Budget Request for Fiscal Years 2006 and 2007.** 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 2006 and 2007.
5. **Presenter: Steve K. Ferrell, Deputy Director. Request to Approve the Watercraft Licensing Fund Budget Request for Fiscal Years 2006 and 2007.** The Commission will be asked to vote to approve the proposed expenditures from the Watercraft Licensing Fund for Operating programs for Fiscal Years 2006 and 2007.
6. **Presenter: Steve K. Ferrell, Deputy Director. Request to Approve the Game, Nongame, Fish and Endangered Species Fund Budget Request for Fiscal Years 2006 and 2007.** 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 2006 and 2007.
7. **Presenter: Steve K. Ferrell, Deputy Director. Request to Approve the Capital Improvement Fund Budget Request for Fiscal Years 2006 and 2007.** The Commission will be asked to vote to approve the proposed expenditures from the Capital Improvement Fund for Fiscal Years 2006 and 2007.
8. **Presenter: Steve K. Ferrell, Deputy Director. Request to Approve the Waterfowl Conservation Fund Budget Request for Fiscal Years 2006 and 2007.** The Commission will be asked to vote to approve the proposed expenditures from the Waterfowl Conservation Fund for Fiscal Years 2006 and 2007.
9. **Presenter: Steve K. Ferrell, Deputy Director. Request to Approve the Wildlife Endowment Fund Budget Request for Fiscal Years 2006 and 2007.** The Commission will be asked to vote to approve the proposed expenditures from the Wildlife Endowment Fund for Fiscal Years 2006 and 2007.
10. **Presenter: Steve K. Ferrell, Deputy Director. Request to Approve the Federal Assistance Funds Budget Request for Fiscal Years 2006 and 2007.** 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 Six Endangered Species Act; State Wildlife Grants; Landowner Incentive Program; and Special Contracts Federal Assistance Funds for Fiscal Years 2006 and 2007.
11. **Presenter: Steve K. Ferrell, Deputy Director. Request to Approve the Heritage Fund Budget Request for Fiscal Years 2006 and 2007.** 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 2006 and 2007.
12. **Presenter: Steve K. Ferrell, Deputy Director. Request to Approve the Off-Highway Vehicle Fund Budget Request for Fiscal Years 2006 and 2007.** The Commission will be asked to vote to approve the proposed expenditures from the Off-Highway Vehicle Fund for Fiscal Years 2006 and 2007.

- 13. Presenter: Steve K. Ferrell, Deputy Director. Request to Approve the Arizona Wildlife Conservation Fund Budget Request for Fiscal Year 2005.** The Commission will be asked to vote to approve the proposed expenditures from the Arizona Wildlife Conservation Fund for Fiscal year 2005.
- 14. Presenter: Steve K. Ferrell, Deputy Director. Request to Approve the Arizona Wildlife Conservation Fund Budget Request for Fiscal Years 2006 and 2007.** The Commission will be asked to vote to approve the proposed expenditures from the Arizona Wildlife Conservation Fund for Fiscal years 2006 and 2007.
- 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: Leonard L. Ordway, 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 1:30 p.m.** The Commission will consider and take action on the Department's recommendations for license revocations and/or civil assessments for the individuals listed below.

<u>Name</u>	<u>Conviction</u>
Calderon-Alarcon, Rene	Count A: Take big game without a tag (deer).
Howard, Jr., James P.	Count A: Take big game during the closed season (bear).
Tober, Randy Allen	Count A: Take big game during the closed season (bear).
Chapman, Jr., Edward M.	Count A: Take wildlife during a closed season (1 Gila monster). Count B: Possession of unlawfully taken wildlife (1 Gila monster).
Pierce, Victor G.	Count A: Fail to tag immediately (deer). Count B: Possession of unlawfully taken wildlife (deer). Count C: Transport unlawfully taken wildlife (deer). Count D: Exceed bag limit (deer).
Kowalski, Alan E.	Count A: Take wildlife without a valid permit (deer). Count B: Take wildlife by unlawful method (deer). Count C: Possess/transport wildlife without proof of legality (gender).

Hayes, Bartlett W.

Count A: Possess/transport unlawfully taken wildlife (deer).

Elmore, Sandra F.

Failure to comply with terms of a citation for wildlife violation (i.e. Count I: Fish without a valid license and Count II: Failure to Appear on July 13, 2003) as per the terms of the Wildlife Violator Compact with the State of Utah.

**17. Litigation Report.** The Department's legal counsel may report on the status of the following litigation matters: *Montoya v. Manning*, 301 F.3d 985 (9<sup>th</sup> Cir. 2002); *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game & Fish Commission & Shroufe*, CIV2000-020754; *Mary R. LLC, et. al. v. The Arizona Game & Fish Commission*, CIV2001-015313; *Ameduri and Yee et. al. v. U.S. Forest Service et al.*, U.S. District Court No. CIV 02 2495 PCT FJM; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; *Phelps Dodge Corp. v. Arizona Dept. of Water Resources*, LC2003-000243-001DT; *Arizona Biological Society, et. al. v. BLM, IBLA appeal no. 2002-412*, and issues associated with potential litigation over the status of black-tailed prairie dogs and mountain plovers, and Mexican garter snake. A written report will also be available. The Commission may vote to take action on any case.

**18. 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.

**19. 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: Andy Clark, Fish Program Manager, Region III. Inter-governmental Agreement for Sportfish Stocking Program of Fain Lake between the Arizona Game and Fish Department and the Town of Prescott Valley.** The Commission will be asked to vote to approve an inter-governmental agreement between the Department and the Town of Prescott Valley to stock sportfish in Fain Lake for a period of approximately three years, commencing June 19, 2004 through June 30, 2007.

**b. Presenter: Gerry Perry, Region V Supervisor. Request for the Commission to authorize the Department to Accept and sign a Memorandum of Understanding between the University of Arizona, the Arizona State Land Department and the Arizona Game and Fish Department relating to the operation of the Santa Rita Experimental Range.** The Commission will be asked to vote to authorize the Director to sign a Memorandum of Understanding between the above agencies to facilitate cooperation on matters relating to the management of the Santa Rita Experimental Range.

- 20. Presenter: Bob Broscheid, Habitat Branch Chief. An Update on Current Issues, Planning Efforts, and Proposed Projects on State and Federal 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 state and federal lands in Arizona and other matters related hereto. The update addresses decisions or activities since the May 14, 2004, Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 21. Presenter: Bob Broscheid, Habitat Branch Chief. Request for Commission Approval of a New Three-year Heritage Habitat Evaluation and Protection Project Narrative.** The Commission will be asked to vote to approve a New Three-year Heritage Habitat Evaluation and Protection Project Narrative.
- 22. Presenter: Don Winslow, Acting Education Branch Chief. Statewide Shooting Range Project Update.** The Commission will be provided a presentation on the status of various statewide shooting range issues and projects. The update addresses decisions or activities since the May 14, 2004, Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 23. Presenter: Don Winslow, Acting Education Branch Chief. Statewide Shooting Range Grant Request FY 2005.** The Arizona Shooting Ranges Grant Program of the Arizona Game and Fish Department received five grant applications for the Fiscal Year 2005 grant cycle, totaling \$121,500, which exceeds the \$100,000 grant allocation by \$21,500. The grant applications will be presented to the Commission and the Commission will be asked to vote to approve the Statewide Shooting Range Grants for FY 2005.
- 24. Presenter: Marty Macurak, Assistant Director. Request for Commission Approval of a New Sport Fish and Wildlife Restoration Full-Time Employee Position.** The Department will request Commission approval to create a new Sport Fish and Wildlife Restoration full-time employee position in the Information and Education Division. The Commission may vote to take action on this item.
- 25. Presenter: Steve K. Ferrell, Deputy Director. Proposed Dates and Locations of Arizona Game and Fish Commission Meetings for 2005 and January 2006.** The Commission will be asked to vote to approve a schedule for Commission meeting dates and locations for 2005 and January 2006.
- 26. 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.
- 27. Director's and Chairman's Reports.** The Director and the Chairman will report on recent Department and Commission activities. 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.

**28. Commissioners' Reports.** The Commissioners will report on their recent activities 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.

**29. Approval of Minutes** for May 14, 2004, and **Signing of Minutes** for April 16 and 17, 2004.

**Saturday, June 19, 2004, Arizona Game and Fish Commission at the Arizona State Fairgrounds – Wildlife Building, 1826 W. McDowell Road, Phoenix, Arizona, 85005.**

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

**Awards and Commissioning of Officers.**

- 1. Presenter: Mike Rabe, Migratory Game Bird Supervisor, Game Branch. Consideration of Proposed Commission Orders 19, 20 and 24 for the 2004-2005 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.
- 2. Presenter: Ron Sieg, Region II Supervisor. Presentation of Options Regarding Management of the House Rock Bison Herd to Address Issues Raised by Grand Canyon National Park.** The Commission will be presented with several options for the management of the House Rock bison herd and will be asked to vote to provide direction to the Department on which option or combination of options will be available for discussions with Grand Canyon National Park and the Kaibab National Forest.
- 3. Presenter: Marty Macurak, Assistant Director. Information and Education Division. Report on vendor activities at the Ben Avery Shooting Facility.** The Department will provide the Commission with a report on vendor activities at the Ben Avery Shooting Facility. The Commission may vote to take action on or provide the Department direction on possible modifications to vendor activities or to procedures related to the establishment of vendor agreements.
- 4. Presenter: Steve Ferrell, Deputy Director. Review of Proposals to Address Constitutional Concerns with Existing Regulations that Limit the Number of Nonresident Permits.** The Commission will consider different options to address the constitutional concerns that Arizona's limitation on the number of nonresident permits substantially affects interstate commerce, including a proposal made by Scott Bales, an attorney representing an interested group of hunters. The Commission may vote to take action on, or provide the Department direction on any proposal. The Commission may vote to go into executive session for the purpose of obtaining legal advice from its attorneys on this matter pursuant to A.R.S. section 38-431.03(A)(3) and (4).

5. **Presenter: James C. deVos, Research Branch Chief. Proposal for New Terrestrial and Aquatic Research Projects.** The Department will provide the Commission with a briefing on proposed new terrestrial and aquatic research projects and will ask the Commission to vote to approve the initiation of these research projects.
6. **Presenter: Jeff A. Sorensen, Game & Fish Planner, Funds/Planning. Comprehensive Wildlife Conservation Strategy—An Introduction.** The Department will provide a briefing on the Department-led effort to develop a “Comprehensive Wildlife Conservation Strategy.” The Commission may vote to provide the Department with direction on this item.
7. **Presenter: Mark E. Naugle, Rules and Risk Manager. Request to Approve a Notice of Docket Opening to Amend Article 2, Miscellaneous Licenses and Permits, as Stated in the Five-Year Rules Review Report approved by the Commission at its September 2003 meeting.** The Commission will be asked to vote to approve a Notice of Docket Opening to amend Article 2, Miscellaneous Licenses and Permits, as stated in the five-year rules review report approved by the Commission at their September 2003 meeting, and to be submitted to the Secretary of State’s Office for publication in the *Arizona Administrative Register*.
8. **Presenter: Mark E. Naugle, Rules and Risk Manager. Request to Approve a Notice of Docket Opening to Amend Article 3, Taking and Handling of Wildlife, as Stated in the Petition for Rule submitted by the Arizona Deer Foundation, and approved by the Commission at its February 2004 meeting.** The Commission will be asked to vote to approve a Notice of Docket Opening to amend Article 3, Taking and Handling of Wildlife, as stated in the petition for rule submitted by the Arizona Deer Foundation, and approved by the Commission at their February 2004 meeting, to be submitted to the Secretary of State’s Office for publication in the *Arizona Administrative Register*.
9. **Presenter: Mark E. Naugle, Rules and Risk Manager. Request to Approve a Notice of Docket Opening to Amend Article 4, Live Wildlife, as Stated in the Five-Year Rules Review Report approved by the Commission at its September 2003 meeting.** The Commission will be asked to vote to approve a Notice of Docket Opening to amend Article 4, Live Wildlife, as stated in the five-year rules review report approved by the Commission at their September 2003 meeting, and to be submitted to the Secretary of State’s Office for publication in the *Arizona Administrative Register*.
10. **Presenter: Mark E. Naugle, Rules and Risk Manager. Reconsideration of the Amendment to R12-4-107 that Allows for the Purchase of Bonus Points.** The Commission will reconsider the amendment to R12-4-107 that allows for the purchase of bonus points. The Commission may vote to provide the Department with direction on this item.
11. **Presenter: Mark Weise, Development Branch Chief. Landowner-Lessee/Sportsman Relations Committee Appointment.** The Department will be asking the Commission to vote to approve the appointment of Mr. James O’Haco as a new member of the Landowner-Lessee Sportsman Relations Committee.

---

**\*MOVED TO FRIDAY, 6/18/04, [AGENDA NUMBER F-2.b]**

**12. Presenter: Tim Snow, Nongame Specialist, Region V. Conservation of the Mount Graham Red Squirrel.** The Department will provide a briefing on the biological and legal status of the Mount Graham red squirrel, and the ongoing conservation effort to recover, downlist, and/or delist this species. The Commission may vote to give the Department direction on this item.

---

**\*ADD**

**12. Presenter: Steve Ferrell, Deputy Director. Options for Elk Management in Areas Where Management Objectives are to Keep Elk Numbers at the Lowest Possible Level.** The Commission will be asked to provide clarification to the Department regarding the direction it gave at the May 2004 Commission meeting (including direction for rulemaking timelines) concerning options to make elk tags more available in areas where management objectives are to keep elk numbers at the lowest possible level, such as on the North Kaibab in Unit 12A. The Commission may vote to take action on, or provide the Department with direction on this item.

---

**\*ADD**

**13. Presenter: Lawrence M. Riley, Fisheries Branch Chief. Emergency Commission Order 40 Change for Williams Area - Santa Fe Lake.** Per Commission Order 40 and R12-4-317.C., the Commission will be asked to vote to remove bag limits on trout and other sport fishes and to designate a special season allowing fish to be taken by hand or any hand-held, non-motorized implement that does not discharge a projectile at Santa Fe Lake in Coconino County. This modification of Commission Order 40 will remain in effect for the remainder of the calendar year, unless the Commission acts to reinstate regulations.

---

**14. 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.

**15. Future Agenda Items.**

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.

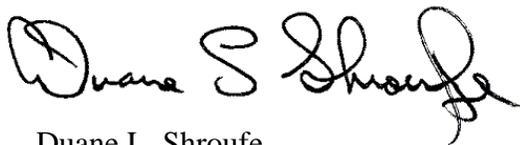
During the public meeting, the Commission may afford any person, his duly authorized representative, or both, the opportunity to present statements relating to agenda items, with or without the opportunity to present them orally.

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).

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"*

A handwritten signature in black ink, appearing to read "Duane L. Shroufe". The signature is fluid and cursive, with the first name "Duane" being the most prominent.

Duane L. Shroufe  
Director

DLS:dy