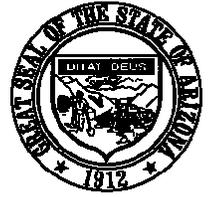




THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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Governor
Janet Napolitano
Commissioners
Chairman, Susan E. Chilton, Arivaca
W. Hays Gilstrap, Phoenix
Joe Melton, Yuma
Michael M. Golightly, Flagstaff
Joe Carter, Safford
Director
Duane L. Shroufe
Deputy Director
Steve K. Ferrell



REVISION #1

March 9, 2004

A public meeting of the Arizona Game and Fish Commission will be held on March 13, 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:

Saturday, March 13, 2004, Arizona Game and Fish Commission at the Best Western Inn Suites, 6201 N. Oracle Rd., Tucson, Arizona 85704.

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).

- 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 *State of Arizona v. Norton, CIV02-0402 PHX-FJM; Montoya v. Manning*, 301 F.3d 985 (9th 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; In the Matter of Search Warrant No. CR 2002-2395SW; The Fund for Animals et. al. v. Norton et. al., USDC D.C. 1:30-CV-00892 (RJL); and Phelps Dodge Corp. v. Arizona Dept. of Water Resources, LC2003-000243-001DT.*

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

Awards and Commissioning of Officers

March 2004

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Commission Agenda

2. **Litigation Report.** The Department's legal counsel may report on the status of the following litigation matters: *State of Arizona v. Norton*, CIV02-0402 PHX-FJM; *Montoya v. Manning*, 301 F.3d 985 (9th 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; *In the Matter of Search Warrant No. CR 2002-2395SW*; *The Fund for Animals et. al. v. Norton et. al.*, USDC D.C. 1:30-CV-00892 (RJL); *Phelps Dodge Corp. v. Arizona Dept. of Water Resources*, LC2003-000243-001DT; 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.
3. **Presenter: Bob Broscheid, Acting 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 February Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
4. **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.
5. **Presenter: Kerry Baldwin, 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 February 13, 2004, Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.

***ADD**

- 5.1 **Presenter: Kerry Baldwin, Education Branch Chief. Vendor Activities and Agreements at Department Shooting Ranges.** The Commission will be briefed on current vendor activities at Department shooting ranges, including the Ben Avery Shooting Range Facility. The briefing will also include information on agreements between the Department and vendors, as well as administrative procedures that are in place to address these activities and any proceeds from vendor activities. The Commission may vote to provide the Department with direction on items covered in the briefing.

6. **Presenter: Kerry Baldwin, Education Branch Chief. Substantive Policy: Arizona Wildlife Conservation Fund Expenditures – Second Read.** The Commission will be asked to vote to approve the substantive policy clarifying expenditure of funds from the Arizona Wildlife Conservation Fund for support of shooting sports projects. Second Read.
7. **Presenter: Bob Broscheid, Acting Habitat Branch Chief. The Commission will be presented with information by the Sky Island Alliance Regarding the Tumacacori Highlands Wilderness Proposal at Time Certain 10:00 a.m.** The Commission will be presented with information by the Sky Island Alliance regarding the Tumacacori Highlands Wilderness proposal. This presentation will include information and discussion of the proposal that involves the Wilderness designation of approximately 84,573 acres of public lands in southern Arizona. The Commission may vote to take action on, or provide the Department direction on this item.
8. **Presenter: Mark E. Naugle, Rules and Risk Manager. Request to Close the Record and Approve the Notice of Final Rulemaking and the Economic, Small Business, and Consumer Impact Statements for Amendments to Article 6, Rules of Practice Before the Commission.** The Commission will be asked to vote to close the rulemaking record and to approve the Notice of Final Rulemaking and the Economic, Small Business, and Consumer Impact Statements for amendments to the following Article 6 Rules of Practice Before the Commission rules: R12-4-601, R12-4-602, R12-4-603, R12-4-604, R12-4-605, R12-4-606, R12-4-607, R12-4-609, and R12-4-610; and for the promulgation of new Article 6 Rules of Practice Before the Commission rule R12-4-611 for filing with the Governor's Regulatory Review Council.
9. **Presenter: Mark E. Naugle, Rules and Risk Manager. Request for Consideration of Mr. Dennis A. Smith's Petition to Adopt a New Rule in Article 3, Taking and Handling of Wildlife, to Address Concerns Over Public Access to Wildlife Watering Locations.** The Commission will be asked to take action on the petition from Mr. Dennis A. Smith requesting the adoption of a new rule in Article 3 regarding concerns over public access to wildlife watering locations and restricting the use of tree stands and blinds.
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.**
 - a. **Presenter: Richard Rico, Assistant Director, Special Services. Memorandum of Understanding (MOU) between the Arizona Game and Fish Department and the Nevada Division of Wildlife.** The Department will recommend that the Commission vote to approve the renewal of an existing MOU between the Nevada Division of Wildlife and the Department. The updated MOU reflects recent regulatory changes involving the Colorado River Special Use Stamp.

b. **Presenter: Bob Broscheid, Acting Habitat Branch Chief. Request for Commission Approval of a Memorandum of Understanding between the USDA Forest Service, the Pinetop-Lakeside Sanitary District and the Arizona Game and Fish Commission for continued cooperation regarding future management of Jacques Marsh Wildlife Area in Navajo County, Arizona.** The Commission will be asked to vote to approve a Memorandum of Understanding between the USDA Forest Service, the Pinetop-Lakeside Sanitary District and the Arizona Game and Fish Commission for continued cooperation regarding future management of Jacques Marsh Wildlife Area in Navajo County, Arizona.

11. **Presenter: Mark Weise, Development Branch Chief. An Overview of the Landowner Relations Program (LRP).** The Commission will be provided with an informational presentation related to new programmatic elements within the LRP. A brief summary of recent accomplishments will be presented along with goals for the next fiscal year. The Commission may vote to provide the Department with direction on this item.

12. **Presenter: Bob Broscheid, Acting Habitat Branch Chief. An Update and Status Report on the Sonoran Desert Conservation Plan and Proposed Multi-Species Conservation Plan for Pima County.** The Commission will be briefed on the Sonoran Desert Conservation Plan and Proposed Multi-Species Conservation Plan for Pima County. Pima County will provide an update and status report on the plans and the geographic area they encompass and will discuss how the multiple agencies with jurisdictional responsibilities will be involved in the implementation of the plans. The Commission may vote to take action on, or provide the Department 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.

14. **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>
Jackson, Susan M.	Count A: Disorderly conduct. (Will be considered for civil responsibility only for unlawful possession of Mountain Lion.)
Madison, Mike A.	Count A: Possession of restricted live wildlife (two Mountain Lion kittens).
Barkley, Sherri J.	Count A: Criminal damage. (Will be considered for civil responsibility only for unlawful possession of Mountain Lion).

Jackson, Scott R.

Count A: Unlawful possession of wildlife (Mountain Lion).

Watson, John E.

Count A: Take wildlife by unlawful method (Mountain Lion).

- 15. Presenter: Steve K. Ferrell, Deputy Director. Request for Authorization of Expenditure of Funds from the Arizona Wildlife Conservation Fund.** The Department will ask the Commission to vote to approve the expenditure of funds from the Arizona Wildlife Conservation Fund to pay for the costs of the recent outbreak of disease in the Silverbell Desert Bighorn Sheep population.
- 16. Presenter: Bill E. Van Pelt, Nongame Mammals Program Manager. The Scientific Process Followed for Requesting a Delisting of the Hualapai Mexican Vole.** The Department will provide a briefing on the process implemented to request the delisting of the endangered Hualapai Mexican vole. The Commission may vote to give the Department direction on this item.
- 17. Presenter: Dana Yost, Executive Staff Assistant. Potential Changes to the Annual Meet the Commission Awards Banquet.** The Department will seek direction from the Commission on potential changes to the Annual Meet the Commission Awards Banquet, including but not limited to the date of the event (and the corresponding January Commission meeting), the time period for the nomination cycle, the content and format of the awards presentations and the tribute to the outgoing Chairman, and event sponsorship.
- 18. 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.
- 19. 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.
- 20. 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.
- 21. Approval of Minutes** for February 13, 2004, and **Signing of Minutes** for January 16, 2004.
- 22. 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 will 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 that reads "Duane L. Shroufe". The signature is written in a cursive, flowing style.

Duane L. Shroufe
Director

DLS:dy