



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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GOVERNOR

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REVISION #2

April 7, 2011

A public meeting of the Arizona Game and Fish Commission will be held on **April 15-16, 2011 at the Arizona Game and Fish Department, 5000 W. Carefree Highway, Phoenix, Arizona 85086** as authorized by A.R.S. § 17-201(D). Unless expressly provided otherwise with any matter, the Commission may discuss and may vote to take action on the following matters:

Friday, April 15, 2011, Meeting begins at 8:00 a.m.

Pledge of Allegiance.

Awards and Recognition.

- 1. State and Federal Legislation. Presenter: Anthony Guiles, Legislative Liaison.** 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.
- 2. Information, Education and Wildlife Recreation Activities Briefing. Presenter: Ty Gray, Assistant Director, Information, Education and Wildlife Recreation.** The Commission will be given an update of Department activities and events since the last regular Commission meeting related to Information, Education and Wildlife Recreation Programs.
- 3. Lands and Habitat Program Update. Presenter: Josh Avey, Habitat Branch Chief.** The Commission will be briefed on the latest developments since the last regular Commission meeting 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.
- 4. 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 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. Request for the Commission to Approve an Intergovernmental Agreement with the City of Tucson for the Purpose of Continued Development of a Habitat Conservation Plan. Presenter: Josh Avey, Habitat Branch Chief.** Commission will be asked to approve an Intergovernmental Agreement with the City of Tucson for the purpose of continued Development of a Habitat Conservation Plan.
 - b. Request for the Commission to Approve a Memorandum of Understanding (MOU)**

between NatureServe and the Commission for Cooperating in Mutual Endeavors and Sharing Information about Special Status Sites and Species in Arizona. Presenter: Josh Avey, Habitat Branch Chief. The Commission will be asked to approve the MOU between NatureServe and the Commission for cooperating in mutual endeavors and sharing information about special status sites and species in Arizona.

Moved (From Saturday (S-2) to Friday Consent Agenda)

- c. Request for the Commission to Approve a Memorandum of Understanding with Arizona Elk Society for Cooperative Activities. Presenter: Brian F. Wakeling, Game Branch Chief.** The Commission will be asked to approve a Memorandum of Understanding to allow the Department to cooperate with Arizona Elk Society on projects for public information and wildlife habitat enhancement.

- 5. Request for the Commission to Approve an Agreement with the Town of Eagar to Manage a Community Fishing Pond to be Constructed on a Portion of the Commission's Lee Valley Land. Presenter: Josh Avey, Habitat Branch Chief.** The Commission will be asked to approve an Agreement with the Town of Eagar to manage a community fishing pond to be constructed on a portion of the Commission's Lee Valley Land.

- 6. Request to Approve Proposed Translocation of Javelina to Sonora. Presenters: Brian Wakeling, Game Branch Chief and Francisco Abarca, International and Borderlands Program Manager.** The Commission of Ecology and Sustainable Development of Sonora has requested up to 30 javelina each year for 5 years from Arizona to restore populations in eastern Sonora.

- 7. Request to Approve the Notice of Exempt Rulemaking to Amend R12-4-801, R12-4-802, R12-4-803, and R12-4-804. Presenter: Mark Weise, Development Branch Chief.** The Commission will be asked to approve a Notice of Exempt Rulemaking amending rules within Article 8, addressing wildlife areas and Department property.

New Item

- 7A. Request to approve the Department's recommendation to submit a request to the Governor's Office for permission to initiate rulemaking for Article 8 regarding Wildlife Areas and Department Property. Presenter: Mark Weise, Development Branch Chief.** The Department will ask the Commission to approve its recommendation to submit a request to the Governor's Office for permission to initiate rulemaking for Article 8.

- 8. Request to Approve the Notice of Final Rulemaking and Economic Impact Statement for R12-4-102 and R12-4-205. Presenter: Larry Riley, WM Division Coordinator.** The Commission will be asked to approve the Notice of Final Rulemaking, and Economic Impact Statement for R12-4-102 and R12-4-205; promulgating a new rule to establish application and documentation requirements for the reduced-fee Class F Youth License.

- 9. Cost Considerations for On-the-Road Commission Meetings for 2011. Presenter: Marty Fabritz, Executive Staff Assistant.** The Department will propose options and associated cost considerations for a Commission meeting in Yuma and for a workshop in the eastern portion of the state for 2011.

New Item

- 9A. Nongame Subprogram Activities Briefing; December 1, 2010 through March 31, 2010. Presenter: Eric Gardner, Chief, Nongame Branch.** The Commission will be briefed

regarding activities under the Nongame Subprogram; December 1, 2010 through March 31, 2010. The Commission may vote to take action on, or provide the Department direction on, items covered in the presentation.

- 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.

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

- 11. Law Enforcement Program Briefing. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** The Commission will be updated on activities and developments since the last regular Commission meeting relating to the Department's Law Enforcement Program.

TIME CERTAIN AT 2:00 PM

- 12. Hearings on License Revocations for Violations of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** The Commission will consider and take action on the license revocations and/or civil assessments for the individuals listed below:

Name	Docket #	Count	Conviction
Neil E. Marshall	2011-0027	Count D:	Obtain Tag by Fraud
Ernesto Valenzuela	2011-0028	Count A:	Take Wildlife Closed Season (Deer)
		Count B:	Possess Unlawfully Taken Wildlife (Deer)
		Count D:	Exceed Bag Limit Wildlife (Deer)
		Count A:	Take Wildlife at Night (Mountain Lion)
Miguel E. Ruiz	2011-0029	Count B:	Shoot Within ¼ Mile Residence
		Count C:	Trespass While Hunting
		Count A:	Fail to Immediately Tag Wildlife (Deer)
Donald L. Bell	2011-0031	Count C:	Take Wildlife With Aid of Vehicle (Deer)
		Count D:	Discharge Firearm From Maintained Road
		Count A:	Obtain Resident License by Fraud
Cesar R. Arevalos	2011-0032	Count A:	Possess Unlawfully Taken Wildlife
Victor F. Zazueta	2011-0033	Count A:	(Antelope)
Isidro F. Zazueta	2011-0034	Count A:	Possess Unlawfully Taken Wildlife (Antelope)
		Count B:	Take Wildlife During Closed Season (Antelope)
Alfredo M. Fernandez	2011-0035	Count A:	Possess Unlawfully Taken Wildlife (Antelope)
Danny G. Chavez	2011-0036	Count A:	Possess Unlawfully Taken Wildlife (Antelope)
Juan Q. Chavez	2011-0037	Count A:	Possess Unlawfully Taken Wildlife (Antelope)

13. **Rehearing Request by Jerry L. Brimhall Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Jerry L. Brimhall has requested that the Arizona Game and Fish Commission grant a rehearing regarding the revocation of his license for five years, completion of a Hunter Education Course and a Civil Assessment in the amount of \$1,000.00.
14. **Rehearing Request by Gilbert N. Watson Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Gilbert N. Watson has requested that the Arizona Game and Fish Commission grant a rehearing regarding the revocation of his license for five years, completion of a Hunter Education course and a Civil Assessment in the amount of \$500.00.
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. **Executive Session (The Commission will not vote to take any action during 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; 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; Mohave Valley Shooting Range Appeal; Reed v. Arizona Game and Fish Department, C20111354; Lorta v. Arizona Game and Fish Commission, CV-11-134; Defenders of Wildlife v. Gould, CV-08-14-M-DWM; Proposed Rosemont Copper Mine Project NEPA; Center for Biological Diversity v. EPA, 11-CV-00293; Council for Endangered Species Act Reliability v. Jackson, 3:10-CV-08254-DKD.*
17. **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;; 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; Mohave Valley Shooting Range Appeal; Reed v. Arizona Game and Fish Department, C20111354; Lorta v. Arizona Game and Fish Commission, CV-11-134; Defenders of Wildlife v. Gould, CV-08-14-M-DWM; Center for Biological Diversity v. EPA, 11-CV-00293; Council for Endangered Species Act Reliability v. Jackson, 3:10-CV-08254-DKD.*

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Saturday, April 16, 2011, Meeting begins at 8:00 a.m.

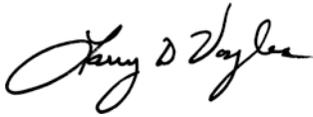
Pledge of Allegiance.

Awards and Recognition.

Item Description Modified – Language Removed

- 1. Shooting Sports Activities Briefing. Presenter: Jay Cook, Shooting Ranges Branch Chief.** 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 March 2011 regular Commission meeting.
- 2. Moved (from Saturday to Friday (F-4c) Consent Agenda.**
- 3. Consideration of Proposed Commission Orders 2, 5–10, and 26 for 2011–2012 Hunting Seasons. Presenter: Brian F. Wakeling, Game Branch Chief.** The Commission will consider Commission Orders 2 (deer), 5-10 (turkey, javelina, bighorn sheep, buffalo, bear, and mountain lion), and 26 (population management) establishing seasons and season dates, bag and possession limits, permit numbers, and open areas for the 2011–2012 season.
- 4. Request by James M. Schoppmann for Commission Consideration of a Proposed Rule Change to Commission Rule 12-4-302; Use of Tags. Presenter: Dana McGehee, Wildlife Manager III, Region VI.** The Commission will be asked to consider a request by James M. Schoppmann to revise Commission Rule 12-4-302 with provisions for self-reporting of a violation involving the unlawful take of wildlife within a certain timeframe, and provided no other violations occurred, reissue a duplicate tag to the hunter.
- 5. Hunt Permit-Tag Application Schedule for Fall 2011 Hunts. Presenter: John Bullington, Assistant Director, Special Services.** The Department will provide the Commission with a presentation related to the proposed hunt-permit tag application schedule for fall 2011 hunts.
- 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. Approval of Minutes and Signing of Minutes.** The Commission may approve the Commission meeting minutes from March 9, 2011, March 11, 2011, March 23, 2011 and March 30, 2011, and if approved, will sign the minutes.
- 8. 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 information only. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.
- 9. 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 information only. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.

10. Future Agenda Items and Action Items.



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Larry D. Voyles
Director

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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”