



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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REVISION #1

November December 5, 2012

A public meeting of the Arizona Game and Fish Commission will be held on **December 7-8, 2012** at the **Arizona Game and Fish Department, 5000 W. Carefree Highway, Phoenix, Arizona 85086** as authorized by A.R.S. § 17-201(D). **Members of the public may attend the meeting in person or view the meeting from any one of the Department's six Regional Offices via video teleconference, with the exception of Region IV, Yuma, which is currently under construction and unavailable, or webcast viewing at www.azgfd.gov. Members of the public attending in person or viewing via teleconference may submit Speaker Cards (Blue Cards) if they wish to speak to the Commission. The ability to speak to the Commission for those viewing the webcast is not available.** Unless expressly provided otherwise with any item on the agenda, the Commission may discuss and vote to take action on the following matters:

Friday, December 7, 2012, Meeting starts at 8:00 A.M.

Pledge of Allegiance

Awards and Recognition

- 1. 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.
- 2. 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 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. The Commission will also review its position on designation of Commission members to represent the Commission at the Legislature on emergency issues and issues on which the Commission has taken an official position.
- 3. Commission Guidance on Federal Lands Travel Management. Presenter: Lawrence M. Riley, Assistant Director.** Follow-up discussion from the November 2012 Commission Workshop to further discuss and obtain Commission guidance regarding Federal Travel Management planning.

4. **Wildlife 20/20 Strategic Plan. Presenter: Sherry Crouch, Funds and Planning Branch Chief.** The Commission may vote to approve or provide the Department direction on the Wildlife 20/20 Strategic Plan.
5. **Commission Rules of Practice. Presenter: Ben Altenefer, Community and Congressional Relations.** The Commission will review a revised draft "Commission Rules of Practice" based on discussion at its November 2, 2012 Workshop. The document consists of approaches and rules of practice that the Commission will be operating under.
6. **REMOVED FROM AGENDA - Cooperative Agreement with Heritage Farms for the Purpose of Farming a Portion of the Arlington Wildlife Area to Utilize Existing Water Rights in a Way that Benefits Wildlife.**
7. **Request for the Commission to Approve a Memorandum of Understanding with Bureau of Land Management (BLM) and Western Area Power Administration (Western). Presenter: Larry Riley, Assistant Director, Wildlife Management Division.** The Commission may approve a Memorandum of Understanding to allow the Department to be a Cooperating Agency in the Development of the Southline Transmission Line Project Environmental Impact Statement (EIS).
8. **Memorandum of Understanding with the U.S. Geological Survey, Southwest Region. Presenter: Esther Rubin, Research Branch Chief.** The Commission may approve a Memorandum of Understanding with the U. S. Geological Survey, Southwest Region (USGS-SWR) for the purpose of collaborative scientific research.
9. **Request for the Commission to Approve a Memorandum of Understanding between the Arizona Game and Fish Commission and Conservation Science Partners. Presenter: Tim Wade, Wildlife Contracts Branch Chief.** The Commission may approve a Memorandum of Understanding between the Arizona Game and Fish Commission and Conservation Science Partners to enter into mutual Collection Agreements to assist each other on various wildlife research projects.
10. **Notice of Final Rulemaking and Economic Impact Statement for Rules Within Article 5, Addressing Boating and Water Sports. Presenter: Jennifer Stewart, Rules and Risk Branch Chief.** The Commission may approve the Notice of Final Rulemaking and Economic Impact Statement amending rules within Article 5 addressing boating and water sports.

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

11. **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 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
Jay B. Yokley	2012-0052	Count A:	Obtain 2008 Resident License by Fraud/ Misrepresentation
Jay B. Yokley	2012-0053	Count B:	Apply for 2008 Resident Deer Tag by Fraud/ Misrepresentation
		Count D:	Apply for 2009 Resident Elk Tag by Fraud/ Misrepresentation
		Count F:	Obtain 2010 Resident Deer Tag by Fraud/ Misrepresentation
Dwayne D. Langley	2012-0061	Count A:	Take Wildlife Closed Season
Kent E. Petersen	2012-0062	Count A:	Unlawful Take on Public Land
Kimberly E. Stephens	2012-0058	Count A:	Sale of Live Wildlife

13. Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief. Joe L. Machado, Attorney for Germane and Roman Lorta, has requested a rehearing regarding the shared civil assessment of \$8,000.00 for one (1) trophy mule deer.

14. Appeal of Wildlife Holding License Denial – Betsy Lagos. Presenter: Raul Vega, Region V Supervisor. Pursuant to the provisions of A.R.S. § 41-1092, Betsy Lagos has appealed the Department’s denial of her application for a Wildlife Holding License. The Department recommends the Commission deny Betsy Lagos’ application for a Wildlife Holding License for a peregrine falcon.

NEW ITEM

14A. Appointment of Commissioner Harris as the Arizona Game and Fish Commission Liaison to the Catalina Mountain Big Horn Sheep Reintroduction Task Force. Presenter: Raul Vega, Tucson Regional Supervisor. The Commission will be briefed on the Santa Catalina desert bighorn sheep reintroduction effort and related advisory committee process. The Department will ask the Commission to appoint Commissioner John Harris to be their liaison for the advisory committee.

15. Commission Briefing on the Department’s Involvement in Mexican Wolf Reintroduction in Arizona and New Mexico and Related Mexican Wolf Recovery and Conservation Issues. Presenter: Lawrence M. Riley, Assistant Director for Wildlife Management. The Department will provide a presentation on the Mexican wolf reintroduction program and other reintroduction and recovery efforts. The Commission may vote to reaffirm existing policy guidance and/or to provide new or additional policy guidance to the Department on any or all aspects of Mexican wolf conservation, including reintroduction and range-wide recovery.

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 for legal advice 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*; *Reed v. Arizona Game and Fish Department, C20111354*; *Wagner v. Personnel Board, LC2011-000683*; Proposed Rosemont Copper Mine Project NEPA; *United States and State of Arizona v. Freeport-McMoran Inc., et al., 12-CV-00307-TUC-CKJ*; Mosley, et al. Motion for Rehearing (Dockets 2012-001 – 2012-004); *WildEarth Guardians v. James Lane, CIV 12-118*; *Center for Biological Diversity v. U.S. Forest Service, CV 12-08176*; *Center for*

Biological Diversity v. Salazar, CV 12-00627 (pygmy owl); Center for Biological Diversity v. Salazar (bald eagle).

- b. 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 for legal advice in order to consider its position and to instruct legal counsel regarding the Commission's position concerning the Commission's administrative and judicial remedies under federal law challenging federal land management agency actions that affect state resource management authority.

NEW

- c. 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 for legal advice in order to consider its position and to instruct legal counsel regarding the Appeal of North Kaibab Ranger District Travel Management Project DN-FONSI.

NEW

- d. Real Property.** The Commission may vote to meet in Executive Session pursuant to A.R.S. § 38-431.03(A)(3) and (7) for the purpose of discussion or consultation with Department staff in order to consider its position and instruct its representatives regarding the purchase of real property.

NEW

- e. Legal Counsel.** The Commission may vote to go into Executive Session in accordance with A.R.S. § 38-431.03(A)(3) for the purpose of discussing and consulting with legal counsel for legal advice on what authority the Commission may or may not have to direct investigations.
- f. Personnel Matters.** The Commission may vote to go into Executive Session in accordance with A.R.S. § 38-431.03(A)(1) to discuss personnel matters associated with the Director's Goals and Objectives and the Director's performance. The Commission may take action in the public session or defer any action to a later date.

17. Civil Settlement Agreement and Continuance of Rehearing Request. Presenter: Gene F. Elms, Law Enforcement Branch Chief. Respondents Donald Mosley, Michael Mosley, Johnny Moran, Jr., and Ronald Lewis have signed a Civil Settlement Agreement. The Agreement has been presented to the Commission for review and decision.

18. 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; Reed v. Arizona Game and Fish Department, C20111354; Wagner v. Personnel Board, LC2011-000683; Proposed Rosemont Copper Mine Project NEPA; United States and State of Arizona v. Freeport-McMoran Inc., et al., 12-CV-00307-TUC-CKJ; Mosley, et al. Motion for Rehearing (Dockets 2012-001 – 2012-004); WildEarth Guardians v. James Lane, CIV 12-118; Center for Biological Diversity v. U.S. Forest Service, CV 12-08176; Center for Biological Diversity v. Salazar, CV 12-00627 (pygmy owl); Center for Biological Diversity v. Salazar (bald eagle).*

NEW

19. Update on the Triangle Bar Acquisition and Discussion of Potential Alternatives. Presenter: Lizette Morgan, Assistant Director, Business & Finance and Lawrence M. Riley, Assistant Director, Wildlife Management. The Department seeks approval to alter the funding sources for the purchase of the Triangle Bar Ranch.

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Saturday, December 8, 2012, Meeting begins at 8:00 a.m.

Pledge of Allegiance

Awards and Recognition

1. **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.
2. **Consideration of Proposed Commission Orders 3, 4, and 26 for 2013 Hunting Season. Presenter: Brian F. Wakeling, Game Branch Chief.** The Commission will consider approval of Commission Orders 3 (pronghorn antelope), 4 (elk), and 26 (population management) establishing seasons and season dates, bag and possession limits, permit numbers or authorized limits, and open areas for the respective 2013 fall hunting season.
3. **Hunt Permit-Tag Application Schedule for 2013 Antelope and Elk Hunts. Presenter: Lizette Morgan, CFO, Business & Finance.** The Department will provide the Commission with a presentation related to the proposed hunt-permit tag application schedule for the Antelope and Elk 2013 hunts and will ask the Commission to approve the application schedule.
4. **A Briefing on Rocky Mountain Bighorn Sheep Population Status, Influence of Wildlife-Vehicle Collisions on U.S. Highway 191 near Clifton-Morenci, and a Discussion about Possible Management Options. Presenter: Brian F. Wakeling, Game Branch Chief.** The Commission will be briefed on the history and actions undertaken regarding Rocky Mountain bighorn sheep management and wildlife-vehicle collisions along U.S. Highway 191 near Clifton-Morenci.
5. **Briefing on Comprehensive Game Management Planning. Presenter: Brian F. Wakeling, Game Branch Chief.** The Commission will be briefed on the Comprehensive Game Management Planning Activities and Status.
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 approve briefings and updates without further public input or discussion and to approve other 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. **Shooting Sports Activities Briefing. Presenter: Jay Cook, Shooting Sports 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 last regular Commission meeting.
 - b. **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 related to Information, Education and Wildlife Recreation Programs. The update covers activities and events that have occurred since the last regular Commission meeting.

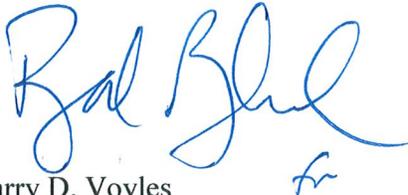
- c. **Law Enforcement Program Briefing. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** The Commission will be updated on the activities and developments relating to the Department's Law Enforcement Program. The update covers activities and events that have occurred since the last regular Commission meeting.
 - d. **Lands and Habitat Program Update. Presenter: Lawrence M. Riley, Assistant Director.** The Commission will be provided an update 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.
 - e. **Nongame Subprogram Activities Briefing; August 1, 2012 through October 31, 2012. Presenter: Lawrence M. Riley, Assistant Director, Wildlife Management Division.** The Commission will be briefed regarding activities under the Nongame Subprogram; August 1, 2012 through October 31, 2012.
 - f. **Renewal of a Seasonal, Limited Access Road Closure on State Trust Land Approximately Twenty-five Miles South of Winslow, Arizona. Presenter: Mark Weise, Development Branch Chief.** The Commission may approve a request by Jim O'Haco to renew a seasonal, limited access road closure on State Trust Land located approximately twenty-five miles south of Winslow, Arizona.
 - g. **Request for Commission to Approve Disposal of a Portion of the Commission Owned Sovereign Lands Located along the Gila River. Presenter: Lawrence M. Riley, Assistant Director.** The Commission may approve disposal of a portion of the Commission owned Sovereign Lands located along the Gila River.
 - h. **Request for the Commission to Approve a Memorandum of Understanding with Great Basin Bird Observatory to conduct research on and management of various bird species. Presenter: Lawrence M. Riley, Assistant Director, Wildlife Management Division.** The Commission may approve a Memorandum of Understanding with Great Basin Bird Observatory for the purpose of research and management of Arizona bird species.
 - i. **REMOVED FROM AGENDA - Renewal of Memorandum of Understanding with the Southwestern Bald Eagle Management Committee.**
 - j. **Renewal of Memorandum of Understanding (MOU) with Coconino County to Maintain a Collaborative Relationship with the Coconino Rural Environment Corps (CREC). Presenter: Craig McMullen, Flagstaff Regional Supervisor.** The Commission may approve a renewal of an MOU that will allow the Department to collaborate with CREC in support its normal wildlife and habitat management projects, property maintenance and light construction.
 - k. **Request for Commission to Approve the Memorandum of Understanding with the White Mountain Land Trust. Presenter: Lawrence M. Riley, Assistant Director.** The Commission may approve a new Memorandum of Understanding between the Department and the White Mountain Land Trust for the purposes of establishing a framework for collaboration in the conservation of lands of mutual interest to both parties.
7. **Approval of Minutes and Signing of Minutes.** The Commission may approve the Commission meeting minutes from September 7-8, 2012 and November 2, 2012.
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 for 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”