



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

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**REVISION #1**

**January 8, 2013**

A public meeting of the Arizona Game and Fish Commission will be held on **January 11-12, 2013 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](http://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.** The Commission may choose to take action on a first read item if deemed necessary. Unless expressly provided otherwise with any item on the agenda, the Commission may discuss and vote to take action on the following matters:

**Friday, January 11, 2013, 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.
3. **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. **Renewal of Agreement with the Town of Springerville. Presenter: Lawrence Riley, Assistant Director.** The Department requests Commission approval of a license agreement with the Town of Springerville, related to the Springerville Marsh Wildlife Area.
- f. **Memorandum of Understanding with 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.
- g. **Memorandum of Understanding with the U.S. Geological Survey, Southwest Region for collaborative scientific research. Presenter: Esther Rubin, Research Branch Chief.** The Commission will be asked to approve the Memorandum of Understanding with the U. S. Geological Survey, Southwest Region (USGS-SWR) for the purpose of collaborative scientific research.

**Items 4 – 6 are first read items.**

- 4. **Research Prioritization Process Overview. Presenter: Esther Rubin, Research Branch Chief.** The Commission will be provided with an overview of the Department's process for establishing research priorities to address programmatic management information needs.
- 5. **Cooperative Agreement with Heritage Farms. Presenter: Lawrence M. Riley, Assistant Director.** The Commission may review a Cooperative Agreement with Heritage Farms to permit farming a portion of the Arlington Wildlife Area.
- 6. **Developing a Commission Policy Statement on Travel and Access to Arizona's Federal Public Lands. Presenter: Lawrence M. Riley, Assistant Director, Wildlife Management Division.** The Commission will review a draft Commission Policy establishing the Commission's position regarding access to and across public lands held by the USDA Forest Service and USDO I Bureau of Land Management.

7. **Presentation on the Pilot Big Boquillas Ranch Access Project and Agreement and an update on the Landowner Compact. Presenter: Gary Hovatter, Deputy Director.** The Department will provide the Commission with a presentation on the Pilot Big Boquillas Ranch Access Project and Agreement including an update on the elements of the Landowner Compact that will be incorporated into the program.
8. **Reviewing Section 10j of the Endangered Species Act. Presenter: Lawrence M. Riley, Assistant Director, Wildlife Management Division.** The Commission will be briefed on the purposes and uses of Section 10j of the Endangered Species Act to facilitate establishment, recovery and management of repatriated populations of listed species.
9. **Notice of Final Rulemaking Amending R12-4-101. Definitions and Article 3 Rules Addressing the Taking and Handling of Wildlife. Presenter: Dana McGehee, FOR6 Wildlife Manager.** The Department will ask the Commission to approve the Notice of Final Rulemaking and Economic Impact Statement amending rules within Article 1 and Article 3, addressing the Taking and Handling of Wildlife.
10. **Notice of Exempt Rulemaking to Amend R12-4-802 and 803 addressing Wildlife Area and Other Department Managed Property Restrictions and Boundary Descriptions. Presenter: Jennifer Stewart, Rules and Risk Manager.** The Commission will be asked to approve a draft Notice of Exempt Rulemaking amending rules within Article 8, addressing wildlife areas and Commission property.
11. **Notice of Final Rulemaking to Amend Article 7 rules addressing Heritage Grants and Article 9 rules addressing Arizona Wildlife Conservation Fund Grants. Presenter: Jennifer Stewart, Rules and Risk Branch Chief.** The Department will ask the Commission to approve a Notice of Final Rulemaking and Economic Impact Statement amending Article 7 rules addressing Heritage Grants and Article 9 rules addressing Arizona Wildlife Conservation Fund Grants.

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

12. **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**

13. **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:

| <b>Name</b>    | <b>Docket #</b> | <b>Count</b> | <b>Conviction</b>                   |
|----------------|-----------------|--------------|-------------------------------------|
| James R. Shaff | 2012-0059       | Count A:     | Take Wildlife While Revoked         |
|                |                 | Count C:     | Take Wildlife Without Valid License |
| James R. Shaff | 2012-0063       | Count A:     | Take Wildlife While Revoked         |
|                |                 | Count D:     | Take Wildlife Without Valid License |
| James R. Shaff | 2012-0064       | Count A:     | Take Wildlife While Revoked         |
|                |                 | Count D:     | Take Wildlife Without Valid License |

|                   |           |          |                                     |
|-------------------|-----------|----------|-------------------------------------|
| Michael S. Orozco | 2013-0001 | Count A: | Transportation/Possess Live Bass    |
| Aaron Thompson    | 2013-0002 |          | Citation A00474                     |
|                   |           | Count A: | Take Wildlife Without Valid License |
|                   |           | Count B: | Take Wildlife Without Permit or Tag |
|                   |           | Count C: | Take Wildlife Closed Season         |
|                   |           | Count D: | Waste of Edible Game Meat           |
|                   |           |          | Citation A00475                     |
| Jacob G. Richards | 2013-0003 | Count A: | Possess Unlawfully Taken Wildlife   |
| Jose Higuera-     | 2013-0004 | Count C: | Unlawful Possession Wildlife        |
| Alvarez           |           | Count A: | Commercialize Live Wildlife         |

14. **Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Kevin P. Pettit has requested that the Arizona Game and Fish Commission grant a rehearing regarding the revocation of his license for two (2) years, and completion of a Hunter Education course, before obtaining any licenses to take wildlife in the State of Arizona.
  15. **Hearing on Appeal of Wildlife Holding License Denial. Presenter: Raul Vega, Tucson Regional Supervisor.** The Commission may consider an appeal by Edward Speck regarding the Department's denial of his application for a Wildlife Holding License for a raccoon.
  16. **Commission Representation to work with the Arizona Game and Fish Department and the Arizona County Sheriff's Association Search and Rescue on Funding Projects. Presenter: Gene Elms, Law Enforcement Branch Chief.** The Commission will be asked to consider the appointment of a Commissioner as representative to work with the Arizona Game and Fish Department and the Arizona County Sheriff's Association on Search and Rescue Funding Projects.
  17. **Commission Portfolio. Presenter: Doug Cummings, Information Systems Branch Chief.** The Department will review the process for distributing the portfolio and collecting associated documentation.
- \*NEW\***
- 17A. **Election of Commission Chair and Vice-Chair for 2013 and Election of Positions and Appointments to Standing Committees. Presenter: Bob Broscheid, Deputy Director.** The Commission may vote to elect the Chair and Vice-Chair for 2013, and the incoming Chair may appoint Commission members to Standing Committees. The Commission may also vote to establish or dissolve committees.
  18. **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; 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 (Mexican wolf – two cases).*

- 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.
  - 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.
  - d. **Legal Advice.** 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 Lee Valley Pond.
- \*NEW\*
- e. **Legal Advice.** The Commission may vote to go into executive session pursuant to A.R.S. 38-431.03(A)(3) for discussion and consultation for legal advice with the Commission's legal counsel concerning the Commission's obligations to preserve notes created during a Commission meeting.
  - 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.
19. **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 (Mexican wolf – two cases).*
  20. **Approval of Minutes and Signing of Minutes.** The Commission may approve the Commission meeting minutes from December 7-8, 2012.
  21. **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.
  22. **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.
  23. **Future Agenda Items and Action Items.**

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**Saturday, January 12, 2013, the meeting will begin at 4:00 p.m. and will be held at the Carefree Resort and Conference Center, 37220 Mule Train Road, Carefree, Arizona 85377.**

The Commission will meet with its constituents to discuss items of interest. The following approximate agenda will be followed. No official action will be taken by the Commission.

4:00 p.m. Chairman's Welcome and Commission introductions – Cholla I Room

- Director's Welcome
- Open Discussion – Questions and Answers
- Presentation of Gavel to Chairman

5:30 p.m. Social Hour - Kachina Courtyard

6:50 p.m. Dinner – Opera House

Chairman's Welcome

- Advocate of the Year: Representative Amanda Reeve
- Award of Excellence: Freeport McMoran Division of Environmental Technology
- Award of Excellence: Jeffrey Smythe
- Youth Environmentalist of the Year: Daniella LaPlante
- Outdoor Writer of the Year: David Brown
- Media of the Year: Don McDowell
- Conservation Organization of the Year: Arizona Elk Society
- Conservationist of the Year: Glen Dickens
- Natural Resource Professional of the Year: Chris Parish
- Volunteer of the Year: Tom Slaughter
- Educator of the Year: Aaron Anderson
- Mentor of the Year: Don Martin
- License Dealer of the Year: ALCO, Chino Valley Store
- Buck Appleby Hunter Education Instructor of the Year: Hank Schucking
- Wildlife Habitat Steward of the Year: Dan Bell

9:30 p.m. Adjourn

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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”**