



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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June 12, 2013

REVISION #2

A public meeting of the Arizona Game and Fish Commission will be held on **June 14-15, 2013 at the Mazatzal Hotel & Casino, Highway 87, Mile Marker 251, Payson, Arizona 85541** 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 or by webcast viewing at www.azgfd.gov. The Department's Headquarters will also be available for viewing this meeting via video teleconference. Members of the public attending in person or viewing via video 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, June 14, 2013 - Meeting begins at 8:00 A.M. - Agenda item #1 will be a workshop setting and not available for webcast or video teleconferencing.

- 1. Payson and Mogollon Rim Community Forum. Presenter: Rod Lucas, Mesa Regional Supervisor.** This item will be an informal forum and workshop to discuss current and future matters involving the Arizona Game and Fish Department and the Payson/Mogollon Rim community. Department staff, along with community member involvement, will present an overview of ongoing collaborative work to the Commission, community leaders, and members of the public, and then facilitate an open discussion for the same. Topics of discussion will include:
 - Mogollon Streams Restoration Project (East Verde River, Tonto, Christopher, Haigler and Canyon Creek's)
 - Mogollon Rim area Chiricahua Leopard Frog Project
 - Mogollon Rim area Rocky Mountain Bighorn Sheep (Mazatzal and Hell's Gate Areas)
 - Bear Safety and Bear Proof Dumpster Update
 - State Route 260 Wildlife Crosswalk and Crossings
 - Tonto National Forest Travel Management (Neil Bosworth, Forest Supervisor)
 - Mogollon Sporting Association (Dedicated to Rim Country's Youth and Wildlife)

The Commission may provide the Department guidance or direction on matters covered in this open discussion for future action by the Commission. No discussion or action will be taken by the Commission on topics not listed in the agenda.

Regular Commission Meeting begins at 10:30 A.M.

Pledge of Allegiance

- 2. Awards and Recognition**

3. **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.
4. **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.
5. **Inter-Governmental Agreement between the Arizona Game and Fish Commission and the White Mountain Apache Tribe. Presenter: Shawn Wagner, Wildlife Manager III, Pinetop.** The Commission may approve an Inter-Governmental Agreement between the Arizona Game and Fish Commission and White Mountain Apache Tribe to enter into mutual agreement to facilitate coordination between the parties in addressing nuisance bear responses along the Fort Apache Indian Reservation northern boundary (primarily involving urban interface between Highway 73 and Highway 60).
- 5A. **Special Use Permit with Apache-Sitgreaves National Forest and a Separate Agreement with the Arizona Department of Transportation. Presenter: Jay Cook, Shooting Sports Branch Chief.** The Commission may approve Acquisition of a Special Use Permit from the Apache-Sitgreaves National Forest for development of the Second Knoll Shooting Range, and to enter into a separate agreement with the Arizona Department of Transportation Authorizing their continued access to the site for removal of stored cinders.

Agenda Items #6 and 7 are first read items. The Commission may choose to take action on first read items as needed or may direct the Department to place first read items on the consent agenda for approval at the next Commission meeting.

6. **Landowner-Lessee/Sportsman Relations Committee Appointment. Presenter: Mark Weise, Development Branch Chief.** The Department's Landowner Relations Program has received nominations for three individuals to fill the vacant spots on the Landowner-Lessee/Sportsman Relations Committee. Ms. Peggy Ingham, Mr. Dan Rodriguez, and Mr. Chris Mitchell are all interested in helping to improve access issues.
7. **Land Exchange at the Page Springs Fish Hatchery Property, Yavapai County, Arizona. Presenter: Joyce Francis, Habitat Branch Chief.** The Commission will be asked to approve entering into negotiations for the exchange of a portion of the Page Springs Fish Hatchery property for adjacent riparian area.

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

8. **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.
9. **Western Association of Fish and Wildlife Agencies Grassland Initiative. Presenter: William E. Van Pelt, WAFWA Grassland Coordinator.** The Commission will be briefed on the

Departments participation in the Western Association of Fish and Wildlife Agencies Grassland Initiative.

- 9A. **A Briefing on Department Missions and Challenges that Required Out-of-State Travel in FY12. Presenter: Gary Hovatter, Special Assistant to the Director.** The first of what is proposed to be a series of annual reports to the Commission on the return to Arizona for the Department’s investment in out-of-state travel. The Commission will be briefed on out of state travel conducted in FY12. No Commission action is required.

NEW

- 9B. **Commission Briefing on the Publication of Proposed Rules Regarding the Classification of Gray Wolf and Modification of the 10j Rule Governing the Arizona-New Mexico Population of Mexican Wolf. Presenter: Jon Cooley, Endangered Species Coordinator.** The Department will provide a presentation on the two proposed rules to be published this week in the Federal Register.

- 10. **Proposed Dates and Locations of Arizona Game and Fish Commission Meetings for 2014 and January 2015. Presenter: Ben Alteneder, Community and Congressional Relations.** The Department will ask the Commission to consider and select proposed meeting dates and locations for the Year 2014 and for January 2015.

- 11. **Update of Commission Awards. Presenter: Ben Alteneder, Community and Congressional Relations.** The Department will present the Commission with a list of award categories for the 2013 Commission Awards to be presented at the January 2014 Commission Awards Banquet. The Commission may take action or provide the Department further direction on this item.

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
Gilbert Ozuna	2013-0020	Count A:	Take Wrong Species (Mule Deer)
James J. Apodaca	2013-0021	Count A:	Take Wrong Species (Mule Deer)
Richard L. Thomas	2013-0035	Count A:	Possess Unlawfully Taken Wildlife (Whitetail Deer)
		Count B:	Possess/Use Tag of Another
		Count D:	Take Wrong Unit (Whitetail Deer)
Brian L. Bleyenber	2013-0036	Count B:	Possess Unlawfully Taken Wildlife (Deer)
Joseph M. Chavez	2013-0037	Count A:	Possess Wildlife Without Valid Tag (Deer)
Fred E. Oslie	2013-0038	Count A:	Take Wildlife Without Valid License (Dove)
Roger J. Sikorske	2013-0039	Count A:	Obtain 2010 Resident License by Fraud Citation 230541
Howard B. Smith	2013-0040	Count A:	Obtain 2011 Resident License by Fraud
		Count B:	Obtain 2011 Resident Elk Tag by Fraud Citation 230540
		Count A:	Obtain 2012 Resident License by Fraud
		Count B:	Obtain 2012 Resident Elk Tag by Fraud
Brian B. Alvarez	2013-0041	Count A:	Take Wildlife Without Valid License (Fish)
		Count B:	Obtain 2012 Resident Fishing License by Fraud

13. **Field Trip.** The Commission may participate in a field trip to view SR 260 wildlife crossings, Ponderosa Campground and Tonto Creek stream restorations efforts. No legal action will be taken by the Commission during the field trip.

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Saturday, June 15, 2013, Meeting begins at 8:00 A.M.

Pledge of Allegiance

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. **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, Deputy Director.** 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 including the proposed Wildlife Center project.
 - 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. **Flagstaff Regional Office Lease Agreement with the Arizona State Forester. Presenter: Joyce Francis, Habitat Branch Chief.** The Commission will be asked to approve renewal of a Lease Agreement with the Arizona State Forester for use of a portion of the Flagstaff Regional Office property as an Administrative Site.

- f. **License Agreement with Southwest Transmission Cooperative at Willcox Playa Wildlife Area. Presenter: Joyce Francis, Habitat Branch Chief.** The Commission will be asked to approve a license agreement with Southwest Transmission Cooperative for a 230 kV transmission line at the Willcox Playa Wildlife Area, Cochise County, Arizona.
- g. **Request to Approve Commission Policy A2.39 on Establishing License Classifications and Fees as Authorized by the Passage of Senate Bill 1223. Presenter: Ty Gray, Deputy Director.** The Department will ask the Commission to approve the Commission Policy A2.39 on establishing license classifications and fees as authorized by the passage of Senate Bill 1223.
- h. **Approval of Law Enforcement Boating Safety Fund (LEBSF) Grant Allocation Formula for FY 2013. Presenter: Lizette Morgan, CFO, Business & Finance.** The Department will provide the Commission with the proposed LEBSF Grant Allocation Formula per ARS §5-383.
- i. **Request to Approve the Expenditure of Unspent Balances in the Heritage Fund, Wildlife Conservation Fund, and Off Highway Vehicle Recreation Fund for Fiscal Year 2014. Presenter: Lizette Morgan, CFO, Business and Finance.** The Commission will be asked to approve the expenditure of unspent fund balances from the Heritage fund, including all of its sub-funds, for Fiscal Year 2014. The Commission will also be asked to approve the expenditure of unspent fund balances from the Wildlife Conservation Fund and the Off Highway Vehicle Recreation Fund for Fiscal Year 2014.
- j. **Request to approve the Game and Fish Fund Budget Request for Fiscal Year 2015. Presenter: Lizette Morgan, CFO, Business and Finance.** The Commission will be asked to approve the proposed expenditures from the Game and Fish Fund for operating and programs for Fiscal Year 2015.
- k. **Request to approve the Watercraft Licensing Fund Budget Request for Fiscal Year 2015. Presenter: Lizette Morgan, CFO, Business and Finance.** The Commission will be asked to approve the proposed expenditures from the Watercraft Licensing Fund for Fiscal Year 2015.
- l. **Request to approve the Game, Nongame, Fish and Endangered Species Fund Budget Request for Fiscal Year 2015. Presenter: Lizette Morgan, CFO, Business and Finance.** The Commission will be asked to approve the proposed operating expenditures from the Game, Nongame, Fish and Endangered Species Fund for Fiscal Year 2015.
- m. **Request to approve the Capital Improvement Fund Budget Request for Fiscal Year 2015. Presenter: Lizette Morgan, CFO, Business and Finance.** The Commission will be asked to approve the proposed expenditures from the Capital Improvement Fund for Fiscal Year 2015.
- n. **Request to approve the Waterfowl Conservation Fund Budget Request for Fiscal Year 2015. Presenter: Lizette Morgan, CFO, Business and Finance.** The Commission will be asked to approve the proposed expenditures from the Waterfowl Conservation Fund for Fiscal Year 2015.
- o. **Request to approve the Wildlife Endowment Fund Budget Request for Fiscal Year 2015. Presenter: Lizette Morgan, CFO, Business and Finance.** The Commission will be asked

to approve the proposed expenditures from the Wildlife Endowment Fund for Fiscal Year 2015.

- p. **Request to approve the Fiscal Year 2014 Modified budget for Wildlife and Sport Fish Restoration (WSFR) grants and the Federal Assistance Funds Budget Request for Fiscal Year 2015. Presenter: Lizette Morgan, CFO, Business and Finance.** The Commission will be asked to approve the proposed expenditures from the modified budget for WSFR grants for Fiscal Year 2014 and the WSFR; State Wildlife Grant; Coast Guard Boating Safety; and Section 6 Endangered Species Act for Fiscal Year 2015.
 - q. **Request to approve the Heritage Fund Budget Request for Fiscal Year 2015. Presenter: Lizette Morgan, CFO, Business and Finance.** The Commission will be asked to approve the proposed expenditures from the Public Access; Identification, Inventory, Acquisition, Protection, and Management; Habitat Evaluation and Protection; Urban Wildlife and Urban Wildlife Habitat; Environmental Education; and Administration and Support Services sub-funds for Fiscal Year 2015.
 - r. **Request to approve the Off-Highway Vehicle Recreation Fund Budget Request for Fiscal Year 2015. Presenter: Lizette Morgan, CFO, Business and Finance.** The Commission will be asked to approve the proposed expenditures from the Off-Highway Vehicle Fund for Fiscal Year 2015.
 - s. **Request to approve the Arizona Wildlife Conservation Fund Budget Request for Fiscal Year 2015. Presenter: Lizette Morgan, CFO, Business and Finance.** The Commission will be asked to approve the proposed expenditures from the Arizona Wildlife Conservation Fund for Fiscal Year 2015.
 - t. **Request to approve the Indirect Cost Recovery Fund Budget Request for Fiscal Year 2015. Presenter: Lizette Morgan, CFO, Business and Finance.** The Commission will be asked to approve the proposed expenditures from the Indirect Cost Recovery Fund for Fiscal Year 2015.
3. **Consideration of Proposed Commission Orders 19, 20, and 24 for the 2013–2014 Hunting Season. Presenter: Johnathan O’Dell, Small Game Biologist.** The Commission will consider and may approve Commission Order 19 (dove), 20 (band-tailed pigeons), and 24 (sandhill cranes) establishing seasons and season dates, bag and possession limits, and open-closed areas. A detailed description of proposals is available for public review at all Department offices.
 4. **Consideration of Proposed Commission Order 29 for Special Big Game License-Tag Seasons for Mule Deer, White-tailed Deer, Pronghorn Antelope, Elk, Turkey, Javelina, Bighorn Sheep, Buffalo, Black Bear, and Mountain Lion for the 2014–2015 Special License Tag Hunting Seasons. Presenter: Amber Munig, Big Game Management Supervisor.** The Commission will consider and may approve Commission Order 29: Special Hunts, establishing seasons and season dates, bag and possession limits, permit numbers, and open areas for Special Big Game Hunt License Tags. A detailed description of all proposals is available for public review at all Department offices.
 5. **Consideration of Applications for Special Big Game Hunt License Tags for Antelope, Bighorn Sheep, Black Bear, Buffalo, Elk, Javelina, Mountain Lion, Mule Deer, White-tailed Deer, and Turkey for 2014–2015. Presenter: Brian F. Wakeling, Game Branch Chief.** The Commission will consider and may vote to take action on applications from organizations for

2014–2015 Special Big Game License Tags as per R12-4-120. A detailed description of proposals is available for public review at all Department offices.

6. **A Briefing on Public Comment Received and Proposed Revisions to the Hunt Guidelines. Presenter: Brian F. Wakeling, Game Branch Chief.** The Commission will be briefed on the comment received thus far on the existing hunt guidelines and a preliminary draft of revised guidelines will be presented. Comment received on the preliminary draft at public meetings and through written correspondence will be shared as well.
7. **Notice of Draft Exempt Rulemaking - Draft License and Fee Structure. Presenter: Ty Gray, Deputy Director.** The Department will ask the Commission to approve the Draft Notice of Exempt Rulemaking amending multiple rules within A.A.C. Title 12, Chapter 4 as necessary to implement the new license and fee structure authorized by the passage of Senate Bill 1223.
8. **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; Wagner v. Personnel Board, LC2011-000683*; Proposed Rosemont Copper Mine Project NEPA; *WildEarth Guardians v. James Lane, CIV 12-118*; *Center for Biological Diversity v. U.S. Forest Service, CV 12-0817*; Implementation of SB 1334 (hunting within city limits) and City of Tucson Avra Valley properties.
 - 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 and staff regarding the Commission's position concerning the disturbance of ancestral native American remains and materials at the Lee Valley Pond/Amity Pueblo site.
 - c. **Legal Counsel.** The Commission may vote to meet in 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 concerning Apache County's ordinance on predators.
- *NEW*
- d. **Legal Counsel.** The Commission may vote to meet in 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 concerning the Department's obligation under the Arizona Public Records Law to release records related to employee conduct.
- e. **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 performance. The Commission may take action in the public session or defer any action to a later date.
9. **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; Wagner v. Personnel Board, LC2011-000683*; Proposed Rosemont Copper Mine Project NEPA;

WildEarth Guardians v. James Lane. CIV 12-118; Center for Biological Diversity v. U.S. Forest Service. CV 12-08176.

10. **Approval of Minutes and Signing of Minutes.** The Commission may approve the Commission meeting minutes from May 10-11, 2013 and May 17-18, 2013.
11. **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 for information only. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.
12. **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.
13. **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”