



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

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**GOVERNOR**

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TY E. GRAY



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**PUBLIC MEETING NOTICE AND AGENDA REVISION #1**

**September 3, 2014**

A public meeting of the Arizona Game and Fish Commission will be held on **September 5-6, 2014** at the **Show Low City Council Chambers, 181 N. 9<sup>th</sup> Street, Show Low, Arizona 85901**, as authorized by A.R.S. § 17-201(D). **Members of the public may attend the meeting in person or view the meeting at [http://www.azgfd.gov/inside\\_azgfd/CommissionCam.shtml](http://www.azgfd.gov/inside_azgfd/CommissionCam.shtml). On Friday only, members of the public may view the meeting from any one of the Department's six Regional Offices via video teleconference, except for the Pinetop Regional Office. The Department's Headquarters will also be available for viewing this meeting via video teleconference on Friday only. 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, September 5, 2014 - 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: Marty Fabritz, 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: Anthony Guiles, Assistant Director, Information, Education and Recreation Division.**

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 Commission meeting.
- d. **Lands and Habitat Program Update. Presenter: Joyce Francis, Habitat Branch Chief.** 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. **Approval of an Intergovernmental Agreement Renewal with the Town of Springerville at Becker Lake Wildlife Area. Presenter: Joyce Francis, Habitat Branch Chief.** The Commission will be asked to approve renewal of an Intergovernmental Agreement with the Town of Springerville for purposes of maintaining and grading the main roadway and parking lot, and clean-up of the shore line as needed at the Becker Lake Wildlife Area, Apache County, Arizona.
- f. **Approval of a License Agreement Renewal with Arizona Department of Public Safety at the Three Points Shooting Range. Presenter: Joyce Francis, Habitat Branch Chief.** The Commission will be asked to approve renewal of a License Agreement with Arizona Department of Public Safety for use and maintenance of pistol, rifle, and shotgun ranges at the Three Points Shooting Range.
- g. **Approval of a License Agreement Renewal with Bryson Ranch at the Page Springs Hatchery Property. Presenter: Joyce Francis, Habitat Branch Chief.** The Commission will be asked to approve renewal of a License Agreement with Bryson Ranch for the purpose of operating an equestrian trail through a small portion of the Page Springs Hatchery property, Yavapai County, Arizona.
- h. **Approval of a License Agreement at Horseshoe Ranch. Presenter: Jay Cook, Mesa Regional Supervisor.** The Commission will be asked to approve a License Agreement with Northern Arizona University for the Horseshoe Ranch Adaptive Restoration and Community Stewardship Project to develop a three acre plot of cottonwood trees on the upper terrace of the Agua Fria River at Horseshoe Ranch on fallow cropland.
- i. **Approval of a Memorandum of Understanding (MOU) with the National Park Service (NPS) to establish cooperating agency status for a Bison Management Plan and Environmental Impact Statement (EIS) at Grand Canyon National Park, Arizona. Presenter: Craig McMullen, Flagstaff Regional Supervisor.** The Commission will be asked to approve an MOU granting the Department cooperating agency status in the preparation of a Bison Management Plan and EIS at Grand Canyon National Park, Arizona.
- j. **Request to Allow Article 9 Rules, Addressing Arizona Wildlife Conservation Fund Grants, to Expire Under A.R.S. § 41-1056(J). Presenter: Sherry Crouch, Funds and**

**Planning Branch Chief.** The Department will ask the Commission to approve a request to allow Article 9 Rules, addressing Arizona Wildlife Conservation Fund Grants, to expire under A.R.S. § 41-1056(J).

- k. Approval of a New Commission Policy on Recreational Shooting upon Arizona's Public Lands. Presenter: Marty Fabritz, Shooting Sports Branch Chief.** The Department will ask the Commission to approve a new Commission policy, which sets forth the Commission's position on the importance of maintaining all wildlife-related outdoor recreational opportunities on public lands, including recreational shooting.
  - l. Approval of a Memorandum of Understanding (MOU) with the U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, and USDA Forest Service for Planning and Implementation of the West Fork Black River Aquatic Species Protection Project. Presenter: Chris Cantrell, Chief of Fisheries.** The Commission may approve the MOU to allow the Department to cooperate with partners on the planning and implementation of the West Fork Black River Aquatic Species Protection Project for Apache Trout and Loach Minnow conservation.
- 3. Stakeholder Resolution Workgroup Recommendations to Reduce and Fund Operation and Maintenance Costs for Heritage Acquired Properties. Presenter: Jim deVos, Assistant Director, Wildlife Management Division.** The Commission will be presented potential options put forth by a Department led stakeholder resolution workgroup to address increasing operation and maintenance costs for Heritage acquired properties.
  - 4. State and Federal Legislation. Presenter: Jorge Canaca, 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.
  - 5. Customer Portal Project. Presenter: Doug Cummings, Branch Chief, Information Systems.** The Department will present an update on the development of the Customer Portal (website with Customer Login capabilities with improved customer access to information, products and services). The presentation will include an update on the development of the Customer Portal Website as well as the development of Bundled/Subscription services for consideration to be made available through the Customer Portal.
  - 6. Rulemaking and Rule Review Activity Briefing. Presenter: Jennifer Stewart, Rules and Risk Branch Chief.** The Commission will be presented with an update of Department activities related to rule reviews and rulemakings, including a suggested schedule for Article 1 Rulemaking.
  - 7. Approval of Final Rulemaking Amending Article 2 Rules Addressing Licenses, Permits, Stamps, and Tags. Presenter: Johnathan O'Dell, WMGM Small Game Biologist.** The Department will ask the Commission to approve a Notice of Final Rulemaking and Economic Impact Statement amending rules within Article 2, addressing licenses, permits, stamps, and tags.
  - 8. Approval of New Commission Policy on Bonus Points. Presenter: John Bullington, Assistant Director, Special Services.** The Department will ask the Commission to approve a new Commission Policy regarding the Commission's position on Bonus Points.

9. **REMOVED FROM AGENDA** (Landowner Relations Program Update and Presentation on the Babbitt Ranches Landowner Compact)
- 9A. **Approval for the Acquisition of the Page Property, Yavapai County, Arizona. Presenter: Chris Cantrell, Fisheries Branch Chief.** The Commission will be asked to approve the acquisition of the Page Property. The acquisition will include 31.5 acres of deeded property and appurtenant water rights, adjacent to the Page Springs Hatchery, Yavapai County, Arizona.

**Agenda Items #10 through #15 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.**

10. **Petition to Lock a Gate on State Trust Land Approximately Seven Miles West of Eager, Arizona. Presenter: Chris Bagnoli, Pinetop Regional Supervisor.** The Department will be asking the Commission to approve a request by Maryhelen Peters to lock a gate on State Trust Land located approximately seven miles west of Eager, Arizona.
11. **MOVED TO 9A** (Approval for the Acquisition of the Page Property)
12. **Approval of a License Agreement with Verizon Wireless at Ben Avery Shooting Facility. Presenter: Joyce Francis, Habitat Branch Chief.** The Commission will be asked to approve a license agreement authorizing Verizon Wireless to install and maintain telecommunications equipment at the Ben Avery Shooting Facility.
13. **Approval of revised Commission Policy A2.2, Land Use Agreements, and repeal Commission Policy A2.3, Grazing Policies. Presenter: Joyce Francis, Habitat Branch Chief.** The Department will ask the Commission to approve revised policy A2.2, Land Use Agreements regarding the leasing of Commission lands. The Department has also incorporated policy A2.3, Grazing Policies, into the revised policy and will ask that the Commission repeal policy A2.3.
14. **Approval of Revised Commission Policy A2.7, Fish Stocking. Presenter: Chris Cantrell, Fisheries Branch Chief.** The Department will ask the Commission to approve revised policy A2.7, Fish Stocking, which would allow the Department more flexibility to manage wildlife on private lands. The Commission may take action or provide direction to the Department on this item.
15. **REMOVED FROM AGENDA** (Approval of Revised Commission Policy A2.8, Culture and Distribution of Non-Native Fish)
16. **Mexican Wolf Update. Presenter: Jim deVos, Assistant Director, Wildlife Management Division.** The Department will provide an update on any new information or negotiations with the U.S. Fish and Wildlife Service regarding resolution of issues associated with the Mexican Wolf proposed 10(j) rule and the associated draft environmental impact statement (DEIS) since the last Commission meeting.
17. **2014 Annual Commission Awards Selection. Presenter: Ty Gray, Deputy Director.** The Department will provide an overview of the 2014 Commission award nominees and will ask the Commission to select the 2014 Commission award recipients.

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

**TIME CERTAIN AT 2:00 PM**

- 18. 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>  |
|--------------------|-----------------|--------------|--|
| Dustin L. Meza     | 2014-0050       | Count A:     | Take Wildlife And Allow Edible Portions To Go To Waste (Javelina)                |
| Cole R. Estes      | 2014-0051       | Count A:     | Take Wildlife And Allow Edible Portions To Go To Waste (Javelina)                |
| Richard C. Rogers  | 2014-0053       | Count A:     | Take Wildlife Without Valid Tag/License (Turkey)                                 |
|                    |                 | Count B:     | Possess Unlawfully Taken Wildlife (Turkey)                                       |
| Frank Capanear     | 2014-0054       | Count B:     | Possess Unlawfully Taken Wildlife (Mule Deer)                                    |
| William Holoboff   | 2014-0055       | Count A:     | Obtain 2012 Resident Hunting License By Misrepresentation                        |
| James D. Helms     | 2014-0057       | Count A:     | Obtain 2012 Resident Hunting License By Misrepresentation                        |
| Louis P. Perea Jr. | 2014-0058       | Count A:     | Take Wildlife During A Closed Season (Waterfowl)<br><b>Citation A08483</b>       |
| John A. Heideman   | 2014-0059       | Count A:     | Obtain 2013 Resident Hunting License By Misrepresentation                        |
|                    |                 | Count B:     | Obtain 2013 Resident Javelina Tag By Misrepresentation<br><b>Citation A08484</b> |
|                    |                 | Count A:     | Obtain 2014 Resident Hunting License By Misrepresentation                        |
|                    |                 | Count B:     | Obtain 2014 Resident Javelina Tag By Misrepresentation                           |

- 19. Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** The Department requests a rehearing for Kenneth K. Black regarding the suspension of his license privileges.

- 19A. Commission affirmation to make voluntary payments in lieu of taxes. Presenter: James F. Odenkirk, Assistant Attorney General.** The Commission will be asked to affirm that it will make voluntary payments in lieu of taxes when the Commission acquires Planet Ranch as part of the Big Sandy River-Planet Ranch Settlement Agreement.

- 20. 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. Sandoval, CIV 12-118*; *Center for Biological Diversity v. U.S. Forest Service, CV 12-0817*; *Red Wolf Coalition v. North Carolina Wildlife Resource Commission, 2013-60*; Appeal of Decision Notice of North Kaibab

*Ranger District Travel Management, Kaibab NF, 13-03-00-0007; HSUS petition to ban the use of lead ammunition for hunting purposes on federal DOI lands; CBD petition to USFWS to revise its Recovery Plan for the Grizzly Bear to include its native range in the western United States; Decision of USFWS to designate critical habitat for jaguar in Arizona and New Mexico; Phase One Bill Williams River Water Rights Settlement Agreement (Planet Ranch); Proposed Amendments to Mexican Wolf 10(j) Rule; Army Corps of Engineers proposed rules concerning “waters of the U.S.”*

- b. 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.
- 21. 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. Sandoval, CIV 12-118; Center for Biological Diversity v. U.S. Forest Service, CV 12-08176.*
- 22. Approval of Minutes and Signing of Minutes.** The Commission may approve the Commission meeting minutes from August 1-2, 2014 and August 22, 2014.
- 23. Director and Commissioner Comments.** The Director and the Commissioners may provide brief comment on current events and issues. This item is for information only. Items requiring discussion, deliberation or legal action must be placed on a future Commission meeting agenda.
- 24. Tour of Silver Creek Fish Hatchery.** Immediately following the regular agenda items, the Commission and Department staff will carpool to the Silver Creek Fish Hatchery, 8800 Hatchery, Show Low, Arizona 85901, for a tour and an informational briefing. The briefing will include general information, background, history, and future goals for the hatchery.

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**Saturday, September 6, 2014 - Meeting begins at 8:00 A.M.**

### **Pledge of Allegiance**

- 1. Pinetop Region Community Forum. Presenter: Chris Bagnoli, Pinetop Regional Supervisor.** An informal forum and workshop to discuss current and future matters involving the Arizona Game and Fish Department and the Pinetop regional area. Department staff 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 be:
- Special Recognition – Navajo County Sheriff’s Office
  - Arizona White Mountain Trail System
  - Youth Hunter Recruitment Efforts
  - White Mountain Community Fishing Plans – An Overview
  - Morenci Mine Rocky Mountain Bighorn Sheep Translocations – An Overview
  - A-S National Forest Restoration Efforts: Partnering for a Healthy Forest
  - Silver Creek Fish Hatchery – An Overview

The Commission may provide the Department guidance or direction on matters covered in this open discussion for future action by the Commission.

2. **Consideration of Proposed Commission Orders 25, 41, 42, and 43 for the 2015-2016 Hunting Season. Presenter: Mike Rabe, Nongame Wildlife Branch Chief.** The Commission will consider and may approve Commission Order 25 (raptors), Commission Order 41 (amphibians), Commission Order 42 (crustaceans and mollusks) and Commission Order 43 (reptiles) establishing seasons and season dates, bag and possession limits, and open-closed areas.
3. **Request to Amend Commission Order 40: Fish for Calendar Year 2015 and 2016. Presenter: Chris Cantrell, Fisheries Branch Chief.** The Commission will be asked to adopt Commission Order 40: Fish, establishing open seasons, open areas, closures and bag and possession limits for calendar year 2015 and 2016.
4. **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”**