



PUBLIC MEETING NOTICE AND AGENDA

September 6, 2019

A public meeting of the Arizona Game and Fish Commission will be held on **September 20, 2019** at the **Greer Community Center, 74 Main Street, Greer, AZ 85927**, as authorized by A.R.S. § 17-201(D). Members of the public may attend the meeting in person or view the meeting at www.azgfd.gov/commissioncam. Members of the public may view the meeting from any Department Regional Office and the Department's Headquarters 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 livestream 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 20, 2019 - Meeting begins at 8:00 A.M.

Pledge of Allegiance

Welcome/Introductions

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. **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 Commission's legal counsel. Commission members may remove certain items if further public input or discussion is deemed necessary.
 - a. **Approve License Agreement with Freeport Minerals Corporation. Presenter: Tony Guiles, Assistant Director.** The Commission may approve the License Agreement with Freeport Minerals Corporation for the purpose of installing a Lifejacket Loaner Station along the Verde River on Freeport Minerals Corporation property.

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5000 W. CAREFREE HIGHWAY, PHOENIX AZ 85086

GOVERNOR: DOUGLAS A. DUCEY **COMMISSIONERS:** CHAIRMAN, ERIC S. SPARKS, TUCSON | KURT R. DAVIS, PHOENIX
LELAND S. "BILL" BRAKE, ELGIN | JAMES E. GOUGHNOUR, PAYSON | JAMES S. ZIELER, ST. JOHNS **DIRECTOR:** TY E. GRAY **DEPUTY DIRECTOR:** TOM P. FINLEY

3. **State and Federal Legislation. Presenter: Ed Sanchez, 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.
4. **Commission Priorities Update. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will provide an update on the Commission Priorities and Metrics and will provide an expanded presentation by Wildlife Recreation Branch Chief, Scott Lavin regarding Promote Fair Chase.
5. **Federal Lands Planning Update. Presenter: Clay Crowder, Habitat, Evaluation, and Lands Branch Chief.** The Commission will be updated on Department activities and involvement with resource management planning and other major actions on federal lands in Arizona. The Commission may take a position or provide direction regarding the Department's status as a Cooperating Agency on Forest Service projects.
6. **Briefing on Programmatic Review of Conservation Tools for Candidate, Threatened and Endangered Species. Presenter: Jon Cooley, Endangered Species Coordinator.** The Commission will be briefed on the Department's use of conservation tools like 4(d) rule, Candidate Conservation Agreements, Safe Harbor Agreements and 10(j) designation for the management and recovery of Candidate, Threatened and Endangered Species within Arizona.
7. **Marketing Update and FY20 Conserve and Protect Campaign Strategy. Presenter: Heidi Rayment, Marketing Branch Chief Information, Education, and Recreation Division.** The Commission will be briefed on the agency's marketing efforts and plans to date. The Commission also will be briefed on the FY20 Conserve and Protect campaign. The Commission may provide the Department direction.
8. **Update of Travel Management Rules on National Forests in Arizona. Presenter: Clay Crowder, Habitat, Evaluation, and Lands Branch Chief.** The Commission will be briefed on the US Forest Service's implementation of travel management planning and the Department's involvement in Travel Management Rule.
9. **Briefing on the North American Model of Conservation. Presenter: Doug Burt, Hunting and Shooting Sports Program Manager.** The Department will provide a high level over view of the North American Model of Conservation and an example of Department programs that support the seven tenants. This brief will serve as a kick off for follow on briefs providing more in depth presentations of each individual tenant of the North American Model.

TIME CERTAIN AT 10:00 AM

- 10. 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 #	Conviction
Ronald Mayhew	2019-0025	Take elk from vehicle.
Joshua Allen	2019-0026	Fail to tag immediately. Take over limit of deer. Possess unlawfully taken deer.
Braden Cooper	2019-0028	Obtain lifetime hunting license by misrepresentation.
Michael Vicente	2019-0029	Possess unlawfully taken antelope.
John Vicente Jr.	2019-0030	Take antelope from a vehicle.

- 11. Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Alan Christopherson has requested a rehearing regarding the revocation of his license privileges.
- 12. Petition by Hans W. Giesholt to Amend R12-4-517. Watercraft Motor and Engine Restrictions. Presenter: Gene Elms, Law Enforcement Branch Chief.** The Commission will be asked to review the petition submitted by Mr. Giesholt to Amend R12-4-517. Watercraft Motor and Engine Restrictions. The requested amendment is to prohibit the use of a watercraft using a gasoline engine on C.C. Cragin Reservoir. The Department will recommend that the Commission vote to deny the petition submitted by Mr. Giesholt.
- 13. Petition by Mr. Bradford Black to be granted a refund or a new bison tag for 2020. Presenter: Jennifer Stewart, Branch Chief, Customer Support and Sales Branch.** Mr. Black is requesting he be granted a refund or a new bison tag for 2020 because heavy snow kept the herd on the Grand Canyon National Park.
- 14. Approval for Exportation of Sonoran Pronghorn to Sonora, Mexico. Presenter: Jim deVos, Assistant Director, Wildlife Management Division.** The Commission may approve that the Arizona Game and Fish Department will work with the Mexican Government to improve the genetic variability of Sonoran Pronghorn by exporting animals over the next two years to support range-wide recovery goals.
- 15. Landowner-Lessee/Sportsman Relations Committee Appointment. Presenter: Don Larsen, Landowner Relations Program Supervisor.** The Department's Landowner Relations Program has received nominations for two individuals to fill two vacant spots

on the Landowner-Lessee/Sportsman Relations Committee. Mr. Stephen Clark and Mr. Matthew Kile are both interested in helping to improve access issues. The Commission may vote to take action on, or provide the Department direction on this item.

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

- 16. Off-cycle Request to Amend Commission Order 40 at Festival Fields Park (Avondale) and Graham County Fairgrounds Park (Safford). Presenter: Scott Gurtin, Community Fishing Program Manager.** The Commission may vote to amend Commission Order 40: Fish, establishing bag and possession limits within Festival Fields Pond and Graham County Fairgrounds Pond.

Agenda Items #17 through #20 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.

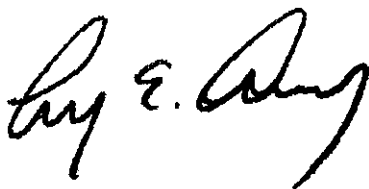
- 17. Inter-governmental Agreement with Graham County and Designation of Fairgrounds Pond as a Community Fishing Program Water. Presenter: Scott Gurtin, Community Fishing Program Manager.** The Commission may vote to authorize the Department to finalize negotiations, execute, and amend as necessary Intergovernmental Agreements and any future sub-agreements between the Department and Graham County to expand the Community Fishing Program, and to designate the Fairgrounds Pond as a Community Fishing Water.
- 18. Colorado River Nature Center Right-of-Entry Agreement with Clark County, Nevada. Presenter: Clay Crowder, Habitat, Evaluation and Lands Branch Chief.** The Commission may approve the Right-of-Entry Agreement with Clark County, Nevada for the purpose of installation of Perimeter Fence and construction of Pond.
- 19. Cooperative Agreement with New Mexico State University. Presenter: Jim deVos, Assistant Director, Wildlife Management Division.** The Commission will be presented with a Cooperative Agreement to allow the Department to partner with the New Mexico State University on an Elk Demographic Research Project. The Commission may vote to take action on, or provide the Department direction on this item.
- 20. Establishing Memorandums of Understanding with Primary Federal Agencies with Land or Jurisdictional Authority in Arizona. Presenter: Clay Crowder, Habitat, Evaluation, and Lands Branch Chief.** The Commission will be briefed on existing Memorandum of Understanding and may approve the Department to update existing MOU's or pursue establishing new MOU's with the following Federal Agencies: U.S. Bureau of Land Management Arizona State Office; U.S. Forest Service Southwestern Region; U.S. Bureau of Reclamation; U.S. Fish and Wildlife Service Region 2 Office.

21. **2019 Annual Commission Awards Selection. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will present the 2018 Commission award nominees and will ask the Commission to select the award recipients.
22. **Commissioner Committee Reports.** Commissioners may provide an update on the subcommittees that they chair regarding 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.
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. **Future Agenda Items and Action Items.**
25. **Executive Session (The Commission will not vote to take on any action during Executive Session).**
 - a. **Litigation and 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 the Commission's position concerning *In re General Stream Adjudication for the Little Colorado River and Gila River; Zuni water rights settlement agreement; Center for Biological Diversity v. U.S. Forest Service*, CV 12-0817 (AZ); *Center for Biological Diversity v. Zinke*, CV 15-00019 (AZ); *Center for Biological Diversity v. Zinke*, CV 18-00047; *WildEarth Guardians v. Ashe*, CV 15-00285 (AZ); *Safari Club International v. Zinke*, 16-00094 (AZ); *WildEarth Guardians v. Provencio*, CV 16-0810; *Hererra v Wyoming*; *Hamberlin v. State of Arizona, et al.*, CV 2018-010149; *State of Arizona v. Hamberlin, No. 1 CA-CV 18-0435*; *Slater v. State of Arizona, et al.*, CV 2018-097090, *Owen Notice of Claim*; Center for Biological Diversity's NOI concerning the New Mexico jumping mouse on A-S National Forest; *The National Trust for Historic Preservation v. Bernhardt*, CV 19-05008.
 - b. **Litigation and 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 the Commission's position concerning the legal strategy recommendations from the Department's legal strategies team.
 - c. **Litigation and 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 regarding the Department's legal authority when stray livestock present the potential for catastrophic destruction to wildlife.

- d. **Legal Advice.** 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 regarding the Commission's authority to close state trust lands to hunting and to close roads providing access to state trust lands.
- e. **Purchase of Real Property and Legal Advice.** 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 representative regarding the purchase of real property and for the purpose of discussing and consulting with legal counsel for legal advice.
- 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 duties, responsibilities and performance. The Commission may take action in the public session or defer any action to a later date.

26. 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; Zuni water rights settlement agreement; Center for Biological Diversity v. U.S. Forest Service, CV 12-0817 (AZ); Center for Biological Diversity v. Zinke, CV 15-00019 (AZ); Center for Biological Diversity v. Zinke, CV 18-00047; WildEarth Guardians v. Ashe, CV 15-00285 (AZ); Safari Club International v. Zinke, 16-00094 (AZ); WildEarth Guardians v. Heather Provencio, CV 16-0810; Herrera v Wyoming; State of Arizona v. U.S. Army Corps of Engineers, CV-18-00069; Hamberlin v. State of Arizona, et al., CV 2018-010149; State of Arizona v. Hamberlin, No. 1 CA-CV 18-0435; Slater v. State of Arizona, et al., CV 2018-097090; Owens Notice of Claim; The National Trust for Historic Preservation v. Bernhardt, CV 19-05008.*

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Ty E. Gray
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”