



PUBLIC MEETING NOTICE AND AGENDA
REVISION #2

September 19, 2018

A public meeting of the Arizona Game and Fish Commission will be held on **September 21, 2018** at the **Navajo County Mogollon Complex, 2188 W. Country Club Drive, Overgaard, AZ 85933**, 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://livestream.com/azgameandfish>. 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 21, 2018 - 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 Intergovernmental Agreement (IGA) with Gila River Indian Community. Presenter: Kelly Wolff, Region VI Habitat, Evaluation and Lands Program Manager.** The Commission may approve an IGA with the Gila River Indian Community to remove tamarisk from a portion of the Base and Meridian Wildlife Area in exchange for growing native plant seed source at the Robbins Butte and/or Powers Butte Wildlife Area(s).

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5000 W. CAREFREE HIGHWAY, PHOENIX AZ 85086

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

- b. **Approve Lease Agreement with DS Services of America, Inc. Presenter: Clay Crowder, Habitat, Evaluation and Lands Branch Chief.** The Commission may approve up to a 5-year lease agreement with DS Services of America, Inc. to lease 200 acre-feet of the Commission's excess Type II Non-Irrigation Grandfathered Groundwater Rights.
 - c. **Approve Cooperative Agreement with Washington State University. Presenter: Julie Carter, Statewide Native Aquatics Program Manager, Aquatic Wildlife Branch.** The Commission may approve a Cooperative Agreement with Washington State University to conduct genetic analyses on Sonora Tiger Salamander.
 - d. **Approve Extension of Memorandum of Understanding on Virgin Spinedace Conservation Agreement and Strategy. Presenter: Julie Carter, Statewide Native Aquatics Program Manager, Aquatic Wildlife Branch.** The Commission may approve the extension of the MOU for the Virgin River Spinedace Conservation Agreement and Strategy. The MOU is with the following signatories: Utah Department of Natural Resources, Nevada Department of Wildlife, Washington County Water Conservancy District, USFWS, USFS, NPS, and BLM.
 - e. **Approve Memorandum of Understanding with Arizona Mule Deer Organization. Presenter: Josh Avey, Terrestrial Wildlife Branch Chief.** The Commission will be presented with a Memorandum of Understanding to allow the Department to partner with and provide funding for conservation, habitat projects and education programs to Arizona Mule Deer Organization.
 - f. **Approve Customer Removal Policy for Commissioned Owned Shooting Ranges. Presenter: Mike Raum, Shooting Sports Branch Chief.** The Commission will vote regarding the establishment of a policy for revoking shooting privileges for habitual rule violators at commissioned owned shooting ranges.
 - g. **Approve Memorandum of Understanding with Arizona Deer Association and the Mule Deer Foundation. Presenter: Jim deVos, Assistant Director, Wildlife Management Division.** The Commission will be briefed on a Memorandum of Understanding to allow the Department to partner with and share funding for conservation, habitat projects and education programs with the Arizona Deer Association and the Mule Deer Foundation.
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 Report Update. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will provide an overview of a new, proposed Commission reporting process. This process will combine the current Commission Priority Report with other reporting metrics that will more accurately describe Department efforts. This process is part of the Department's AMS methods. The Department will also provide an expanded presentation by Josh Avey regarding the Comprehensive Wildlife Management Priority. The Commission may discuss and provide additional direction.

- 4A. **Selection of New Member to the Heritage Public Advisory Committee (HPAC). Presenter: Sherry Crouch, Funds & Planning Chief.** The Commission will be asked to approve George Troxel as a member of the Heritage Public Advisory Committee (HPAC).
5. **Federal Lands Planning Update. Presenter: Clayton 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.
6. **Threatened and Endangered Wildlife Briefing. Presenter: Julie Carter, Statewide Native Aquatics Program Supervisor, Aquatic Wildlife Branch.** The Commission will be provided a briefing on Humpback Chub recovery and a USFWS proposal for downlisting.

TIME CERTAIN AT 10:00 AM

7. **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
Calvert O. Shumway	2018-0033	Count A:	Possess/transport unlawfully taken 4x4 mule deer buck
Alain Garrido	2018-0034	Count B:	Waste edible portion of game meat
Thomas Treiber Sr.	2018-0036	Count A:	Obtain 2017 resident hunting license by fraud (Citation A10264)
David Vo	2018-0037	Count 1:	Take antelope in closed season
		Count 5:	Take antelope without a valid license
Duy Q. Tong	2018-0038	Count A:	Take antelope in closed season
Shawn T. Schiltz	2018-0042	Count A:	Obtain resident lifetime hunting license by misrepresentation
Jason Schillinger	2018-0043	Count A:	Apply for a lifetime license by misrepresentation

8. **Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Thomas L. Henson has requested a rehearing regarding the revocation of his license privileges.
9. **Petition by Mr. Mark Dubel for Purchase of PointGuard after the Fact. Presenter: Jennifer Stewart, Branch Chief, Customer Support and Sales Branch.** Mr. Dubel is requesting approval to purchase PointGuard after the fact due to issues he had during the 2018 elk and antelope draw.
10. **Informational Brief on License Dealer Convenience Fee Project and Roadmap towards a Future Paperless Draw. Presenter: Jennifer Stewart, Branch Chief, Customer Support and Sales Branch.** The Department will present an informational brief on two future projects including migration from a license dealer commission to a license dealer convenience fee and implementing a 100% paperless Spring 2020 draw.

11. **Shooting Sports Update. Presenter: Mike Raum, Shooting Sports Branch Chief.** The Department will provide updates on Shooting Sports projects, activities and evaluation of the Shooting Range Development Grants program. The Commission may provide direction.

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

12. **REMOVED (Zuni Film Presentation)**
13. **Marketing update and FY19 Conserve and Protect campaign strategy. Presenter: Heidi Rayment, Marketing Branch Chief.** The Commission will be briefed on marketing efforts and plans to date under direction of the new Marketing Branch. The Commission will also be briefed by Sasha Howell, Off Madison Ave. on the FY19 Conserve and Protect campaign.
14. **Dedicated Funding for Public Awareness and Education - Summary of Public Input and Potential Range of Alternatives. Presenter: Laura Canaca, Division Coordinator, Information, Education, and Recreation Division.** The Commission will be briefed on the range of discretionary funding source ideas received during the 30 day public comment period (August 9 - September 8) to support a consistent, long term public awareness and education strategy. The Department will seek direction from the Commission regarding alternatives to move forward with in the next phase of public input.

Agenda Items #15 through #18 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.

15. **Memorandum of Understanding (MOU) between Army Corp of Engineers (ACOE), Los Angeles District and the Arizona Game and Fish Commission. Presenter: Clay Crowder, Habitat, Evaluation and Lands Branch Chief.** The Commission may approve a MOU with ACOE to prepare an Environmental Impact Statement (EIS) for the Alamo Dam Water Control Manual Update.
16. **Memorandum of Understanding with Snowflake Unified School District. Presenter: Jeff Gagnon, Statewide Research Biologist.** The Commission may approve a Memorandum of Understanding to allow the Department to partner with and provide funding for students and teachers for education, design, and implementation of wildlife conservation projects.
17. **Renewal of Utility Permit Agreement with CenturyLink, Inc. Presenter: Clay Crowder, Habitat, Evaluation and Lands Branch Chief.** The Commission may approve renewal of a Utility Permit Agreement with CenturyLink, Inc. for use of a portion of Commission owned land at the Robbins Butte Wildlife Area.
18. **Approve Arizona Department of Forestry and Fire Management Cooperative Intergovernmental Agreement (IGA) Contract No. FD-18-0227-ASF-SFO. Presenter: Chris Bagnoli, Regional Supervisor, Pinetop.** The IGA outlines how the Department and State Forester work cooperatively to provide services for the protection of forest, wild and agricultural lands and rural structures.

- 18A. **Memorandum of Understanding with the Natural Resources Conservation Service for Grassland Habitat Restoration Activities in Southeast Arizona. Presenter: Josh Avey, Terrestrial Wildlife Branch Chief.** The Commission may approve a Memorandum of Understanding to allow the Department to cooperate with the Natural Resource Conservation Service on projects that improve wildlife habitat.
19. **Commission Update on National Park Service's Expanded Non-Native Aquatic Species Management Plan. Presenter: Chris Cantrell, Aquatics Branch Chief.** The Commission will be briefed on the National Park Service's Expanded Non-Native Aquatic Species Management Plan.
20. **Proposed Amendments to Commission Order 40: Fish, Concerning Specific Proposals for Bag and Possession Limits, Special Regulations, and Specific Closures for Sport Fishing for Calendar Year 2019 and 2020. Presenter: Andy Clark, Asst. Aquatic Wildlife Branch Chief, Sportfish Management.** The Commission may approve amendments Commission Order 40: Fish, establishing open seasons, open areas, closures and bag and possession limits for calendar year 2019 and 2020.
21. **Proposed Commission Orders 25, 41, 42, and 43 for the 2019-2023 Hunting Seasons. Presenter: Josh Avey, Terrestrial Wildlife Branch Chief.** The Commission 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.
22. **Approve Final Rulemaking Amending Article 3 Rules Addressing Taking and Handling of Wildlife. Presenter: Jay Cook, FOR6 Regional Supervisor.** The Department will ask the Commission to vote to approve a Notice of Final Rulemaking, and Economic Impact Statement amending rules within 3 Rules addressing taking and handling of wildlife.
- 22A. **Mexican Wolf Briefing. Presenter: Jim deVos, Assistant Director, Wildlife Management Division.** The Department will provide a briefing of current issues related to the Mexican wolf recovery program including updates on cross-fostering pups to meet the recovery plan implementation strategy. The Commission may provide direction to the Department.
23. **2018 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.
24. **Proposed Dates for the January 2020 Commission meeting and Awards Banquet. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will ask the Commission to consider dates for the January 2020 Commission meeting and Awards Banquet.
25. **Executive Session (The Commission will not vote to take 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 the Glen Canyon Dam Long-

Term Experimental and Management Plan (LTEMP); *Holden and Guynn v. Arizona Game and Fish Commission*, CV2014-013211; *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. Jewell*, CV 15-00019 (AZ); *WildEarth Guardians v. Ashe*, CV 15-00285 (AZ); *Safari Club International v. Jewell*, 16-00094 (AZ); *WildEarth Guardians v. Heather Provencio*, CV 16-0810; Slater notice of claim; *Hererra v Wyoming*; *State of Arizona v. U.S. Army Corps of Engineers*, CV-18-00069.

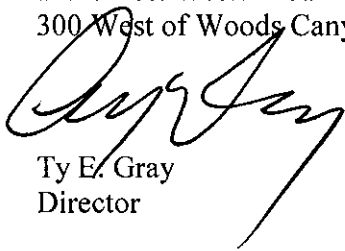
- b. **Litigation and Legal Advice.** The Commission may vote to meet in Executive Session in accordance with A.R.S. § 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel for legal advice in order to consider its position and to instruct legal counsel regarding the Commission's position concerning the legal strategy recommendations from the Department's legal strategies team.
- c. **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 conservation benefits and economic costs with the Department's In Lieu Fee program.
- 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 regarding Commission Meeting procedures.
- e. **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 on Arizona's Public Records Law and disclosure of personal identifying information.
- f. **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 discussion or consideration of the Office of the Inspector General's Audit Report.
- g. **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 Adair Shooting Range and for the purpose of discussing and consulting with legal counsel for legal advice.
- h. **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 Adair Shooting Range and for the purpose of discussing and consulting with legal counsel for legal advice.
- i. **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: Holden and Guynn v. Arizona Game and Fish Commission, CV2014-013211; In re General Stream Adjudication for the Little Colorado River and Gila River; Center for Biological Diversity v. U.S. Forest Service, CV 12-08176; Center for Biological Diversity v. Jewell, CV 15-00019-LAB; WildEarth Guardians v. Ashe, 15-CV-00285; Safari Club International v. Jewell, CV 16-00094; WildEarth Guardians v. Heather Provencio, CV 16-0810; Glen Canyon Dam Long-Term Experimental and Management Plan (LTEMP); State of Arizona v. U.S. Army Corps of Engineers, CV-18-00069.
27. **Approval of Minutes.** The Commission may approve the Commission meeting minutes from August 3, 2018.
28. **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.
29. **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.
30. **Future Agenda Items and Action Items.**

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Saturday, September 22, 2018, 8:00 A.M.

Field Trip: From 8:00 a.m. to approximately 11:00 a.m., members of the Commission and Department staff will participate in a field trip to discuss current and future cooperative efforts between the Department, U.S Forest Service, Eastern Arizona Counties Organization (EACO), various non-governmental organizations, and local White Mountain forest restoration professionals to restore ponderosa pine forests on the Apache Sitgreaves National Forest. Participants in the field trip will meet at the Best Western Sawmill Inn, 1877 AZ-260, Heber, Arizona at 8:00 a.m. and travel to Forest Road 300 West of Woods Canyon Lake on the Apache Sitgreaves National Forest.



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”