



PUBLIC MEETING NOTICE AND AGENDA
REVISION #2

December 5, 2018

A public meeting of the Arizona Game and Fish Commission will be held on **December 7, 2018** at the **Arizona Game and Fish Department, 5000 W. Carefree Hwy, 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 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, December 7, 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 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.** Approval of a MOU with ACOE to prepare an Environmental Impact Statement (EIS) for the Alamo Dam Water Control Manual Update.

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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 Memorandum of Understanding with Snowflake Unified School District. Presenter: Keith Knutson, Wildlife Contracts Branch Chief.** 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.
- 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 update on draft Priorities, Metrics and Objective Statements. The Department will also provide an expanded presentation by Don Larsen regarding Access and Landowner Relations Priority. The Commission may discuss and provide additional direction.
- 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. **Approve 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.
- 7. **Approve Final Rulemaking Amending Article 3 Rules Addressing Taking and Handling of Wildlife. Presenter: Jay Cook, FOR6 Regional Supervisor.** The Commission may approve a Notice of Final Rulemaking, and Economic Impact Statement amending rules within Article 3 Rules addressing taking and handling of wildlife.

TIME CERTAIN AT 10:00 AM

- 8. **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
David Vo	2018-0037	Take antelope in closed season Take antelope without a valid license (5)
Duy Q. Tong	2018-0038	Take antelope in closed season
Jack S. Sather	2018-0039	Take coyote without a trapping license Take coyote in closed area Take coyote by an unlawful method
James R. Ellis	2018-0045	Take wildlife from vehicle Transport unlawfully taken wildlife

Dylan L. Rogers	2018-0046	Take 4x4 mule deer buck within ¼ mile of an occupied residence
John H. Noble III	2018-0047	Take mountain lion without a tag Possess unlawfully taken mountain lion Fail to check in mountain lion
Kenny H. Nguyen	2018-0048	Possess unlawfully taken hawk

9. **Request to Approve Proposed Rulemaking Adopting Article 10 Rules Addressing Off-Highway Vehicles. Presenter: Gene Elms, Field Operations Law Enforcement Branch Chief.** The Commission may approve a Notice of Docket Opening, Notice of Proposed Rulemaking, and Economic Impact Statement adopting a new Article 10 and rules, Addressing Off-Highway Vehicles.
10. **Briefing on License Dealer Convenience Fee Project and Roadmap towards a Future Paperless Draw. Presenter: Jennifer Stewart, Customer Support and Sales Branch Chief.** The Department will present an update 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. **Consideration of Establishing a Committee to Evaluate the Consistency of Auctioning Special Big Game License Tags with the North American Model of Wildlife Management and Alternatives Which Could Generate Equivalent Revenue. Presenter: Jim deVos, Assistant Director, Wildlife Management Division.** The Commission will be briefed on the history of the Special Big Game License Tags for Pronghorn, Bighorn Sheep, Black Bear, Buffalo, Elk, Javelina, Mountain Lion, Mule Deer, White-tailed Deer, and Turkey to qualifying wildlife conservation organizations, who in turn sell them by auction or raffle pursuant to Commission Rule R-12-4-120. The Commission may consider the establishment of a committee to evaluate the consistency of auctioning Special Big Game License Tags with the North American Model of Wildlife Management.
12. **Dedicated Funding for Public Awareness and Education - Summary of Public Comment Period and Overview of Potential Alternatives. Presenter: Laura Canaca, Division Coordinator Information, Education, and Recreation Division.** The Commission will be briefed on the Department's efforts to identify and vet discretionary funding source ideas to support a consistent, long term public awareness and education strategy. The Department will provide a summary of public feedback received, as well as information on, the potential to add bonus points to the current point structure and opportunities to market to the general population. The Department will seek direction from the Commission regarding the next phase of analysis, planning and implementation.
13. **Approve Intergovernmental Agreement between the Arizona Game and Fish Commission and Maricopa County. Presenter: Gene Elms, Law Enforcement Branch Chief.** The Commission may approve an Intergovernmental Agreement between the Arizona Game and Fish Commission and Maricopa County for participation in the Maricopa County Sheriff's Office Basic Training Academy.

14. **Approve Cooperative Agreement between the Arizona Game and Fish Department and the New Mexico Department of Game and Fish. Presenter: Gene Elms, Law Enforcement Branch Chief.** The Commission may approve a Cooperative Agreement between the Arizona Game and Fish Department and the New Mexico Department of Game and Fish regarding reciprocal interstate covert law enforcement efforts.

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

15. **Petition by Mr. Charles Bielke for Reinstatement of the Loyalty Point for himself and co-applicants. Presenter: Jennifer Stewart, Branch Chief, Customer Support and Sales Branch.** Mr. Bielke is requesting reinstatement of the loyalty point for himself and his co-applicants due to missing hunt numbers causing the application to be invalid.
16. **Petition by Mr. Robert Prokop for 2019 antelope tag. Presenter: Jennifer Stewart, Branch Chief, Customer Support and Sales Branch.** Mr. Prokop is requesting a 2019 antelope tag to replace his 2018 elk tag he was unable to use when he was not issued a Champ Permit prior to his hunt.
17. **Petition by Mr. Henry Manjarres for refund of his deer tag due to a family emergency. Presenter: Jennifer Stewart, Branch Chief, Customer Support and Sales Branch.** Mr. Manjarres is requesting a refund for his 2018 Fall deer tag due to a family emergency.
18. **Renewal of a Seasonal, Limited Access Road Closure on State Trust Land Approximately Twenty-five Miles South of Winslow, Arizona. Presenter: Don Larsen, Landowner Relations Program Supervisor.** The Commission may approve a request submitted by Jim O'Haco to renew a seasonal, limited access road closure on State Trust Land located approximately twenty-five miles south of Winslow, Arizona.
19. **Renewal of a Road Closure on State Trust Land Approximately Thirty Miles Southwest of Tucson, Arizona. Presenter: Don Larsen, Landowner Relations Program Supervisor.** The Commission may approve a request submitted by Walter Lane to renew a road closure on State Trust Land located approximately thirty miles southwest of Tucson, Arizona.
20. **Endangered species presentation: Partner efforts to improve the habitat for Three Forks springsnail. Presenter: Jeff Sorensen, Invertebrate Wildlife Program Manager.** The Department will present a summary on the diverse partnership and efforts to help conserve and protect the endangered Three Forks springsnail in the White Mountains.
21. **Consideration of Amendments to Commission Order 3 for the 2019 Hunting Seasons. Presenter: Amber Munig, Big Game Program Supervisor.** The Commission will consider and may approve amendments to Commission Order 3 (pronghorn) permit numbers in some units for the 2019 fall hunting seasons.
22. **Hunt Permit-Tag Application Schedule for the 2019 Antelope and Elk and the 2019 Fall hunts. Presenter: Jennifer Stewart, Customer Support and Sales Branch Chief.** The Department will provide the Commission with a presentation related to the proposed hunt-permit tag application schedule for 2019 Antelope and Elk and the 2019 Fall hunts.

Agenda Items #23 through #27 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.

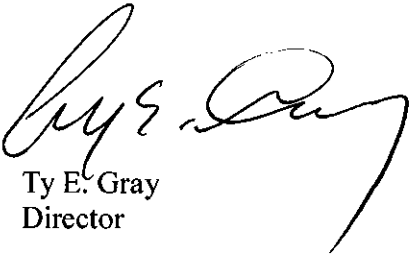
- 23. Cooperative Agreement with the Arizona Game and Fish Department and Luke Air Force Base. Presenter: Michael Rice, South Sector Field Supervisor, Region 4.** The Commission will review and may approve a Cooperative Agreement with Luke Air Force Base to implement Sonoran pronghorn recovery objectives.
- 24. Renewal of a Utility Permit Agreement with Arizona Public Service. Presenter: Clay Crowder, Habitat, Evaluation and Lands Branch Chief.** The Commission will review and may approve a renewal of the Utility Permit Agreement with Arizona Public Service for the purpose of continuing service to install, operate and maintain electric poles and lines that provide electricity to irrigation well sites #2 and #4 at Powers Butte Wildlife Area, Maricopa County, Arizona.
- 25. Memorandum of Understanding with Arizona Elk Society. Presenter: Amber Munig, Big Game Program Supervisor.** The Commission will review and may approve a Memorandum of Understanding to allow the Department to partner with and provide funding for conservation, habitat projects and education programs to Arizona Elk Society.
- 26. Memorandum of Understanding with Arizona State University Research Enterprise (ASURE). Presenter: Jim deVos, Assistant Director, Wildlife Management Division.** The Commission will review and may approve a Memorandum of Understanding to allow the Department to partner with and provide future funding to plan and build an unmanned aerial vehicle for the Department's Black-Footed Ferret Recovery Program.
- 27. License Agreement with Mr. Reidhead at the EC Bar Ranch, Apache County, Arizona. Presenter: Clay Crowder, Habitat, Evaluation and Lands Branch Chief.** The Commission will review and may approve a License Agreement with Mr. Reidhead for the purpose of accessing, and performing minor maintenance of the north bridge at the EC Bar Ranch, Apache County, Arizona.
- 28. 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); *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); *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*.

- 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 in order to consider its position and to instruct legal counsel regarding the Commission's position concerning potential lawsuit to recover damages for the wrongful 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 conservation benefits and economic costs with the Department's In Lieu Fee program.
- 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 discussing and consulting with legal counsel for legal advice on State Federal Authority for Wildlife Management on National Parks.
- g. **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.
- 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. **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.
- j. **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 water use from Silver Springs at the Silver Springs fish hatchery.
- k. **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.

29. **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); 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.*
30. **Approval of Minutes.** The Commission may approve the Commission meeting minutes from November 2-3, 2018.
31. **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.
32. **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.
33. **Future Agenda Items and Action Items.**

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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”