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

**February 6, 2019**

A public meeting of the Arizona Game and Fish Commission will be held on **February 8, 2019** at the **Holiday Inn, 1901 E. 18<sup>th</sup> Street, Yuma, Arizona 85365**, 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 also view the meeting from any Department Regional Office via video teleconference, with the exception of the Yuma Regional Office. 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, February 8, 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 Memorandum of Understanding with Nevada Department of Wildlife (NDOW). Presenter: Josh Avey, Terrestrial Wildlife Branch Chief.** The Commission will be presented with a Memorandum of Understanding to allow the Department to partner with the Nevada Department of Wildlife for conservation and management activities in Arizona for Arizona's herpetofauna and other wildlife species.

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**azgfd.gov | 602.942.3000**

**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 Trout Unlimited. Presenter: Chris Cantrell, Aquatic Wildlife Chief.** The Commission will be presented a Memorandum of Understanding to allow the Department to partner with and share funding for conservation, habitat projects and education programs with the Trout Unlimited. The Commission may vote to take action on, or provide the Department direction on this item.
- 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 to the Commission Priorities timeline and will provide an expanded presentation by Habitat Partnership Committee Coordinator Dan Sturla on partnerships and accomplishments of the HPC. The Commission may discuss and provide additional direction.
- 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.
- 6. **Arizona Conservation Strategy Update. Presenter: Joyce Francis, Arizona Conservation Strategy Project Manager.** The Commission will be updated on the Department's progress in developing a comprehensive geospatial platform to inform wildlife management and project evaluation through the objective analysis of wildlife data.
- 7. **Threatened and Endangered Wildlife Briefing. Presenter: Joel Diamond, Wildlife Specialist Regional Supervisor, Wildlife Contracts.** The Commission will be briefed on the success of protecting and monitoring bat populations and important roosting habitat while enhancing human safety.

**TIME CERTAIN AT 10:00 AM**

**\*REVISED\***

- 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:

<b>Name</b>	<b>Docket #</b>	<b>Conviction</b>
Mark D. Caccamese	2019-0006	Take black bear without a valid tag
Danny A. Martinez	2019-0007	Possession of unlawfully taken mule deer

9. **Evaluation of Alternative Management Elk Units for Establishing an Age Base Guideline. Presenter: Amber Munig, Big Game Program Supervisor.** Evaluation of Alternative Management Elk Units 1, 9, 10, and 23 for establishing an age base guideline and may include a recommendation to amend the current hunt guidelines.

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

**Agenda Items #10 through #13 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. **Intergovernmental Agreements to Implement Community Fishing Waters. Presenter: Chris Cantrell, Aquatic Wildlife Branch Chief.** 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 Casa Grande, Saint Johns, Show Low, Glendale, and Maricopa to implement Community Fishing Waters.
11. **Update of Memorandum of Understanding with Arizona Department of Transportation. Presenter: Clay Crowder, Habitat, Evaluation and Lands Branch Chief.** The Commission will be briefed and may approve an updated MOU with ADOT.
12. **Utility Line Easement Agreement across Robbins Butte WA with Arizona Public Service to service Maricopa County Parks' Buckeye Hills Shooting Range. Presenter: Clay Crowder, Habitat Branch Chief.** The Commission will be briefed and may approve a Utility Line Easement Agreement with Arizona Public Service for installation, operation, and maintenance of electric lines to provide electricity to Maricopa County Parks' Buckeye Hills Shooting Range.
13. **License Agreement with Sanders Farms on Arlington Wildlife Area. Presenter: Clay Crowder, Habitat, Evaluation and Lands Branch Chief.** The Commission will be briefed and may approve a License Agreement with Sanders Farm for the purpose of farming Bermuda grass crops on a portion of Arlington Wildlife Area, and exercising the water rights associated with the parcel to benefit wildlife.

**\*NEW\***

- 13A. **Commission Rulemaking Authority to Regulate Hunting Activities Contrary to the Public Trust Doctrine and the North American Model of Wildlife Conservation. Presenter: James Odenkirk, General Counsel.** Discussion of Commission's rulemaking authority to adopt rules to regulate hunting activities contrary to the Public Trust Doctrine and the North American Model of Wildlife Conservation. The Commission may take action which may include directing the Department to initiate rulemaking.

**\*NEW\***

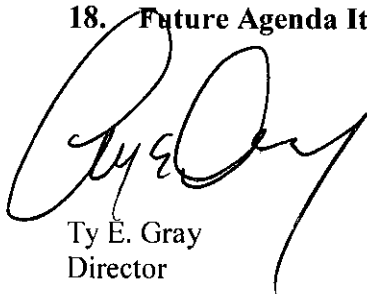
- 13B. **Preview of Five-year Review Report Recommendations for Article 4 Live Wildlife. Presenter: Tim Holt, FOR6 Field Supervisor.** The Commission will be asked to review, for future approval, proposed recommendations to be included in the five-year review report for Article 4, regarding Live Wildlife.

**14. 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 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 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 the civil penalty evaluation process and the administrative hearing requirements.
- 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. 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 proposed conservation education bonus point option.
  - 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 Adair Shooting Range and for the purpose of discussing and consulting with legal counsel for legal advice.
  - j. 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.
  - 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.
- 15. 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; *Hererra 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*.
- 16. 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.
- 17. 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.
- 18. 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”**