



PUBLIC MEETING NOTICE AND AGENDA

July 19, 2019

A public meeting of the Arizona Game and Fish Commission will be held on **August 2, 2019** at the **Northern Arizona University, du Bois Center (Building 64), Aspen ABC Conference Room, 308 E. Pine Knoll Dr., Flagstaff, AZ 86011**, 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 with the exception of the Flagstaff 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, August 2, 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 Intergovernmental Agreement (IGA) with Willcox-San Simon Natural Resources Conservation District (NRCD). Presenter: Josh Avey, Terrestrial Wildlife Branch Chief.** The Commission may vote to authorize the Department to execute and amend as necessary an Intergovernmental Agreement with the Willcox-San Simon NRCD for the purpose of funding cultural resource surveys required for the implementation of wildlife habitat projects.

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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 E. GOUGHNOUR, PAYSON **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 Terrestrial Wildlife Branch Chief, Josh Avey regarding the Comprehensive Wildlife Management Priority.
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. **California Condor and Voluntary Lead Reduction Program Update. Presenter: Allen Zufelt, California Condor Program Coordinator.** The Commission will be provided an update on the Department’s effort to recover endangered California Condors.
7. **Pronghorn Management in Region III Brief. Presenter: Erin Butler, Terrestrial Wildlife Program Manager, Region III.** The Commission will be briefed on past, present and planned pronghorn management actions in central Yavapai County and surrounding areas.

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
Dan Burlingham	2019-0021	Obtain resident mountain lion tag by misrepresentation. Take elk without valid license.
Michael Roque	2019-0022	Obtain resident fishing license by misrepresentation.
Boyd Middlebrook	2019-0023	Obtain resident hunting license by misrepresentation. Obtain resident archery deer tag by misrepresentation.

9. **Consideration of Amendments to Commission Order 8 for the 2020 and 2021 Hunting Seasons. Presenter: Amber Munig, Big Game Program Supervisor.** The Commission will consider and may approve amendments to Commission Order 8 (bison) for the 2020 and 2021 spring hunting seasons in Units 12A, 12B, and 13A (House Rock Herd).

10. **Hunt Permit-Tag Application Schedule for 2020 Hunts. Presenter: Jennifer Stewart, Branch Chief, Customer Support and Sales Branch.** The Department will provide the Commission with a presentation related to the proposed hunt-permit tag application schedules for 2020 hunts.
11. **Cooperative Agreement with Freeport McMoRan. Presenter: Boating Safety Education Staff (TBD) Kim Jackson, Boating and OHV Safety Education Program Manager.** The Commission may vote to authorize the Department to execute and amend as necessary a Cooperative Agreement with Freeport McMoRan for the purpose of installing a Lifejacket Loaner Station along the Verde River on Freeport McMoRan property.

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

Agenda Items #12 through #16 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.

12. **Cold Springs Ranch Acquisition. Presenter: Clay Crowder, Habitat, Evaluation, and Lands Branch Chief.** The Commission will be presented with and may approve a purchase agreement for the acquisition of Cold Springs Ranch in Gila County, Arizona.
13. **Bubbling Ponds Hatchery Utility Permit Renewal with APS. Presenter: Clay Crowder, Habitat, Evaluation, and Lands Branch Chief.** The Commission will be presented with and may approve renewal of a Utility Permit with Arizona Public Service at the Bubbling Ponds Hatchery, Yavapai County, AZ.
14. **Memorandum of Understanding with National Wild Turkey Federation. Presenter: Josh Avey, Terrestrial Wildlife Branch Chief.** The Commission will be presented with and may approve a Memorandum of Understanding to allow the Department to partner with the National Wild Turkey Federation on conservation, habitat projects and education programs. The Commission may vote to take action on, or provide the Department direction on this item.
15. **Memorandum of Agreement with Big Sandy Natural Resources Conservation District. Presenter: Josh Avey, Terrestrial Wildlife Branch Chief.** The Commission will be presented with and may approve a Memorandum of Agreement with the Big Sandy Natural Resources Conservation District to establish cooperation and partnership for conservation and management activities in Mohave County for the purpose of sustaining the health, diversity, and productivity of Arizona's natural resources.
16. **The Arizona Endowment Trust Fund Agreement between the Department and State Treasurer's Office. Presenter: Keith Knutson, Wildlife Contracts Branch Chief.** The Commission will be presented and may approve an agreement between the Department and State Treasurer's Office to invest In-Lieu Fee monies long-term.

17. 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.
- 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. 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 concerning the Governor's Regulatory Review Council's powers and duties associated with proposed agency rules.
- f. 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.

g. **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.

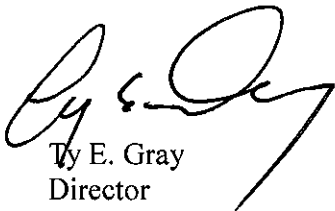
18. **Litigation Report.** The Department's legal counsel may report on the status of the litigation matters: *In re General Stream Adjudication for the Little Colorado River and Gila River; Zuni water rights settlement agreement; Center for Biological Diversity v. U.S. Forest Service*, CV 12-0817 (AZ); *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; *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*.

19. **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.

20. **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.

21. **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”