



PUBLIC MEETING NOTICE AND AGENDA
REVISION #1

December 4, 2019

A public meeting of the Arizona Game and Fish Commission will be held on **December 6-7, 2019** 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 www.azgfd.gov/commissioncam. **Members of the public may view the meeting from any Department Regional Office via video teleconference on Friday, December 6, 2019 only.** 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 6, 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 Agreement with Big Sandy Natural Resources Conservation District. Presenter: Josh Avey, Terrestrial Wildlife Branch Chief.** The Commission 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

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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**

purpose of sustaining the health, diversity, and productivity of Arizona's natural resources.

3. **State and Federal Legislation. Presenter: David Fernandez, 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 Landowner Relations and Habitat Enhancement Program Supervisor, Don Larsen regarding Increase Public Access and Improve Landowner Relations.
 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. **How Hunting and Angling Laws Are Created Through a Public Process. Presenter: Celeste Cook, Rules and Policy Manager.** The Department will provide an overview of how hunting and angling laws are created through a public process. This briefing is the second of a series of briefs regarding the seven tenants of the North American Model of Conservation.
- *REVISED***
7. **Threatened and Endangered Species Update. Presenter: David Rogowski, Wildlife Specialist Regional Supervisor.** The Commission will be updated on activities and involvement of the Department's Research Branch in monitoring for threatened and endangered native fish species in the Colorado River.
 8. **Mother Road Collaboration Update. Presenter: Laura Canaca, Division Coordinator Information, Education, and Recreation Division.** The Commission will be briefed on the Department's collaboration with Mother Road Brewing Company. This will include a summary of 2019 efforts, 2020 planning, and out-of-cycle FY2020 budget allocation recommendations for donation monies received. The Commission may provide direction to the Department regarding donation account budget allocations for on-the-ground projects.
 9. **License Sales and Marketing Overview. Presenter: Jennifer Stewart, Branch Chief, Customer Support and Sales Branch Heidi Rayment, Branch Chief, Marketing Branch.** The Commission will be presented with a broad overview of information related to license sales and marketing efforts.

10. **Update on Developing a More Inclusive Habitat Partnership Committee for Wildlife Conservation Organization Partners. Presenter: Don Larsen, Landowner Relations and Habitat Enhancement Program Supervisor.** The Commission will be briefed on recent updates to the Department's Habitat Partnership Committee in developing a more inclusive model for Wildlife Conservation Organizations' HPC proposal review and evaluation.

NEW

- 10A. **Update on the U.S. Fish and Wildlife Service (Service) Actions related to Secretarial Orders 3356 and 3366. Presenter: Joshua Hurst, Field Operations Division Coordinator.** The Department will provide an informational update on the Service's outcomes related to Secretarial Orders 3356 and 3366 on the National Wildlife Refuges in Arizona for the 2019-2020 hunt season.
11. **Request to Approve Department Proposal to Review Commission Sponsored Committees. Presenter: Ty Gray, Director.** The Department will request Commission approval to conduct a review of current committees sponsored by the Commission as part of its continuous process improvement efforts. The presentation will include a proposed timeline for the review.

TIME CERTAIN AT 10:00 AM

12. **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
Nicholas Fisher	2019-0016	Take wildlife (mule deer) in closed area.
Lucinda Seitz-Krug	2019-0027	Obtain lifetime hunting license by misrepresentation.
Braden Cooper	2019-0028	Obtain lifetime hunting license by misrepresentation.
John Vicente	2019-0030	Harassing wildlife.
Wayne Advocate	2019-0031	Discharge firearm within ¼ mile of occupied structure while taking wildlife (mule deer).
Rodney Horn	2019-0032	Possess unlawfully taken wildlife (bull elk).
Lyndon Honwytewa	2019-0035	Use of another's (elk) permit.
Gerald Lomaventema	2019-0036	Allow permit (elk) to be possessed by another.

13. **Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Joshua Allen has requested a rehearing regarding the revocation of his license privileges.
14. **Petition by Mr. William Gregory Pierce to be granted a refund for the left-over turkey tags he never received. Presenter: Jennifer Stewart, Branch Chief, Customer Support and Sales Branch.** Mr. Pierce is requesting he be granted a refund for the left-over turkey tags he never received.
15. **Petition by Mr. Joe Heyer to be granted reinstatement of points or another bison hunt. Presenter: Jennifer Stewart, Branch Chief, Customer Support and Sales Branch.** Mr. Heyer is requesting he be granted reinstatement of points or another bison hunt because heavy snow kept the herd on the Grand Canyon National Park.

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

16. **Memorandum of Understanding with the members of the Southwestern Bald Eagle Management Committee for the Conservation Assessment and Strategy for the Bald Eagle in Arizona. Presenter: Josh Avey, Branch Chief, Terrestrial Wildlife Branch.** The Commission may approve the renewal of the Memorandum of Understanding with members of the Southwestern Bald Eagle Management Committee for the Conservation Assessment and Strategy for the Bald Eagle in Arizona.
17. **Renewal of a Road Closure on State Trust Land Approximately Three Miles North of Benson, Arizona. Presenter: Don Larsen, Landowner Relations Program Supervisor.** The Commission may approve a request submitted by Scott McDaniel to renew a road closure on State Trust Land located approximately three miles north of Benson, Arizona.
18. **El Paso Zoo request for six Gould's turkeys for a Chihuahuan Desert exhibit. Presenter: Amber Munig, Big Game Program Supervisor.** The Department has received a request from the El Paso Zoo for six Gould's turkeys for a Chihuahuan Desert exhibit.

Agenda Items #19 through #24 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.

19. **New fee structure for the Ben Avery Shooting Facility. Presenter: Mike Raum, Shooting Sports Branch Chief; Christopher Dean, Manager, Ben Avery Rifle & Pistol Rangel Jonathan McCraw, Manager, Ben Avery Archery Range and Clay Target Canter.** The Department will provide the Commission a new fee structure for the Ben Avery Shooting Facility including information and customer feedback.
20. **Ben Avery Shooting Facility Master Agreement with Arizona Public Service. Presenter: Clay Crowder, Habitat, Evaluation, and Lands Branch Chief.** The

Commission may approve renewing the utility master agreement with Arizona Public Service on the Ben Avery Shooting Range.

21. **Chevelon Canyon Ranch Wildlife Area Property Use License Agreement. Presenter: Clay Crowder, Habitat, Evaluation, and Lands Branch Chief.** The Commission may approve entering into a License Agreement with the neighboring allotment holder at Chevelon Canyon Ranches Wildlife Area, Apache County, AZ.
22. **Cold Springs Ranch Property Steward License Agreement. Presenter: Clay Crowder, Habitat, Evaluation, and Lands Branch Chief.** The Commission may approve entering into a License Agreement with the Loyd Family on Cold Springs Ranch, Gila County, AZ.
23. **License Agreement with Mr. Knight at Wenima Wildlife Area, Apache County, Arizona. Presenter: Clay Crowder, Habitat, Evaluation, and Lands Branch Chief.** License Agreement with Mr. Knight for the purpose of accessing, and performing minor maintenance of the north bridge at the EC Bar Ranch, Apache County, Arizona.
24. **Establishing a Programmatic Agreement between the Arizona Game and Fish Department, the State Historic Preservation Office, and the U.S. Fish and Wildlife Service, Wildlife and Sport Fish Restoration Program. Presenter: Ginger Ritter, Project Evaluation Program Supervisor, Habitat, Evaluation, and Lands Branch.** The Commission may approve a Programmatic Agreement (PA) to streamline cultural resource compliance between the Arizona Game and Fish Department (Department), State Historic Preservation Office (SHPO), and the Wildlife and Sport Fish Restoration (WSFR) Program.
25. **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.
26. **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.

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27. **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); *Hamberlin v. State of Arizona, et al.*, CV 2018-010149; *State of Arizona v. Hamberlin*, No. 1 CA-CV 18-0435; *State of Arizona v. Tim Downs*, Pinal County Justice Court No. CM2018-000584; *State of Arizona v. James Hamberlin*, Pinal County Justice Court No. CM2018-000583; *Slater v. State of Arizona, et al.*, CV 2018-097090; 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; *Wildearth Guardians v. Bernhardt*, CV-19-00441. *State of California v. Bernhardt*, CV 19-06013 and companion cases challenging the USFWS's ESA rule changes.

- 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.

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- 28. **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); 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; The National Trust for Historic Preservation v. Bernhardt, CV 19-05008; Wildearth Guardians v. Bernhardt, CV-19-00441. State of California v. Bernhardt, CV 19-06013 and companion cases challenging the USFWS's ESA rule changes.

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Saturday, December 7, 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. **Approve Proposed Consideration of Proposed Commission Orders 3, 4, 5 (fall and spring), and 26 for 2020-21 and 2021-22 Fall and Spring Hunting Seasons. Presenter: Amber Munig, Big Game Program Supervisor.** The Commission will consider and may approve Commission Orders 3 (pronghorn), 4 (elk), 5 (fall and spring turkey), and 26 (population management) establishing seasons and season dates, bag and possession limits, permit numbers or authorized limits, and open areas for the respective 2020-21 and 2021-22 fall and spring hunting seasons.

3. **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”