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

**February 19, 2020**

A public meeting of the Arizona Game and Fish Commission will be held on **February 21, 2020** at the **La Paz Boating Safety Center, 8484 Riverside Dr. Parker, Arizona 85344**, 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](http://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. 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 21, 2020 - 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.

**\*\* REVISED\*\***

2. **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.

3. **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 Program Manager, Don Larsen regarding Improve and Conserve Habitat.

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**azgfd.gov | 602.942.3000**

**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**

4. **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.
5. **Regulated Commerce in Wildlife. Presenter: Mark Frieberg, Tucson Field Supervisor.** The Department will provide a historical overview of regulated commerce in wildlife. The overview will cover how wildlife commerce evolved both throughout the country in the 1800s, and also what has occurred in Arizona to currently manage wildlife commerce. This briefing is the fourth of a series of briefs regarding the seven tenants of the North American Model of Conservation. The presentation is for information only; no action will be taken by the Commission.
6. **Briefing on Lower San Pedro River Wildlife Area Property and Water Rights. Presenter: Jade Dickens, Water Resources Program Manager.** The Commission will be briefed on Department property Lower San Pedro River Wildlife Area in Pinal County, Arizona including history of acquisition, property, and water rights.
7. **Threatened and Endangered Wildlife Briefing. Presenter: Julie Carter, Statewide Native Aquatics Program Manager.** The Commission will be Provided a Briefing on the Department’s Conservation and Mitigation Program (CAMP)

**\*\*REVISED\*\***

**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:

<b>Name</b>	<b>Docket #</b>	<b>Conviction</b>
Donald Roskopf	2020-0006	Obtain license by fraud (multiple years). Obtain resident elk tag by fraud (multiple years). Obtain resident antelope tag by fraud (multiple years).
Francisco J. Castillo-Espinoza	2020-0008	Take wildlife (bull elk) without valid tag. Possess/transport unlawfully taken wildlife (bull elk). Possess wildlife (bull elk) without valid tag attached. Possess/transport wildlife (bull elk) antlers without evidence of legality. Take wildlife (bull elk) during closed season.
Oscar Garcia-Sevilla	2020-0009	Take wildlife (bull elk) without valid tag. Possess/transport unlawfully taken wildlife (bull elk). Possess wildlife (bull elk) without valid tag attached. Possess/transport wildlife (bull elk) antlers without evidence of legality. Take wildlife (bull elk) during closed season.

David Castillo-Graciano	2020-0010	Take wildlife (bull elk) without valid tag. Possess/transport unlawfully taken wildlife (bull elk). Possess wildlife (bull elk) without valid tag attached. Possess/transport wildlife (bull elk) antlers without evidence of legality. Take wildlife (bull elk) during closed season.
Francisco J. Castillo	2020-0012	Take wildlife (bull elk) without valid tag. Possess/transport unlawfully taken wildlife (bull elk). Possess wildlife (bull elk) without valid tag attached. Possess/transport wildlife (bull elk) antlers without evidence of legality. Take wildlife (bull elk) during closed season.
Johnnie P. Kay	2020-0015	Knowingly waste edible portions of game meat (bull elk). Take wrong sex (bull elk) with antlerless tag.
Eugene L. Parsons	2020-0016	Knowingly waste edible portions of game meat (bull elk). Take wrong sex (bull elk) with antlerless tag.
Gerald Lomaventema	2019-0036	Allow permit tag (elk) to be possessed by another.
James R. Ellis	2018-0045	Take wildlife (four (4) turkeys) by unlawful method.

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

- 9. Consideration of Amendments to Commission Order 8 for the 2020 and 2021 Spring and 2020 Fall Hunting Seasons. Presenter: Amber Munig, Big Game Program Supervisor.** The Commission will consider and may approve amendments to Commission Order 8 (bison) open areas and permit numbers in some units for the 2020 and 2021 spring and 2020 fall hunting seasons.

**\*\*NEW\*\***

- 9A. In the Matter of Timothy Downs, Respondent, No. 20A-0002-AH-AZGFD. Presenter: Linda Pollock, Attorney General's Office.** The Commission may direct the civil hearing for license denial to be conducted by the Office of Administrative Hearings.

**Agenda Items #10 is a first read item. 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.**

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- 10. Utility Permit Agreement with Arizona Public Service Company. Presenter: Tyler Williford, Region IV Habitat Specialist.** Utility Permit Agreement with Arizona Public Service Company for the purpose of providing power to Planet Ranch.

11. **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.
12. **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.
13. **Future Agenda Items and Action Items.**

**\*\*REVISED\*\***

14. **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. **Litigation and Legal Advice.** The Commission may meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) and (4) for the purposes 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 an alleged criminal damage claim against an individual the Commission has taken license revocation action.

- 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 regarding the Commission's authority to close state trust lands to hunting and to close roads providing access to state trust lands.
- 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. **Contract Negotiations.** The Commission may vote to meet in executive session pursuant to A.R.S. § 38-431.03(A)(4) for purposes of discussion or consultation with the Commission's legal counsel in order to consider its position and instruct legal counsel regarding the Commission's position on negotiations over the GCNP Draft Bison Reduction Agreement.
- h. **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); *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.



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”**