



PUBLIC MEETING NOTICE AND AGENDA

March 20, 2020

A public meeting of the Arizona Game and Fish Commission will be held on **March 20, 2020** at the **Safari Club International, 4800 W. Gates Pass Rd., Tucson, Arizona 85745**, 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 Tucson 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, March 20, 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.

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 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.

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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 | TODD G. GEILER, PRESCOTT **DIRECTOR:** TY E. GRAY **DEPUTY DIRECTOR:** TOM P. FINLEY

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 Community Engagement Administrator/Ombudsman, Pat Barber regarding Fiscal and Sociopolitical Sustainment.
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. **North American Model Opportunity for All. Presenter: Karen Klima, Terrestrial Wildlife Program Manager.** The Department will provide a brief historical overview regarding hunting and angling opportunity for all in the United States.
7. **Threatened and Endangered Wildlife Briefing. Presenter: Ryan O'Donnell, Wildlife Specialist Regional Supervisor and Tim Snow, Regional Terrestrial Wildlife Specialist.** The Commission will be provided a Briefing on the Department's conservation efforts of the Mt. Graham Red Squirrel.

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
Braden Cooper	2020-0007	Take wildlife (bighorn sheep) without a valid tag.
Jeremy C. Elgin	2020-0013	Obtain resident hunt license by misrepresentation.
Arturo Carbajal	2020-0014	Knowingly shoot from a road. Failure to tag immediately. Possess/transport wildlife (white-tailed deer) without tag attached. Possess/transport unlawfully taken wildlife (white-tailed deer).
Marcus A. Tucker	2020-0017	Take wildlife (javelina) without a license. Take wildlife (javelina) without a permit tag.

		Take wildlife (javelina) by unlawful method. Take wildlife (javelina) and knowingly waste edible portions of game meat.
Charles R. Griffin Sr.	2020-0018	Take wildlife (mule deer) within ¼ mile.
Donald Parco	2020-0019	Apply for resident elk tag by misrepresentation.
Sterling “Hunter” Dewitt	2020-0020	Possess or transport any unlawfully taken wildlife or parts of wildlife (black bear).
Andrew Schmuker	2020-0021	Take wildlife (javelina) without a valid permit tag. Take wildlife (javelina) during a closed season. Exceed the bag limit.
Jeree Schmuker	2020-0022	Take wildlife (javelina) without a valid permit tag. Take wildlife (javelina) during a closed season.

9. **Approval of Law Enforcement Boating Safety Fund (LEBSF) Grant Allocation Formula for FY 2021. Presenter: Gene Elms, Law Enforcement Branch Chief.** The Department will provide the Commission with the proposed LEBSF Grant Allocation Formula per ARS §5-383.
10. **Initiate Rulemaking to Restrict the Use of Game Cameras. Presenter: James Odenkirk, General Counsel.** The Commission may vote to direct the Department to initiate rulemaking and seek Governor's approval for a rule to restrict the use of game cameras.

Agenda Item #11 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.

11. **License Agreement with Yavapai County Flood Control District at Horseshoe Ranch, Yavapai County, Arizona. Presenter: Clay Crowder, Habitat, Evaluation, and Lands Branch Chief.** License Agreement with Yavapai County for the purpose of accessing and maintaining a stream gage and weather station on Agua Fria River on Horseshoe Ranch property.

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

12. **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.

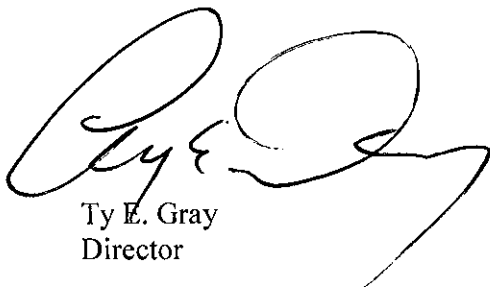
13. **Director and Commissioner Comments.** The Director and the Commissioners may provide brief comment on current events and issues. This item is for information only. Items requiring discussion, deliberation or legal action must be placed on a future Commission meeting agenda.
14. **Future Agenda Items and Action Items.**
15. **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; Owens 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. **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.

16. **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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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”