



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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GOVERNOR

DOUGLAS A. DUCEY

COMMISSIONERS

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DEPUTY DIRECTOR

TY E. GRAY



PUBLIC MEETING NOTICE AND AGENDA
REVISION #1

April 5, 2017

A public meeting of the Arizona Game and Fish Commission will be held on **April 7-8, 2017** at the **Arizona Game and Fish Department, 5000 W. Carefree Hwy, Phoenix 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 http://www.azgfd.gov/inside_azgfd/CommissionCam.shtml. On Friday only, members of the public may view the meeting from any Department Regional Office 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 webcast 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, April 7, 2017 - 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 Office of the Attorney General. Commission members may remove certain items if further public input or discussion is deemed necessary.
 - a. Approve Cooperative Agreement with the Yavapai Prescott Indian Tribe. Presenter: Scott Poppenberger, Kingman Regional Supervisor.** The Commission may approve a Cooperative Agreement with the Yavapai Prescott Indian Tribe (YPIT) to provide support in the form of Conservation Law Enforcement training for the YPIT Police Department's Conservation Officer position.

- b. **Approve Renewal of an existing Arizona State Land Department Right-of-Way at Wenima Wildlife Area. Presenter: Joyce Francis, Habitat Evaluation and Lands Branch Chief.** The Commission will be asked to renew the existing Arizona State Land Department Right-of-Way at the Wenima Wildlife Area.
 - c. **Approve Renewal of Road Closure on State Trust Land Approximately Four Miles West of Eagar, Arizona. Presenter: Al Eiden, Landowner Relations Program Supervisor.** The Commission may approve a request submitted by Wink Crigler to renew a road closure on State Trust Land located approximately four miles west of Eagar for the purpose of protecting riparian habitat along the Little Colorado River.
 - d. **Approve Renewal of Road Closures on State Trust Lands of the Perrin Ranch, North of Williams, Arizona. Presenter: Al Eiden, Landowner Relations Program Supervisor.** The Commission may approve a request for renewal of road closures on the Perrin Ranch for resource protection.
 - e. **Approve Renewal of Road Closure on State Trust Land Approximately Fifty-five Miles Northwest of Prescott, Arizona. Presenter: Al Eiden, Landowner Relations Program Supervisor.** The Commission may approve a request submitted by Swayze McCraine to renew a road closure on State Trust Land located approximately fifty-five miles northwest of Prescott for the purpose of wildlife management and good landowner relations.
 - f. **Approve Renewal of the Forage Resource Study Group Selective Road Closures on State Trust Lands in Coconino County. Presenter: Al Eiden, Landowner Relations Program Supervisor.** The Commission may approve a request for renewal of the Forage Resource Study Group road closures within Game Management Units 5A and 5B for resource protection.
- 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. **Threatened and Endangered Wildlife Briefing. Presenter: Jim deVos, Assistant Director, Wildlife Management Division.** The Commission will be provided a briefing on the Mexican wolf recovery program.
 - 5. **Commission Priorities Update. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will provide an update on efforts towards accomplishing Commission priorities. The Commission may discuss and provide additional direction.
 - 6. **Briefing on Department Deployment of Arizona Management System (AMS). Presenter: Ty Gray, Deputy Director.** The Department will provide an informational briefing on its deployment of the AMS methods and tools to reduce waste and build sustainable efficiency in Department systems and processes.

TIME CERTAIN AT 10:00 AM

- 7. **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 #	Count	Conviction
Justin Carter	2017-0018	Count A:	Shoot from/across roadway
		Count B:	Take wildlife without a valid permit
Chris M. Crosland	2017-0019	Count A:	Take wildlife by unlawful method
		Count B:	Unlawfully bait wildlife
			Citation A14631
Patricia A. Brewer	2017-0024	Count B:	Obtain 2015 resident elk tag by fraud
Jason Bomhower	2017-0025	Count A:	Take 2X2 Mule Deer in closed season

8. **Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Eh K. Htoo has requested a rehearing regarding the revocation of his license privileges.
9. **Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Eh T. Htoo has requested a rehearing regarding the revocation of his license privileges.
10. **Hearing Regarding Denial of Special Licenses. Presenter: Linda Pollock, Assistant Attorney General.** The Commission will be requested to allow the Department to contract with the Office of Administrative Hearings to conduct the hearing on the denial of Wildlife Holding Licenses to Lynn Northern Spanganberg to possess an African serval cat for commercial photography and educational purposes.
11. **Presentation on Audubon Arizona's Conservation and Education Activities in Partnership with the Arizona Game & Fish Department. Presenter: Josh Avey, Chief, Terrestrial Wildlife Branch.** Sonia Perillo with Audubon Arizona and affiliate chapters will provide a briefing on conservation and education programs offered in partnership with the Arizona Game and Fish Department throughout the State of Arizona. This presentation is information only.

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

12. **Petition by Mr. John Mullen and Mr. Ted Hamilton to Amend R12-4-414 Game Bird License. Presenter: Jarrod McFarlin, Field Operations Coordinator.** The Commission will review petitions by John Mullen and Ted Hamilton asking the Commission to Amend R12-4-414 to allow an annual Game Bird Field Training License instead of a ten-day license; allow an applicant to designate a larger area for training dogs instead of a specific location; and remove the reporting requirement.

Agenda Item #13 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.

13. **Ben Avery Shooting Facility Campground Policy and Fee Structure Revisions. Presenter: Mike Raum, Shooting Sports Branch Chief.** The Commission may approve the Department's proposed campground policy and fee simplification strategy for the Ben Avery Shooting Facility.

14. **Approve Final Notice of Exempt Rulemaking Amending Article 5 Rules Addressing Boating and Water Sports. Presenter: Tim Baumgarten, Boating Law Administrator.** The Department will ask the Commission to approve a Final Notice of Exempt Rulemaking amending Article 5 Rules addressing boating and water sports.

15. **Approve Final Rulemaking Amending Article 5 Rules Addressing Boating and Water Sports. Presenter: Tim Baumgarten, Boating Law Administrator.** The Department will ask the Commission to approve a Notice of Final Rulemaking, and Economic Impact Statement amending rules within 5 Rules addressing boating and water sports.

NEW

15A. **Approval of Revised Commission Policy A2.39 License Classifications; Fees. Presenter: Jennifer Stewart, Rules and Risk Branch Chief.** The Department will ask the Commission to approve revised Commission Policy A2.39 License Classifications; Fees to streamline the manner in which the public is notified of temporary promotions.

16. **Removed from Agenda** (Intergovernmental Agreement with Town of Prescott Valley).

17. **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 *United States v. Freeport-McMoRan Corporation* (the Morenci Mine NRDA Settlement); Glen Canyon Dam Long-Term Experimental and Management Plan (LTEMP); *Holden and Guynn v. Arizona Game and Fish Commission*, CV2014-013211; Land Management Plans for the Prescott and Apache-Sitgreaves National Forests; *In re General Stream Adjudication for the Little Colorado River and Gila River*; *Zuni water rights settlement agreement*; Proposed Rosemont Copper Mine Project; *Center for Biological Diversity v. U.S. Forest Service*, CV 12-0817 (AZ); *Center for Biological Diversity v. Jewell*, CV 15-00019 (AZ); *State of Arizona v. Jewell*, CV 15-00245 (AZ); *WildEarth Guardians v. Ashe*, CV 15-00285 (AZ); *Safari Club International v. Jewell*, 16-00094 (AZ); *WildEarth Guardians v. Heather Provencio*, CV 16-0810; *New Mexico Game and Fish Department v. USFWS*, 16-2189; *Dennis Scarla v. Arizona Game and Fish Commission*, LC2017-000019-001 DT.

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. **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 on Arizona's Public Records Law and disclosure of personal identifying information.

d. **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.

- e. **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: *Holden and Guynn v. Arizona Game and Fish Commission*, CV2014-013211; *In re General Stream Adjudication for the Little Colorado River and Gila River*; *Center for Biological Diversity v. U.S. Forest Service*, CV 12-08176; *Center for Biological Diversity v. Jewell*, CV 15-00019-LAB; *State of Arizona v. Jewell*, 15-CV-00245-CKJ; *WildEarth Guardians v. Ashe*, 15-CV-00285; *Safari Club International v. Jewell*, CV 16-00094; *WildEarth Guardians v. Heather Provencio*, CV 16-0810; *New Mexico Game and Fish Department v. USFWS*, 16-2189; Land Management Plans for the Prescott and Apache-Sitgreaves National Forests; Glen Canyon Dam Long-Term Experimental and Management Plan (LTEMP); *Dennis Scarla v. Arizona Game and Fish Commission*, LC2017-000019-001 DT.
19. **Approve and Sign Minutes.** The Commission may approve and sign the Commission meeting minutes from March 3-4, 2017.
20. **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.
21. **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.
22. **Future Agenda Items and Action Items.**

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Saturday, April 8, 2017 - Meeting begins at 8:00 A.M.

Pledge of Allegiance

Welcome and 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. **Consideration of Proposed Amendment to Commission Order 16 and Proposed Commission Orders 19, 20, 21, 22 and 24 for the 2017–2018 Hunting Season. Presenter: Johnathan O'Dell, Small Game Biologist.** The Commission may approve an amendment to Commission Order 16 (quail), and proposed Commission Order 19 (dove), 20 (band-tailed pigeons), 21 (waterfowl), 22 (snipe) and 24 (sandhill cranes) establishing seasons and season dates, bag and possession limits, and open-closed areas for the 2017-2018 season.
3. **Consideration of Proposed Commission Orders 2, 5-10, and 26 for 2017–2018 Hunting Seasons. Presenter: Amber Munig, Big Game Management Program Supervisor.** The Commission may approve Commission Orders 2 (deer), 5–10 (turkey, javelina, bighorn sheep, buffalo, bear, and mountain lion), and 26 (population management) establishing seasons and season dates, bag and possession limits, permit numbers, and open areas for the 2017–2018 season.
4. **Approve Hunt Permit-Tag Application Schedule for Fall 2017 Hunts. Presenter: Rachel Gottlieb, Customer Service Branch Chief.** The Department will provide a presentation on the proposed hunt-permit tag application schedule for the Fall 2017 hunts and will ask the Commission to approve the application schedule.
5. **A Briefing on Public Comment Received on Hunt Guidelines. Presenter: Amber Munig, Big Game Management Supervisor.** The Commission will be briefed on the comment received thus far on the existing hunt guidelines and on the timeline that will be followed in review and approval for the remainder of this guideline cycle.
6. **Future Agenda Items and Action Items.**

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Larry D. Voyles
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”