



PUBLIC MEETING NOTICE AND AGENDA
REVISION #1

March 13, 2019

A public meeting of the Arizona Game and Fish Commission will be held on **March 15, 2019** at the **Cochise County Board of Supervisors, 1415 W. Melody Lane, Building G, Bisbee, Arizona 85603**, 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://livestream.com/azgameandfish>. Members of the public may also 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 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 15, 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 Cooperative License Agreement with Sanders Farms, Arizona. Presenter: Clay Crowder, Habitat, Evaluation, and Lands Branch Chief.** The Commission may approve a Cooperative License Agreement with Sanders Farms, Arizona for the purpose of using a portion of the Arlington Wildlife Area for farming utilizing the water right associated with the parcel to benefit wildlife, which is consistent with the Commission's purpose and use of the wildlife area, and is in the public interest.

azgfd.gov | 602.942.3000

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

- b. **Approve Update of Memorandum of Understanding with Arizona Department of Transportation. Presenter: Clay Crowder, Habitat, Evaluation, and Lands Branch Chief.** The Commission may approve an updated Memorandum of Understanding with Arizona Department of Transportation.
 - c. **Approve Utility Line Easement Agreement across Robbins Butte WA with Arizona Public Service to service Maricopa County Parks' Buckeye Hills Shooting Range. Presenter: Clay Crowder, Habitat, Evaluation, and Lands Branch Chief.** The Commission will be briefed and may approve a Utility Line Easement Agreement with Arizona Public Service for installation, operation, and maintenance of electric lines to provide electricity to Maricopa County Parks' Buckeye Hills Shooting Range.
 - d. **Approve Intergovernmental Agreements to Implement Community Fishing Waters. Presenter: Chris Cantrell, Aquatic Wildlife Branch Chief.** The Commission may authorize the Department to finalize negotiations, execute, and amend as necessary Intergovernmental agreements and any future sub-agreements between the Department and Casa Grande, Saint Johns, Show Low, Glendale, and Maricopa to implement Community Fishing Waters.
- 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 Report Update. Presenter: Pat Barber, Community Engagement Administrator.** The Department will provide an update to the Commission Priorities timeline and will provide an expanded presentation on marketing efforts and FY19 Conserve and Protect campaign progress by Marketing Branch Chief Heidi Rayment and Sasha Howell of Off Madison Ave. The Commission may discuss and provide additional direction.
- 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. **Threatened and Endangered Briefing on the HDMS Dashboard Data Visualization Tool. Presenter: Matt King, HDMS Systems Manager of Habitat, Evaluation and Lands Branch.** The Commission will be briefed on a web-based application developed in the Heritage Data Management System for efficient data processing and interactive visualization.
- 7. **Approve the Article 4 Live Wildlife Five-year Rule Review Report, for Submission to the Governor's Regulatory Review Council (G.R.R.C.). Presenter: Tim Holt, FOR2 Field Supervisor.** The Department will ask the Commission to vote to approve the Five-year Rule Review Report for Article 4 regarding live wildlife, for submission to G.R.R.C.

The Commission may vote to take action on and provide the Department direction on this item.

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
David A. Bennett	2019-0008	Take big game (elk) from a vehicle
Burton J. Shinn	2019-0010	Take 4x4 mule deer with unlawful method (Bait in 2015) Possess/Transport unlawfully taken 4x4 mule deer (2015) Take 4x4 mule deer with unlawful method (Bait in 2016) Possess/Transport unlawfully taken 4x4 mule deer (2016)
Kathryn Gray	2019-0011	Obtain 2016 resident hunting license by misrepresentation Obtain 2016 resident turkey tag by misrepresentation
Thomas Gray	2019-0012	Obtain 2015 resident hunting license by misrepresentation Obtain 2015 resident javelina tag by misrepresentation Obtain 2016 resident hunting license by misrepresentation Obtain 2016 resident javelina tag by misrepresentation

9. **Notice of Rulemaking Docket Opening, Notice of Proposed Rulemaking and Economic Impact Statement to add a new rule to Article 3 addressing predator killing contests. Presenter: James Odenkirk, General Counsel.** Based on prior Commission direction, the Department will present to the Commission a Notice of Rulemaking Docket Opening, Notice of Proposed Rulemaking, and Economic Impact Statement to add a rule to Article 3, addressing predator killing contests. The Commission may vote to take action on and/or provide the Department direction on this item.
10. **Dedicated Funding for Public Awareness and Education Update. Presenter: Laura Canaca, Division Coordinator of Information, Education, and Recreation Division.** The Commission will be briefed on the Department's efforts to identify and vet discretionary funding source ideas to support a consistent, long term public awareness and education strategy. The Department will seek direction from the Commission regarding the next phase of analysis, planning and implementation.

REVISED

11. **Item Moved to First Read #14A (Wildlife Values and Civil Assessment Model)**

12. **Petition by Mr. Christopher Dunn for reinstatement of his Loyalty Bonus Point. Presenter: Jennifer Stewart, Branch Chief, Customer Support and Sales Branch.** Mr. Dunn is requesting a reinstatement of his Loyalty Bonus Point because he believes a system error caused his 2018 elk application to fail during processing.

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

Agenda Items #13 through #14A 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.

13. **License Agreement with UNS Electric, Inc. Presenter: Clay Crowder, Habitat, Evaluation and Lands Branch Chief.** The Commission may approve the License Agreement with UNS Electric, Inc. for the purpose of accessing, constructing and maintaining electric power lines, appurtenances and electrical services across a State-owned facility in Mohave County, Arizona, for the purpose of providing electrical services at the Tri-State Shooting Park.
14. **Cooperative Agreement with U.S. Fish and Wildlife Service. Presenter: Chris Cantrell, Aquatic Wildlife Branch Chief.** The Commission may authorize the Department to finalize negotiations, execute, and amend as necessary a Cooperative Agreement between the Department and the U.S. Fish and Wildlife Service for stocking fish in Arizona.
- 14A. **Wildlife Values and Civil Assessment Model. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** The Commission will consider and take action on the proposed civil assessment model.
15. **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 Glen Canyon Dam Long-Term Experimental and Management Plan (LTEMP); *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); *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*.
 - 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. **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. **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 on the proposed federal regulation revising the definition of "waters of the United States" as used in the Clean Water Act.

NEW

- f. **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 discussion or consideration of the Office of the Inspector General's Audit Report.
- 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.

- 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); *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*.
- 17. **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.

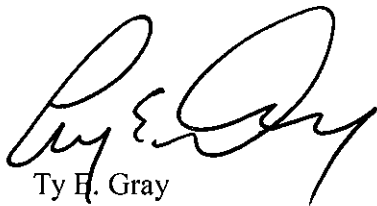
18. **Director and Commissioner Comments.** The Director and the Commissioners may provide brief comment on current events and issues. This item is for information only. Items requiring discussion, deliberation or legal action must be placed on a future Commission meeting agenda.

19. **Future Agenda Items and Action Items.**

* * * * *

Saturday, March 16, 2019

Field Trip: At 9:00 a.m., the Commission and Department staff will depart from the Hotel in Bisbee and travel to the Queen Mine Tour. The field trip will end at approximately 11:00 a.m. The Commission will not take any action during the field trip.



Ty H. Gray
Director

* * * * *

* * * * *

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”