



PUBLIC MEETING NOTICE AND AGENDA

REVISION #2

June 6, 2018

A public meeting of the Arizona Game and Fish Commission will be held on **June 8, 2018** at the **Mazatzal Hotel (Fireside Room), Highway 87, Mile Marker 251, Payson, Arizona 85541**, 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 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, June 8, 2018 - 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 Intergovernmental Agreement with Maricopa County Parks and Recreation Department. Pat Barber, Community Engagement Administrator.** The Commission may approve an Intergovernmental Agreement with Maricopa County Parks and Recreation Department to facilitate collaborative management of wildlife, habitat, and outdoor recreation within the Maricopa County Parks system.

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5000 W. CAREFREE HIGHWAY, PHOENIX AZ 85086

GOVERNOR: DOUGLAS A. DUCEY **COMMISSIONERS:** CHAIRMAN, JAMES R. AMMONS, YUMA | JAMES S. ZIELER, ST. JOHNS | ERIC S. SPARKS, TUCSON
KURT R. DAVIS, PHOENIX | LELAND S. "BILL" BRAKE, ELGIN **DIRECTOR:** TY E. GRAY **DEPUTY DIRECTOR:** TOM P. FINLEY

- b. **Approve Amendment to Externship Agreement with Midwestern University. Presenter: Josh Avey, Terrestrial Wildlife Branch Chief.** The Commission may approve an Amendment to the Externship Agreement with Midwestern University, extending the term of the Agreement for five (5) years, for the period of September 1, 2018 through August 31, 2023.
3. **Department Bison Management and Federal Agency Coordination on House Rock Wildlife Area, the Kaibab Plateau and Grand Canyon National Park. Presenter: Scott Poppenberger, Flagstaff Regional Supervisor.** The Department will provide a presentation to the Commission on the history of bison management actions on House Rock Wildlife area and the Kaibab Plateau including Grand Canyon National Park (GRCA). The presentation will also address Commission and Congressional involvement with GRCA related to a recently signed bison herd reduction Environmental Assessment and Finding of No Significant Impact.
4. **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.
5. **Commission Priorities Update. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will provide an update on efforts towards accomplishing Commission Priorities.
6. **Federal Lands Planning Update. Presenter: Clayton 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.
7. **Approve the Expenditure of Unspent Balances in the Heritage Fund (excluding Acquisition), Arizona Wildlife Conservation Fund, Off-Highway Vehicle Recreation Fund, Wildlife and Sport Fish Restoration, State Wildlife Grants, Coast Guard Grants, Program Income, Endangered Species Act (Section 6 Grants), Capital Improvement Fund, Indirect Cost Recovery Fund and Contracts for Fiscal Year 2019 and any remaining Capital appropriations. Presenter: Tom Finley, Deputy Director.** The Commission will be asked to approve the expenditure of unspent fund balances from the Heritage Fund (excluding Acquisition), Arizona Wildlife Conservation Fund, Off-Highway Vehicle Recreation Fund, Wildlife and Sport Fish Restoration, State Wildlife Grants, Coast Guard Grants, Program Income, Endangered Species Act (Section 6 Grants), Capital Improvement Fund, Indirect Cost Recovery Fund and Contracts for Fiscal Year 2019 and any remaining Capital appropriations.
8. **Approve the Amended Fiscal Year 2019 Game and Fish Fund Budget and the Fiscal Year 2020 Game and Fish Fund Budget Request. Presenter: Tom Finley, Deputy Director.** The Commission will be asked to approve amended Fiscal Year 2019 Commission approved Game and Fish Fund Budget and asked to approve the proposed expenditures from the Game and Fish Fund for Operating and Capital Outlay programs for Fiscal Year 2020.
9. **Approve the Amended Fiscal Year 2019 Watercraft Licensing Fund Budget and the Watercraft Licensing Fund Budget Request for Fiscal Year 2020. Presenter: Tom Finley, Deputy Director.** The Commission will be asked to approve the amended Fiscal Year 2019 Commission approved Watercraft Licensing Fund Budget and approve the proposed expenditures from the Watercraft Licensing Fund for Fiscal Year 2020.

10. **Approve the Game, Nongame, Fish and Endangered Species Fund Budget Request for Fiscal Year 2020. Presenter: Tom Finley, Deputy Director.** The Commission will be asked to approve the proposed expenditures from the Game, Nongame, Fish and Endangered Species Fund for Fiscal Year 2020.
11. **Approve the Capital Improvement Fund and Conservation Development Fund Budget Request for Fiscal Year 2020. Presenter: Tom Finley, Deputy Director.** The Commission will be asked to approve the proposed expenditures from the Capital Improvement Fund and Conservation Development Fund for Fiscal Year 2020.
12. **Approve the Wildlife Endowment Fund Budget Request for Fiscal Year 2020. Presenter: Tom Finley, Deputy Director.** The Commission will be asked to approve the proposed expenditures from the Wildlife Endowment Fund for Fiscal Year 2020.
13. **Approve the Amended Fiscal Year 2019 Off-Highway Vehicle Recreation Fund Budget and the Off-Highway Vehicle Recreation Fund Budget Request for Fiscal Year 2020. Presenter: Tom Finley, Deputy Director** The Commission will be asked to approve the amended Fiscal Year 2019 Commission approved Off-Highway Vehicle Recreation Fund Budget and to approve the proposed expenditures from the Off-Highway Vehicle Recreation Fund for Fiscal Year 2020.
14. **Approve the Amended Fiscal Year 2019 Heritage Fund Budget and the Heritage Fund Budget Request for Fiscal Year 2020. Presenter: Tom Finley, Deputy Director.** The Commission will be asked to approve the amended Fiscal Year 2019 Commission approved Heritage Fund Budget and to approve the proposed expenditures from the Public Access; Identification, Inventory, Acquisition, Protection, and Management; Habitat Evaluation and Protection; Urban Wildlife and Urban Wildlife Habitat; Environmental Education; and Administration and Support Services (Interest Monies) sub-funds for Fiscal Year 2020. All property acquisition will be brought before the Commission for individual review and approval for actual funding authority.
15. **Approve the Amended Fiscal Year 2019 Arizona Wildlife Conservation Fund Budget and the Arizona Wildlife Conservation Fund Budget Request for Fiscal Year 2020. Presenter: Tom Finley, Deputy Director.** The Commission will be asked to approve the amended Fiscal Year 2019 Commission approved Arizona Wildlife Conservation Fund Budget and to approve the proposed expenditures from the Arizona Wildlife Conservation Fund for Fiscal Year 2020.
16. **Approve the Amended Fiscal Year 2019 Indirect Cost Recovery Fund Budget and the Indirect Cost Recovery Fund Budget Request for Fiscal Year 2020. Presenter: Tom Finley, Deputy Director.** The Commission will be asked to approve the amended Fiscal Year 2019 Commission approved Indirect Cost Recovery Fund Budget and approve the proposed expenditures from the Indirect Cost Recovery Fund for Fiscal Year 2020.
17. **Approve the Amended Fiscal Year 2019 Federal Assistance Funds Budget Request and the Federal Assistance Funds Budget Request for Fiscal Year 2020. Presenter: Tom Finley, Deputy Director.** The Commission will be asked to approve the amended Fiscal Year 2019 Commission approved Wildlife and Sport Fish Restoration Grants, State Wildlife Grants, Coast Guard Boating Safety Grants and Section 6 Endangered Species Grants and approve the proposed expenditures from the Wildlife and Sport Fish Restoration Grants, Program Income, State Wildlife Grants, Coast Guard Boating Safety Grants, Section 6 Endangered Species Grants and Contracts for Fiscal Year 2020.

TIME CERTAIN AT 10:00 AM

- 18. 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
Carl Calnimpewa	2018-0025	Count A:	Take turkey without a valid tag
		Count B:	Failure to tag immediately
		Count C:	Possess unlawfully taken turkey
Kendall W. Robison	2018-0028	Count A:	Take black bear during closed season
Thomas L. Henson	2018-0029	Count B:	Possess unlawfully taken lion
Alex A. Clark	2018-0030	Count B:	Set leg hold trap within ½ mile of building (Citation A01773)
		Count A:	Trap bobcat during closed season (Citation A01781)
		Count B:	Trap bobcat without license (Citation A01781)
		Count B:	Take cottontail rabbit without license (Citation A01782)
Geoffrey A. Walker	2018-0031	Count A:	Possess unlawfully taken bear
		Count D:	Take bear by unlawful method
Leslie D. Shumway	2018-0032	Count B:	Possess/transport unlawfully taken 4x4 mule deer buck
Calvert O. Shumway	2018-0033	Count A:	Possess/transport unlawfully taken 4x4 mule deer buck

- 19. Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Errol R. McNeil has requested a rehearing regarding the revocation of his license privileges.

NEW

- 19A. Request by Dr. David Meyer, Requesting Extension of Season Dates into 2019 for Pronghorn Special Big Game License-Tag Seasons. Presenter: Josh T. Avey, Terrestrial Wildlife Branch Chief.** Dr. David Meyer is requesting a hearing before the Arizona Game and Fish Commission to extend the 2017-2018 pronghorn special big game license-tag season dates (Commission Order 29) by one year. The Commission may vote to take action, or provide the Department direction, on this item.

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

Agenda Items 20 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.

- 20. Memorandum of Understanding with Amigos del Centro Ecologico A.C. Presenter: Jim deVos, Assistant Director, Wildlife Management Division.** The Commission may approve a Memorandum of Understanding with Amigos del Centro Ecologico A.C. for the purpose of conservation and management of wildlife relevant to Arizona and related educational programs, primarily to benefit Game Management Species and Wetlands in Mexico.

21. **Memorandum of Understanding with Soluciones Ambientales Itzeni A.C. Presenter: Jim deVos, Assistant Director, Wildlife Management Division.** The Commission may approve a Memorandum of Understanding with the Soluciones Ambientales Itzeni A.C. for the purpose of conservation and management of wildlife and related educational programs, primarily to benefit Mexican Wolf conservation.
22. **Item Removed** (Renewal of Utility Permit Agreement with CenturyLink, Inc.)
23. **Renewal of Utility Permit Agreement with UNS Gas, Inc. Presenter: Clay Crowder, Habitat Branch Chief.** The Commission may approve a renewal of a Utility Permit Agreement with UNS Gas, Inc. to use of a portion of the Commission's land at the Pinetop regional office property for a right-of-way to construct, operate and maintain underground gas lines and services.
24. **Renewal of Utility Permit Agreement with Citizens Telecommunications Company. Presenter: Clay Crowder, Habitat Branch Chief.** The Commission may approve a renewal of a Utility Permit Agreement with the Citizens Telecommunications Company of the White Mountains, Inc. to use of a portion of the Commission's land at the Pinetop regional office property for a right-of-way to construct, operate and maintain underground telephone lines and services.
25. **Fish Health Service Agreement with the State of Nevada. Presenter: Chris Cantrell, Aquatic Wildlife Branch Chief.** The Commission may approve a service agreement with State of Nevada to conduct fish health testing and analysis.

TIME CERTAIN AT 2:00 PM

26. **Approve Proposed Commission Order 29 for Special Big Game License-Tag Seasons for Mule Deer, White-tailed Deer, Pronghorn, Elk, Turkey, Javelina, Bighorn Sheep, Bison, Black Bear, and Mountain Lion for the 2019–2020 Special License Tag Hunting Seasons and amend Commission Order 26 Population Management Hunts. Presenter: Josh T. Avey, Terrestrial Wildlife Branch Chief.** The Commission will consider and may amend Commission Order 26 Population Management Hunts and approve Commission Order 29: Special Hunts, establishing seasons and season dates, bag and possession limits, permit numbers, and open areas for Special Big Game Hunt License Tags.
27. **Authorize Issuance of Special Big Game Hunt License Tags to Organizations for Pronghorn, Bighorn Sheep, Black Bear, Buffalo, Elk, Javelina, Mountain Lion, Mule Deer, White-tailed Deer, and Turkey for 2019–2020. Presenter: Josh T. Avey, Terrestrial Wildlife Branch Chief.** The Commission will consider applications from organizations for 2019–2020 Special Big Game License Tags as per R12-4-120.
28. **Article 3. Taking and Handling Wildlife: Options for Addressing the Use of Trail Cameras. Presenter: Jay Cook, FOR6 Regional Supervisor.** The Department will present options for regulating the use of trail cameras. The Commission may approve the existing Article 3 Notice of Final Rulemaking, direct the Department to file a Notice of Supplemental Proposed Rulemaking for Article 3, addressing taking and handling wildlife, and/or provide the Department with additional direction.
29. **Dedicated Funding for Outreach and Education. Presenter: Tony A. Guiles, Assistant Director, Information, Education, and Recreation Division.** The Department will provide information regarding the importance of a consistent, long term public outreach and education

strategy and potential options for dedicated funding.

30. **Selection of New Members to the Heritage Public Advisory Committee (HPAC). Presenter: Sherry Crouch, Funds & Planning Chief.** The Commission will be asked to select new members from a list of candidates to the Heritage Public Advisory Committee (HPAC).
31. **Update of Commission Awards. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will present the Commission with a list of award categories for the 2018 Commission Awards to be presented at the 2019 Commission Awards Banquet.
32. **Election of Commission Chair and Vice-Chair for July 1, 2018 through June 30, 2019 and Election of Positions and Appointments to Standing Committees. Presenter: Kent Komadina, Special Assistant to the Director.** The Commission will vote to elect a Commission Chair and Vice-Chair for July 1, 2018 through June 30, 2019. The incoming Commission Chair will then appoint individual Commissioners to chair the committees from July 1, 2018 through June 30, 2019. The Commission may establish or dissolve committees.
33. **Proposed Dates and Locations of Arizona Game and Fish Commission Meetings for 2019 and January 2020. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will ask the Commission to consider and select proposed meeting dates and locations for the Year 2019 and for January 2020.
34. **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); *Holden and Gynn v. Arizona Game and Fish Commission*, CV2014-013211; *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. 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; 2 CA-CV 2010-0098; Slater notice of claim; *Hererra v Wyoming*; *State of Arizona v. U.S. Army Corps of Engineers*, CV-18-00069.
 - 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) for the purpose of discussing and consulting with legal counsel for legal advice regarding the conservation benefits and economic costs with the Department's In Lieu Fee program.

- 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 limits on Department communications related to ballot measures.
 - 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 Arizona's Public Records Law and disclosure of personal identifying information.
 - f. **Legal Advice.** The Commission may vote to meet in Executive Session in accordance with A.R.S. § 38-431.03(A)(2) for the purpose of discussion or consideration of the Office of the Inspector General's Draft Audit Report.
 - g. **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 Adair Shooting Range and for the purpose of discussing and consulting with legal counsel for legal advice.
 - h. **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.
 - i. **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.
35. **Litigation Report.** The Department's legal counsel may report on the status of the litigation matters: *Holden and Gynn 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; Glen Canyon Dam Long-Term Experimental and Management Plan (LTEMP); *Dennis Scarla v. Arizona Game and Fish Commission*, LC2017-000019-001 DT; *State of Arizona v. U.S. Army Corps of Engineers*, CV-18-00069.
36. **Approval of Minutes.** The Commission may approve the Commission meeting minutes from April 6-7, 2018 and May 5, 2018.
37. **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.
38. **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.

39. Future Agenda Items and Action Items.

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Saturday, June 9, 2017, 8:00 A.M.

Field Trip: At 8:00 a.m., members of the Commission and Department staff may travel from the Mazatzal Hotel to the Gillette Ranch for a visit and tour of the property. Gillette Ranch is accessed by 12 miles of gravel and paved roads from Hwy 260. From Hwy 260 near mile marker 277 take Colcord Road (FR 291) four miles to FR 200, the first couple miles of Colcord Rd are paved. Take FR 200 (aka Chamberlain Trail) approximately 8 miles. No legal action will be taken by the Commission during the field trip.


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"