



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

**May 2, 2018**

A public meeting of the Arizona Game and Fish Commission will be held on **May 4, 2018** at the **Mohave County Board of Supervisors Auditorium, 700 W. Beale Street, Kingman, AZ 86401**, 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 the Department Headquarters or any Department Regional Office via video teleconference, **with the exception of the Kingman 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, May 4, 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 Recreational Access Easement into the Northern Whetstone Mountains.**  
**Presenter: Josh T. Avey, Terrestrial Wildlife Branch Chief.** The Commission may accept from Cochise County a recreational access easement allowing public vehicular, equestrian and pedestrian access in perpetuity across lands owned by El Dorado Benson LLC to the northern Whetstone Mountain Range.

**azgfd.gov | 602.942.3000**

**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 Gable Parcel Lease Agreement with Flower Pot Cattle Company. Presenter: Kelly Wolff-Krauter, Region VI Habitat Program Manager.** The Commission may approve a Lease Agreement with Flower Pot Cattle Company for use of a portion of the Commission's land at the Arlington Wildlife Area for farming and cattle grazing in a manner that benefits wildlife.
- c. **Implement Intergovernmental Agreements for the Community Fishing Program. 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 Avondale, Chandler, Gilbert, Mesa, Payson, Peoria, Phoenix, Prescott Valley, Queen Creek, Sahuarita, Scottsdale, Somerton, Surprise, Tempe, Tucson, and Yuma to implement Community Fishing Waters.
- d. **Approve New Commission Policy A2.15 Commission Compensation and Expense Reimbursement. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will ask the Commission to approve a new Commission policy, A2.15 Commission Compensation and Expense Reimbursement. The Commission may vote to take action on and/or provide the Department direction on this item.

**Agenda Item #3 is a second read item.**

- 3. **Approve Salt River Project License Agreement for Mitigation Ponds. Presenter: Keith Knutson, Wildlife Contracts Branch Chief.** The Commission may approve a License Agreement with Salt River Project for use of a portion of the Commission's land at the Arlington Wildlife Area for mitigation ponds.
- 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 and will provide an expanded presentation by Wildlife Recreation Branch Chief Scott Lavin regarding customer recruitment, retention and reactivation. The Commission may discuss and provide additional direction.
- 6. **Update on the Department's Deployment of the Arizona Management System (AMS). Presenter: Tara Duncan, Manager of Professional and Organizational Development.** The Department will provide an update on its deployment of AMS methods and tools to reduce waste and build sustainable efficiency in Department systems and processes.
- 7. **Threatened and Endangered Wildlife Briefing. Presenter: Tony Robinson, Gila River Basin Native Fish Supervisor, Aquatic Wildlife Branch.** The Commission will be provided a briefing on Gila Topminnow recovery efforts.
- 8. **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.

**TIME CERTAIN AT 10:00 AM**

9. **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>Count</b> | <b>Conviction</b>                                      |
|--------------------|-----------------|--------------|--------------------------------------------------------|
| Michael H. Mellor  | 2018-0026       | Count A:     | Take 5x5 trophy mule deer buck without a valid license |
| Larry Ammon Parker | 2018-0027       | Count A:     | Possess unlawfully taken mule deer buck                |

10. **Petition by Mr. Harvey Ankley for a 2019 Elk Tag. Presenter: Rachel Gottlieb, Branch Chief, Customer Support and Sales Branch.** Petition by Mr. Harvey Ankley for a 2019 elk tag.
11. **Petition by Mr. and Mrs. Kent Edwards for Approval to Purchase PointGuard After the Fact. Presenter: Rachel Gottlieb, Branch Chief, Customer Support and Sales Branch.** Petition by Mr. and Mrs. Kent Edwards for approval to purchase PointGuard after the fact to correct an application error.
12. **Shooting Range Development Grant Requests for FY 2019. Presenter: Matthew Schwartzkopf, Statewide Shooting Range Administrator.** The Department's Shooting Range Development Grant Program received four grant applications for fiscal year 2019. The Department will ask the Commission to approve all four applications, totaling \$81,887.45 of the \$100,000 available. The Commission may vote to take action on, or provide the Department direction on this item.
13. **Briefing on Research Branch Activities and Projects. Presenter: Esther Rubin, Research Branch Chief.** The Department will provide an informational update on the Research Branch's projects and activities
14. **Virgin River Rotenone Treatment Update. Presenter: Julie Carter, Statewide Native Aquatics Program Supervisor.** The Commission will be updated on a potential rotenone treatment in the Virgin River Gorge in 2018 if drought conditions persist.

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

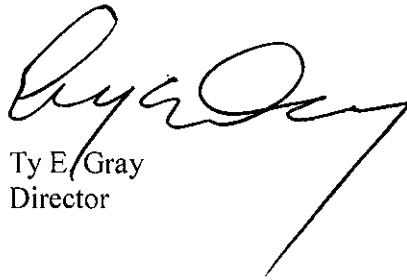
15. **Approve Final Rulemaking Amending Article 3 Rules Addressing Taking and Handling of Wildlife. Presenter: Jay Cook, FOR6 Regional Supervisor.** The Department will ask the Commission to approve a Notice of Final Rulemaking, and Economic Impact Statement amending rules within Article 3 Rules addressing taking and handling of wildlife.
16. **Information, Education and Recreation (IERD) Volunteer Program. Presenter: Mike Raum, Shooting Sports Branch Chief.** The Commission will be updated on IERD's Volunteer Programs highlighting the PR match success and the power of the volunteer workforce.

**Agenda Items #17 through #19 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.**

17. **Intergovernmental Agreement (IGA) with Maricopa County Parks and Recreation Department. Presenter: Pat Barber, Community Engagement Administrator.** The Commission may approve an IGA with Maricopa County Parks and Recreation Department to facilitate collaborative management of wildlife, habitat, and outdoor recreation within the Maricopa County Parks system.
  18. **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 years for the period of September 1, 2018 through August 31, 2023.
- \*NEW\***
- 18A. **License Agreement with Arizona State Parks and the City of Safford. Presenter: Clay Crowder, Habitat Evaluation and Lands Branch Chief.** The Commission may approve a License Agreement with Arizona State Parks and the City of Safford authorizing a sewer main to cross the Roper Lake property to provide sewer service for Roper Lake State Park.
  19. **FY 20 Proposed Budget & FY 19 Modification. Presenter: Tom Finley, Deputy Director.** The Department will provide the Commission with a presentation on the FY 20 draft budget and proposed modifications to the FY 19 budget.
  20. **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 Guynn 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 limits on Department communications related to ballot measures.
    - 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 on Arizona's Public Records Law and disclosure of personal identifying information.

- e. **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.
  - 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 Adair Shooting Range and for the purpose of discussing and consulting with legal counsel for legal advice.
  - 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 purchase of real property and for the purpose of discussing and consulting with legal counsel for legal advice.
  - 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.
- 21. **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.
  - 22. **Approval of Minutes.** The Commission may approve the Commission meeting minutes from March 9-10, 2018.
  - 23. **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.
  - 24. **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.
  - 25. **Future Agenda Items and Action Items.**

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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”**