



PUBLIC MEETING NOTICE AND AGENDA
REVISION #1

February 14, 2018

A public meeting of the Arizona Game and Fish Commission will be held on **February 16, 2018** at the **Pivot Point Conference Center, 310 N. Madison Ave., Yuma, Arizona 85364**, 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, with the exception of the Yuma Regional 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, February 16, 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. Approve Proposed Rulemaking Amending Article 3 Rules Addressing the Taking and Handling of Wildlife. Presenter: Jay Cook, FOR6 Regional Supervisor.** The Department will ask the Commission to approve a Notice of Docket Opening, Notice of Proposed Rulemaking, and Economic Impact Statement amending rules within Article 3, Addressing the Taking and Handling of Wildlife.
- 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 Update. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will provide an update on efforts towards accomplishing Commission

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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 | EDWARD "PAT" MADDEN, FLAGSTAFF DIRECTOR: TY E. GRAY DEPUTY DIRECTOR: TOM P. FINLEY**

Priorities and will provide an expanded presentation by Development Branch Chief Mark Weise regarding Facility Maintenance, Improvements and Real Estate Strategies. The Commission may discuss and provide additional direction.

5. **Update on the Department's Deployment of the Arizona Management System (AMS).** **Presenter: Pat Barber, Community Engagement Administrator.** 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.

NEW

- 5A. **Update on Department Marketing and Sales Efforts.** **Presenter: Pat Barber, Community Engagement Administrator.** The Department will provide an update on its development and implementation of a marketing and sales program.
6. **Threatened and Endangered Wildlife Briefing.** **Presenter: Ryan O'Donnell, Wildlife Specialist II, Contracts Branch.** The Commission will be provided a briefing on the results of a recently completed wildlife inventory on the Barry M. Goldwater Range with a focus on some of the unique nongame species that were detected during these surveys.
7. **Federal Lands Planning Update.** **Presenter: Laura Canaca, Project Evaluation Program Supervisor.** 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

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 #	Count	Conviction
Errol Rex McNeil	2018-0011	Count A:	Obtain 2013 duplicate hunting license by fraud

9. **Request Regarding Previous License Revocation/Civil Assessment.** **Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Michael E. James has requested that his license revocation be placed on the agenda for the Commission to consider modifying the terms of his license revocation.
10. **Petition by Ms. Cathy Hill for 2018 Elk Tag.** **Presenter: Rachel Gottlieb, Branch Chief, Customer Support and Sales Branch.** Ms. Cathy Hill has petitioned the Commission asking for a 2018 tag for elk due to an injury during her 2017 hunt that occurred on the second day.
11. **Petition by Mr. Jeremiah Smith for a Refund or 2018 Elk Tag.** **Presenter: Rachel Gottlieb, Branch Chief, Customer Support and Sales Branch.** Mr. Jeremiah Smith has petitioned the Commission asking for a refund or a 2018 elk tag due to a family emergency that prevented him from hunting.
12. **Petition by Mr. Joseph Arthur Jr for 2018 Elk Tag.** **Presenter: Rachel Gottlieb, Branch Chief, Customer Support and Sales Branch.** Mr. Joseph Arthur Jr. has petitioned the Commission asking for a 2018 tag for elk due to an illness at the time of his 2017 hunt.

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

- 13. Briefing on the Small Game Program. Presenter: Johnathan O'Dell, Small Game Biologist, Terrestrial Branch.** The Commission will be provided a briefing on the Department's Small Game Program.

Agenda Item #14 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.

- 14. Memorandum of Understanding with Ducks Unlimited. Presenter: Johnathan O'Dell, Small Game Biologist, Terrestrial Branch.** The Commission will be presented with a Memorandum of Understanding to allow the Department to partner with and provide funding for habitat to Ducks Unlimited.

- 15. Commission Committee Appointments. Presenter: Kent Komadina, Special Assistant to the Director.** The Commission Chairman will discuss and may appoint individual Commissioners to chair Commission Committees through June 30, 2018. The Commission may discuss and provide additional direction.

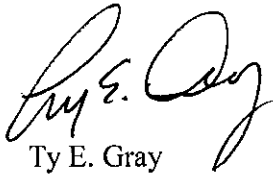
- 16. Executive Session (The Commission will not vote to take any action during Executive Session).**

- 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; *Ralph Anderson v. Arizona Game and Fish Department*, 2 CA-CV 2010-0098; Slater notice of claim; *Hererra v Wyoming*.
- 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. **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 regarding the proposed Alamo Dam Flushing Flow Release.
 - 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. **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.
 - 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.
17. **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; 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; Alamo Dam Flushing Flow Release.
 18. **Approval of Minutes.** The Commission may approve the Commission meeting minutes from January 12-13, 2018 and February 2, 2018.
 19. **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.
 20. **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.

21. 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”