



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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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



PUBLIC MEETING NOTICE AND AGENDA
AGENDA REVISION #1

August 2, 2017

A public meeting of the Arizona Game and Fish Commission will be held on **August 4, 2017** at the **Apache County Board of Supervisors Hearing Room, 1st Floor, 75 W. Cleveland St., St. Johns, Arizona 85936**, 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, August 4, 2017 - Meeting begins at 8:00 A.M.

Pledge of Allegiance

Welcome/Introductions of Commission, Department Staff and Local Community Attendees

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. **Impact Analysis on Rotenone for the Department's Coconino National Forest Stock Tank Non-native Fish Removal Treatment Plan. Presenter: Chris Cantrell, Chief, Aquatic Wildlife Branch.** The Department is requesting the Commission's approval that the impact analysis conducted for the Department's Coconino National Forest Stock Tank

Non-native Fish Removal Project Treatment Plan is sufficient to use rotenone for the removal of non-native fish.

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 Priorities and will provide an expanded presentation by Law Enforcement Branch Chief Gene Elms on the Maximize Officer Field Time and Fair Chase Priority. The Commission may discuss and provide additional direction.
5. **Update on the Department's Deployment of the Arizona Management System (AMS). Presenter: Clay Crowder, Wildlife Planner.** 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.
6. **Threatened and Endangered Wildlife Briefing. Presenter: Jim deVos, Assistant Director, Wildlife Management Division.** The Commission will be provided a briefing on the recent taxonomic change for Headwater Chub and Gila Chub, and the subsequent withdrawal of the proposal by the USFWS to list Roundtail Chub and Headwater Chub as Threatened under the Endangered Species Act.

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
Kevin Brumley	2017-0038	Count A:	Take deer during closed season
Travis Lyons	2017-0040	Count A:	Fail to check out lion within 10 days of harvest

8. **Appeal of the Department's Denial of Christopher North's Application for a Master-Level Sport Falconry License. Presenter: Scott Poppenberger, Kingman Regional Supervisor.** The Department will ask the Commission to accept the written decision issued by the Arizona Office of Administrative Hearings (OAH) Administrative Law Judge in the matter of Christopher North's master-level sport falconry license application.

NEW

- 8A. **Petition by Mr. Britten to Purchase PointGuard after the March 16, 2017 Purchase Deadline. Rachel Gottlieb, Branch Chief, Customer Support and Sales Branch.** Mr. Britten Has petitioned the Commission asking for permission to purchase PointGuard after the March 16, 2017 purchase deadline.

9. **Approve Revised Memorandum of Understanding (MOU) Between the Commission and the City of Tucson for the Opening of Lands in Avra Valley to Lawful Hunting. Presenter: Raul Vega, Tucson Regional Supervisor.** This revised MOU opens additional City-owned lands in Avra Valley to public access for recreational hunting. Several other City-owned parcels in Avra Valley were previously opened to recreational hunting pursuant to a 2013 MOU between the Commission and the City of Tucson.
10. **Removed (Renewal of Road Closure on State Trust Land Approximately Twelve Miles Northeast of Benson, Arizona)**
11. **Removed (Petition to Close a 0.3-mile-long Road on State Trust Land Approximately Two Miles Southwest of Congress, Arizona.).**
12. **Lands and Habitat Program Update. Presenter: Joyce Francis, Habitat Evaluation and Lands Branch Chief.** The Commission will be updated on major developments relating to the resource management plans and actions on federal lands in Arizona.

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

Agenda Items #13 through 18 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. **Removed (Cooperative Agreement with G & H Land and Cattle Company).**
14. **Removed (Challenge Cost Share Agreement with Pinal County).**
15. **Intergovernmental Agreement (IGA) between the Arizona Game and Fish Department and the City of Scottsdale. Presenter: Jay Cook, Mesa Regional Supervisor.** The Commission may approve an IGA between the Arizona Game and Fish Department and the City of Scottsdale for continued wildlife conservation projects within the McDowell Mountains.
16. **Intergovernmental Agreement (IGA) to Install Fishing Docks at Patterson Ponds, St. Johns. Presenter: Andy Clark, Aquatic Wildlife Assistant Branch Chief.** The Commission may approve a 15-year IGA between the Department and the City of St. Johns Arizona for the purpose of conveying Federal Sportfish funds (DJ) to the City to acquire, install, and maintain two fishing docks at Patterson Ponds.
17. **Intergovernmental Agreement (IGA) to Implement a New Community Fishing Water in Show Low Creek, Show Low AZ. Presenter: Andy Clark, Aquatic Wildlife Assistant Branch Chief.** The Commission may approve an IGA between the Department and the City of Show Low Arizona for the purpose of adding Show Low Creek as a new Community Fishing Water.
18. **Designation of Two New Community Fishing Waters and Off-cycle Request to Amend Commission Order 40. Presenter: Andy Clark, Aquatic Wildlife Assistant Branch Chief.** The Commission may designate two new Community Fishing Waters and amend Commission Order 40: Fish, establishing bag and possession limits within those waters.

Revised

19. **Approve Proposed Translocation of Elk to West Virginia. Presenter: Amber A. Munig, Big Game Management Supervisor.** The West Virginia Department of Natural Resources has requested elk from Arizona to establish a population in the southwestern portion of the state.
20. **Proposed Commission Orders 5, 6, 8, and 9, for Spring 2018 Hunting Seasons. Presenter: Amber A. Munig, Big Game Management Supervisor.** The Commission may approve Commission Orders 5, 6, 8, and 9 (spring turkey, spring javelina, spring buffalo, and spring bear) establishing seasons and season dates, bag and possession limits, permit numbers, and open areas for spring 2018.
21. **Hunt Permit-Tag Application Schedule for Spring 2018 Hunts. Presenter: Rachel Gottlieb, Branch Chief, Customer Support and Sales Branch.** The Department will provide the Commission with a presentation related to the proposed hunt-permit tag application schedule for spring 2018 hunts.
22. **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.
 - 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 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.

23. **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.

24. **Approval and Signing of Minutes.** The Commission may approve and sign the Commission meeting minutes from May 6, 2017, June 5, 2017, June 9-11, 2017 and July 17, 2017.

25. **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.

26. **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.

27. **Future Agenda Items and Action Items.**

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Saturday, August 5, 2017

Field Trip: Beginning at 9:00 a.m. at Patterson Pond in St. Johns, Department staff and St. Johns community leaders will provide a tour and discussion of the Patterson Pond Community Fishing Water. The Commission, Department staff and the public will learn about the history of the pond and the partnership that allowed the area to be developed into a successful community fishing pond.

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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”