



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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GOVERNOR
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DEPUTY DIRECTOR
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PUBLIC MEETING NOTICE AND AGENDA
REVISION #1

August 24, 2016

A public meeting of the Arizona Game and Fish Commission will be held on **August 26-27, 2016** at the **Show Low City Council Chambers, 181 N. 9th Street, Show Low, Arizona 85901**, 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://www.azgfd.gov/inside_azgfd/CommissionCam.shtml. On Friday only, members of the public may view the meeting from any Department Regional Office and the Department Headquarters via video teleconference, except for the Pinetop 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 webcast 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 26, 2016 - 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.

MOVED FROM AGENDA ITEM #8

- 1A. 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. Approve Renewal of Special Use Permit with USFS Coronado National Forest for Maintenance and Repair of the Lower Ash Creek Pipeline Water Transmission Line and Diversion Dam, at Cluff Ranch Wildlife Area, Graham County, Arizona.**

Presenter: Joyce Francis, Habitat, Evaluation and Lands Branch Chief. The Commission may approve the renewal of a special use permit with USFS Coronado National Forest for maintenance and repair of the Lower Ash Creek pipeline water transmission line and diversion dam, at Cluff Ranch Wildlife Area, Graham County, Arizona.

2. **State and Federal Legislation. Presenter: David Fernandez, Assistant 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.
3. **Commission Priorities Update. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will provide an update on efforts towards accomplishing Commission Priorities. The Commission may discuss and provide additional direction.

NEW

- 3A. **Approve Proposed Rulemaking Amending Article 4 Rules Addressing Live Wildlife. Presenter: Jennifer Stewart, Rules and Risk Branch Chief.** The Department will ask the Commission to approve a Notice of Rulemaking Docket Opening, Notice of Proposed Rulemaking, and Economic Impact Statement amending rules within Article 4, addressing live wildlife.

TIME CERTAIN AT 10:00 AM

4. **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
Manuel E. Marquez	2016-0011	Count A:	Take wildlife during a closed season (4X4 Mule Deer)
		Count B:	Possess unlawfully taken wildlife (4X4 Mule Deer) Citation A05559
Justin W. Walker	2016-0060	Count A:	Locate Elk from an aircraft in unit with open big game season Citation A05560
		Count A:	Locate Elk from an aircraft in unit with open big game season
		Count B:	Harass Elk with an aircraft Citation A07094
Donald E. Gaskey	2016-0063	Count A:	Obtain 2015 resident combo license by fraud Citation A07096
Ross E. Roberts	2016-0066	Count A:	Obtain 2014 resident turkey tag by fraud
Gregory A. Barney	2016-0067	Count B:	Waste of game meat (Mule Deer Doe)
		Count A:	Take wildlife by unlawful method (Calf Elk)
		Count B:	Possess unlawfully taken wildlife (Calf Elk)
Gregory A. Barney	2016-0073	Count C:	Take wildlife during closed season (Calf Elk) Citation A12756
		Count A:	Take wildlife by unlawful method (Cow Elk)
		Count B:	Take wildlife during closed season (Cow Elk)
		Count C:	Take wildlife in excess of bag limit (Cow Elk)

Citation A12757

		Count A:	Possess unlawfully taken wildlife (Mule Deer Doe)
		Count B:	Possess wildlife without evidence of legality (Mule Deer Doe)
Gregory A. Barney	2016-0077	Count A:	Take wildlife without a valid permit (Spike Bull Elk)
		Count B:	Take wildlife by unlawful method (Spike Bull Elk)
		Count C:	Possess unlawfully taken wildlife (Spike Bull Elk)
		Count D:	Waste edible game meat (Spike Bull Elk)
		Count E:	Take wildlife in excess of bag limit (Spike Bull Elk)
Miguel A. Benitez III	2016-0068	Count A:	Possess unlawfully taken wildlife (Bull Elk)
		Count B:	Possess unlawfully taken wildlife (Calf Elk)
		Count C:	False reporting to law enforcement

NEW

- 4A. Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Jason Pryor has requested a rehearing regarding the revocation of his license privileges.
- 5. Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Michael S. Foote has requested a rehearing regarding the revocation of his license privileges.
- 6. Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** David A. Long has requested a rehearing regarding the revocation of his license privileges.

NEW

- 6A. Petition by Frank Hoglund on behalf of Mr. Jamie Nehrenz to provide Resolution for his 2016 Elk Draw. Presenter: John Bullington, Assistant Director, Support Services.** Mr. Hoglund is petitioning the Commission on behalf of Mr. Nehrenz to be allowed to Surrender his 2016 tag and be given a 2017 tag instead. The Department will be present a summary of the petition as well as the Department's findings for Mr. Nehrenz's 2016 fall draw issue.

NEW

- 6B. Petition by Heith Brewer to provide Resolution for his 2016 Fall Draw. Presenter: John Bullington, Assistant Director, Support Services.** Heith Brewer is petitioning the Commission to be allowed to purchase PointGuard to surrender his deer tag. The Department will be present a summary of the petition as well as the Department's findings for Mr. Brewer's 2016 fall draw issue.

NEW

- 6C. Appeal of Denial of Wildlife Holding License. Presenter: Mike Demlong, Wildlife Education Project Manager.** Jacob Elliot appeals the denial of his application for a wildlife holding license for educational purposes.

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

7. **Threatened and Endangered Wildlife Briefing. Presenter: Jim deVos, Assistant Director, Wildlife Management Division.** The Commission will be provided a briefing Bald and Golden Eagles recovery efforts.

Agenda Items #8-11 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.

8. ***MOVED TO CONSENT AGENDA ITEM 1A*** (Special Use Permit with USFS Coronado National Forest for Maintenance and Repair of the Lower Ash Creek Pipeline Water Transmission Line and Diversion Dam at Cluff Ranch Wildlife Area).
9. **Approve Renewal of a Road Closure on State Trust Land Approximately Ten Miles South of Winslow, Arizona. Presenter: Al Eiden, Landowner Relations Program Supervisor.** The Commission may approve a request submitted by Pat Browning to renew a road closure on State Trust Land located approximately ten miles south of Winslow, Arizona.
10. **Approve Renewal of a Road Closure on State Trust Land Approximately Thirty Miles Southwest of Tucson, Arizona. Presenter: Al Eiden, Landowner Relations Program Supervisor.** The Commission may approve a request submitted by John King to renew a road closure on State Trust Land located approximately thirty miles southwest of Tucson, Arizona.
11. **Approve Renewal of a Road Closure on State Trust Land Approximately Fifteen Miles Northeast of Bonita, Arizona. Presenter: Al Eiden, Landowner Relations Program Supervisor.** The Commission may approve a request submitted by Roger Warner to renew a road closure on State Trust Land located approximately fifteen miles northeast of Bonita, Arizona.

TIME CERTAIN AT 2:00 PM

12. **Approval of Proposed Commission Orders 25, 41, 42, and 43 for the 2017-2018 Hunting Season. Presenter: Josh Avey, Terrestrial Wildlife Branch Chief.** The Commission will consider and may approve Commission Order 25 (Raptors), Commission Order 41 (Amphibians), Commission Order 42 (Crustaceans and Mollusks) and Commission Order 43 (Reptiles) establishing seasons and season dates, bag and possession limits, and open-closed areas.
 13. **Request to Amend Commission Order 40: Fish, Concerning Specific Proposals for Bag and Possession Limits, Special Regulations, and Specific Closures for Sport Fishing for Calendar Year 2017 and 2018. Presenter: Chris Cantrell, Aquatics Branch Chief.** The Commission may vote to adopt Commission Order 40: Fish, establishing open seasons, open areas, closures and bag and possession limits for calendar year 2017 and 2018.
- *NEW***
14. **Game and Fish Fund Revenue and Budget Update. Presenter: Ty Gray, Deputy Director.** The Commission will be provided an update on the FY16 Game and Fish Fund revenue and budget figures.

NEW

15. **2016 Annual Commission Awards Selection. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will present the 2016 Commission award nominees and will ask the Commission to select the award recipients.

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 *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); *Harrison v. Dennerline* CV 15-01060 (AZ); *Safari Club International v. Jewell*, 15-0930 (NM); *WildEarth Guardians v. Heather Provencio*, CV 16-0810; *New Mexico Game and Fish Department v. USFWS*.
 - 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) and (4) for the purpose of discussing and consulting with legal counsel for legal advice in order to consider its position on Arizona's Public Records Law and disclosure of personal identifying information.
 - d. **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 on state permitting for release or capture of wildlife.
 - e. **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.
 - f. **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 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; WildEarth Guardians v. Heather Provencio, CV 16-0810; New Mexico Game and Fish Department v. USFWS.

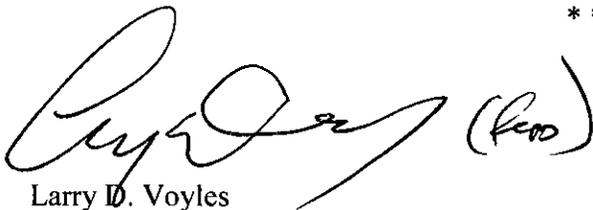
18. **Approve and Sign Minutes.** The Commission may approve and sign the Commission meeting minutes from August 5-6, 2016.
19. **Commissioner Committee Reports.** Commissioners may provide an update on the subcommittees that they chair regarding current events and issues. This item is for information 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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Saturday, August 27, 2016

Field Trip: From 8:00 a.m. to 11:00 a.m. the Commission and Department staff will travel to the Second Knoll target range for the grand opening ceremony. The Second Knoll target range is located east of Show Low on State Route 260. From the intersection of State Route 77 and 260, travel approximately 4.5 miles east on Highway 260 to the second knoll range located south of the highway on the Apache Sitgreaves National Forest. The ceremony will formally open the range to public use. The Second Knoll range is the first developed large scale shooting range in Northeastern Arizona and will serve the communities of Pinetop-Lakeside, Show Low, Snowflake-Taylor and Springerville-Eagar. The event will be open to the public.

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Larry D. Voyles
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”