



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

5000 W. CAREFREE HIGHWAY
PHOENIX, AZ 85086-5000
(602) 942-3000 • WWW.AZGFD.GOV

GOVERNOR

DOUGLAS A. DUCEY

COMMISSIONERS

CHAIRMAN, EDWARD "PAT" MADDEN, FLAGSTAFF

JAMES R. AMMONS, YUMA

JAMES S. ZIELER, ST. JOHNS

ERIC S. SPARKS, TUCSON

KURT R. DAVIS, PHOENIX

DIRECTOR

LARRY D. VOYLES

DEPUTY DIRECTOR

TY E. GRAY



PUBLIC MEETING NOTICE AND AGENDA
REVISION #1

November 22, 2016

A public meeting of the Arizona Game and Fish Commission will be held on **December 2-3, 2016** at the Arizona Game and Fish Department, 5000 W. Carefree Hwy, Phoenix 85086, 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 via video teleconference, **except for the Pinetop Regional Office which is under construction**. 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, December 2, 2016 - 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 Office of the Attorney General. Commission members may remove certain items if further public input or discussion is deemed necessary.
 - a. **Renewal of three (3) Special Use Permits within the Apache-Sitgreaves National Forest. Presenter: Joyce Francis, Habitat Evaluation and Lands Branch Chief.** The Commission will be asked to approve three (3) Special Use Permits within the Apache-Sitgreaves National Forest.

- b. **Renewal of an Interagency Service Agreement with Graham County, Arizona. Presenter: Joyce Francis, Habitat Evaluation and Lands Branch Chief.** The Commission will be asked to approve renewal of an Interagency Service Agreement with Graham County for the purpose of roadway maintenance through the Cluff Ranch Wildlife Area, Graham County, Arizona.
3. **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.
4. **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.
5. **Approve the Article 6 Rules of Practice Before the Commission Five-year Rule Review Report, for Submission to the Governor's Regulatory Review Council (G.R.R.C.). Presenter: Kent Komadina, Special Assistant to the Director.** The Department will ask the Commission to vote to approve the Five-year Rule Review Report for Article 6 regarding rules of practice before the Commission, for submission to G.R.R.C.
6. **Threatened and Endangered Wildlife Briefing. Presenter: Jim deVos, Assistant Director, Wildlife Management Division.** The Commission will be provided a briefing on California Condor recovery efforts.

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
Robert N. Garrett	2016-0069	Count C:	Discharge firearm within a ¼ mile of occupied structure while taking a trophy mule deer
Michael J. Savage	2016-0070	Count A:	Take black bear without permit
		Count B:	Possess/transport unlawfully taken black bear
		Count C:	Waste edible game meat
Hector A. Rubio-Lopez	2016-0076	Count B:	Take mule deer during a closed season
John S. Piontkowski	2016-0079	Count B:	Obtain 2015 turkey tag by fraud
Jaime Frias	2016-0080	Count B:	Possess unlawfully taken deer
Rogelio C. Vargas	2016-0081	Count A:	Possess unlawfully taken deer
			Citation A08769
Scott J. Corporon	2016-0082	Count A:	Trap on public land

8. **Rehearing Request Regarding Previous License Revocation/Civil Assessment, Docket 2016-0046. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Dennis Branin has requested a rehearing regarding the revocation of his license privileges.

9. **Rehearing Request Regarding Previous License Revocation/Civil Assessment, Docket 2016-0047. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Dennis Branin has requested a rehearing regarding the revocation of his license privileges and imposed civil assessment amount of \$8,000.00 for the loss of one (1) trophy Mule Deer.
10. **Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Dennis G. Scarla has requested a rehearing regarding the revocation of his license privileges.
11. **Hearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Kyran D. Walker has requested a hearing petitioning the Commission to set aside its original decision to revoke his guiding privileges.

NEW

- 11A. **Petition by Alex Corriere to Grant a Refund on his 2016 Bison. Presenter: Rachel Gottlieb, Customer Service & Sales Branch Chief.** Mr. Corriere is petitioning the Commission to request a refund for his 2016 Bison tag.

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

12. **Lands and Habitat Program Update. Presenter: Joyce Francis, Habitat Branch Chief.** The Commission will be updated on developments relating to the implementation of land and resource management plans and projects on private, state and federal lands in Arizona and other matters related thereto.
13. **Warmwater Sportfish Vision. Presenter: Chris Cantrell, Aquatic Wildlife Branch Chief.** The Commission will be briefed on the development of the Department's Warmwater Sportfish Vision for the continued management of warmwater species in Arizona. The Commission may provide direction regarding the Warmwater Sportfish Vision.
14. **Approve the Article 11 Aquatic Invasive Species Five-year Rule Review Report, for Submission to the Governor's Regulatory Review Council (G.R.R.C.). Presenter: Chris Cantrell, Aquatics Branch Chief.** The Department will ask the Commission to vote to approve the Five-year Rule Review Report for Article 11 regarding aquatic invasive species, for submission to G.R.R.C.

Agenda Items #15-17 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.

15. **Memorandum of Understanding with Adventure for Charity, L.L.C. Presenter: Jim deVos, Assistant Director, Wildlife Management Division.** The Commission may approve a Memorandum of Understanding to allow the Department to partner with Adventure for Charity, L.L.C. to conduct challenge events that will provide opportunity for the public to be informed regarding effective wildlife conservation while promoting outdoor recreation
16. **Memorandum of Understanding with Pheasants Forever/Quail Forever, Inc. Presenter: Jim deVos, Assistant Director, Wildlife Management Division.** The Commission may approve a Memorandum of Understanding to allow the Department to partner with Pheasants Forever/Quail Forever, Inc. on conservation and education programs.

- 17. Landowner-Lessee/Sportsman Relations Committee Appointment. Presenter: Al Eiden, Habitat Enhancement and Landowner Relations Program Supervisor.** The Commission may approve a nomination for Jack Mann to fill a vacant livestock grower representative spot on the Landowner-Lessee/Sportsman Relations Committee. Mr. Jack Mann owns farms and ranches in Arizona and he is interested in improving public access issues.
- 18. 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*, 16-00094 (AZ); *WildEarth Guardians v. Heather Provencio*, CV 16-0810; *New Mexico Game and Fish Department v. USFWS*, 16-2189.
 - 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.
- 19. 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.

20. **Approve and Sign Minutes.** The Commission may approve and sign the Commission meeting minutes from August 26-27, 2016, September 27, 2016, and November 4-5, 2016.
21. **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.
22. **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.
23. **Future Agenda Items and Action Items.**

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Saturday, December 3, 2016 - Meeting begins at 8:00 A.M.

Pledge of Allegiance

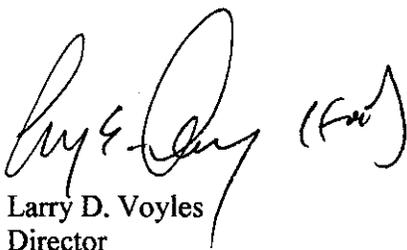
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2. **Consideration of Proposed Commission Orders 3, 4, and 26 for 2017 Hunting Season and Amendment to Commission Order 8 for the 2017 Spring Season. Presenter: Amber Munig, Big Game Program Supervisor.** The Commission will consider and may approve Commission Orders 3 (pronghorn antelope), 4 (elk), and 26 (population management) establishing seasons and season dates, bag and possession limits, permit numbers or authorized limits, and open areas for the respective 2017 fall hunting season, and amending Commission Order 8 (bison) for the 2017 spring hunting season.
3. **Hunt Permit-Tag Application Schedule for 2017 Antelope and Elk Hunts. Presenter: Rachel Gottlieb, Customer Service and Sales Branch Chief.** The Department will ask the Commission to approve the proposed hunt-permit tag application schedule for the Antelope and Elk 2017 hunts.

4. **Petition by Mr. David Davis to Amend R12-4-318 Seasons for Lawfully Taking Wild Mammals, Birds, and Reptiles. Presenter: Josh T. Avey, Terrestrial Wildlife Branch Chief.** The Commission will be asked to review the petition submitted by Mr. David Davis to Amend R12-4-318. The requested amendment is to establish a "Native Pioneer Season for Deer and Elk."
5. **Approve Final Rulemaking Amending R12-4-402 Live Wildlife; Unlawful Acts. Presenter: Jim Odenkirk, Assistant Attorney General.** The Department will ask the Commission to vote to approve a Notice of Final Rulemaking and Economic Impact Statement amending rules within Article 4, addressing live wildlife.
6. **Future Agenda Items and Action Items.**

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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"