

Minutes of the Telephonic Meeting of the  
Arizona Game and Fish Commission  
Wednesday, May 27, 2009 – 11:00 a.m.  
Arizona Game and Fish Department  
5000 W. Carefree Highway  
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

Via telephone:

Chairman Robert D. Hernbrode  
Vice-Chair Jennifer L. Martin  
Commissioner Robert R. Woodhouse  
Commissioner Norman W. Freeman

In person:

Director Larry D. Voyles  
Deputy Director Gary R. Hovatter  
Deputy Director Bob Broscheid  
Assistant Attorney General Shelley Cutts  
Assistant Attorney General Jim Odenkirk

In Person:

Commissioner Jack F. Husted

Chairman Hernbrode called the meeting to order and requested that Director Voyles conduct roll call. Commissioner Husted was present in person and all other Commissioners confirmed they were present via telephone. There were several Department staff members present and no members of the public. This meeting followed an agenda dated May 22, 2009.

\* \* \* \* \*

1. Center for Biological Diversity v. Bureau of Land Management, et al.

**Presenter:** Shelley D. Cutts, Assistant Attorney General

Ms. Cutts addressed the Commission regarding the lawsuit, Center for Biological Diversity v. Bureau of Land Management, et al, CV 09-8011-PCT-GMS, filed January 27, 2009, in United States District Court for the District of Arizona, challenging the legality of the Resource Management Plans and Final Environmental Impact Statements for the Arizona Strip. Ms. Cutts advised the Commission that she had information to provide in Executive Session with respect to her legal research and legal strategic advice.

\* \* \* \* \*

2. Executive Session

The Commission voted to go into Executive Session pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion and consultation with legal counsel and for the Commission to consider its position and instruct its legal counsel regarding the pending lawsuit, Center for Biological Diversity v. Bureau of Land Management, et al.

**Motion:** Woodhouse moved and Husted seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

**Vote:** Unanimous

\* \* \* \* \*

1. (continued) Center for Biological Diversity v. Bureau of Land Management, et al.

**Presenter:** Shelley D. Cutts, Assistant Attorney General

**Motion:** Martin moved and Woodhouse seconded THAT THE COMMISSION VOTE TO DIRECT DEPARTMENT STAFF TO FILE AN AMICUS BRIEF WITH THE COURT REGARDING THE COMMISSION'S INTEREST IN THE LAWSUIT, CENTER FOR BIOLOGICAL DIVERSITY V. BUREAU OF LAND MANAGEMENT, ET AL.

**Vote:** Unanimous

Ms. Cutts advised that the rule requires the amicus brief to be filed no later than seven days after the defendants file their brief. Ms. Cutts will keep track of the docket and what the court's order is after the June 12 status conference and will update the Commission on the deadline and the progress in filing the amicus brief. Ms. Cutts will inform the federal defendants of the Commission's direction to the Department from this meeting.

The Commission was in consensus to direct the Department to do a press release on this matter and invite other organizations to participate in the amicus brief.

\* \* \* \* \*

3. Call to the Public

There were no requests to speak to the Commission.

\* \* \* \* \*

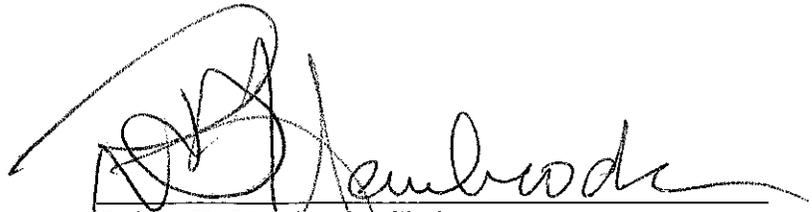
**Motion:** Husted moved and Martin seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

**Vote:** Unanimous

\* \* \* \* \*

Meeting adjourned at 12:07 p.m.

\* \* \* \* \*



---

Robert D. Hembrode, Chair



---

Jennifer L. Martin, Vice Chair

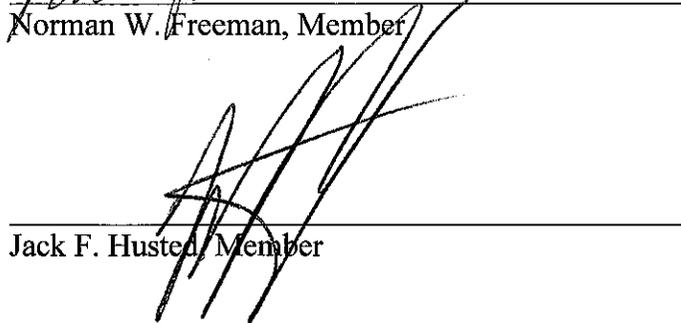
---

Robert R. Woodhouse, Member



---

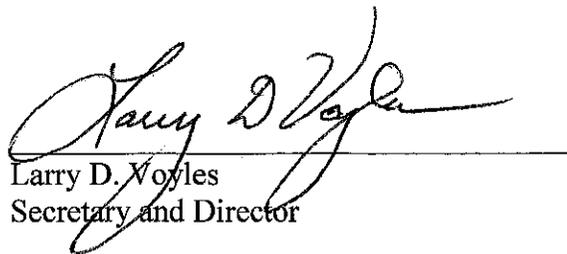
Norman W. Freeman, Member



---

Jack F. Husted, Member

ATTEST:



---

Larry D. Voyles  
Secretary and Director