



PUBLIC MEETING NOTICE AND AGENDA

September 6, 2022

A public meeting of the Arizona Game and Fish Commission will be held on **September 9, 2022**, at the **Pinetop Lakeside Town Hall, 325 W White Mountain Blvd, Lakeside, AZ 85929**. The public may attend the meeting in person but the number of people allowed in the meeting facility could be limited if necessary to comply with social distancing requirements for the facility. In the alternative, the public may view the meeting at www.azgfd.gov/commissioncam or may listen to the meeting by calling 404-397-1516, Access code: 280 046 234##. Members of the public may view the meeting from any Department Regional Office and the Department's Headquarters via video teleconference. ***DUE TO THE MEETING LOCATION, PUBLIC COMMENT WILL NOT BE AVAILABLE FROM THE REGION 1 OFFICE IN PINETOP.** Members of the public attending in person wanting to speak on a specific agenda item may submit Speaker Cards (Blue Cards) if they wish to speak to the Commission. Members of the public may only address the Commission by attending in person or from any regional office. **THE ABILITY OF THE PUBLIC TO ATTEND THE MEETING IN PERSON IS SUBJECT TO CHANGE IN THE EVENT COVID-RELATED RESTRICTIONS ON PUBLIC EVENTS ARE MODIFIED PRIOR TO THE MEETING. IF THIS OCCURS, OTHER OPTIONS WILL REMAIN FOR THE PUBLIC TO LISTEN, WATCH AND COMMENT VIA THE ALTERNATIVE MEANS PROVIDED HEREIN.** Copies of any presentations, documents, etc. discussed during the meeting will be available by contacting okline@azgfd.gov. Unless expressly provided otherwise with any matter, the Commission may discuss and may vote to take action on the following matters:

Friday, September 9, 2022 - Meeting begins at 8:00 A.M.

Pledge of Allegiance

Welcome/Introductions

Awards, Recognition, and Regional Highlights

- 1) **Call to the Public.** Those persons wishing to speak on a matter not on the agenda should complete a speaker's card and present it to the host. 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 item is hereby noticed as a consent agenda item 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 Commission's legal counsel. Commission members may remove certain items if further public input or discussion is deemed necessary.

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5000 W. CAREFREE HIGHWAY, PHOENIX AZ 85086

**GOVERNOR: DOUGLAS A. DUCEY COMMISSIONERS: CHAIRMAN JAMES E. GOUGHNOUR, PAYSON | TODD G. GEILER, PRESCOTT
CLAY HERNANDEZ, TUCSON | KURT R. DAVIS, PHOENIX | LELAND S. "BILL" BRAKE, ELGIN DIRECTOR: TY E. GRAY DEPUTY DIRECTOR: TOM P. FINLEY**

- a) **Memorandum of Understanding with Arizona Antelope Foundation. Presenter: Amber Munig, Big Game Management Program Supervisor, Terrestrial Wildlife Branch.** The Commission may vote to approve a Memorandum of Understanding to allow the Department to partner with Arizona Antelope Foundation on conservation and education programs. The Commission may vote to take action on, or provide the Department direction on this item.
 - b) **License Agreement with Arizona State Parks Board for a Utility Right-of-Way Permit at Roper Lake State Park. Presenter: Jim Ruff, Land and Water Program Supervisor.** Utility Right-of-Way License Agreement with the Arizona State Parks Board for a non-exclusive utility permit for the purposes of installing, operating, and maintaining underground sewer lines on Commission-owned property to serve Roper Lake State Park.
- 3) **Request to Approve Final Exempt Rulemaking Amending R12-4-114 (Issuance of Nonpermit-tags and Hunt Permit-tags), R12-4-201 (Pioneer License), and R12-4-211 (Lifetime License; Benefactor License) to Implement Restrictions Associated with the Sale of Archery Deer Nonpermit-tags to Nonresidents. Presenter: Amber Munig, Big Game Management Program Supervisor, Terrestrial Wildlife Branch.** The Department will ask the Commission to vote to approve the Final Notice of Exempt Rulemaking amending R12-4-114 (Issuance of Nonpermit-tags and Hunt Permit-tags), R12-4-201 (Pioneer License), and R12-4-211 (Lifetime License; Benefactor License).
 - 4) **Request to Propose Amendments to Commission Order 40: Fish, Concerning Specific Proposals for Bag and Possession Limits, Special Regulations, and Specific Closures for Sport Fishing for Calendar Year 2023 and 2024. Presenter: Andy Clark, Statewide Sportfish Program Manager.** The Commission may vote to amend Commission Order 40: Fish, making changes to open seasons, open areas, closures and bag and possession limits for calendar year 2023 and 2024.
 - 5) **Renewal of the Memorandum of Understanding with Conservation First USA (formerly Arizona Big Game Super Raffle). Presenter: Andrew Cavalcant, Habitat Partnership Committee Coordinator.** The Commission may review and renew a Memorandum of Understanding with Conservation First USA to guide collaborative efforts to promote opportunities that generate revenue in support of the conservation of wildlife and wildlife habitat.
 - 6) **Threatened and Endangered Wildlife Briefing. Presenter: Sky Hedden, Colorado River Native Aquatics Coordinator.** The Commission will be provided a briefing on the Department's efforts to conserve and manage Little Colorado Spinedace.

- 7) **Federal Financial Assistance Overview. Presenter: Marianne Cox, Compliance and Strategies Branch Chief.** The Commission will be provided an informational briefing on Federal Financial Assistance with a focus on Wildlife and Sport Fish Restoration Funding.

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 #	Conviction
Robert D. Adams	2022-0036	Assist in Unlawful Take of White-Tailed Deer For Monetary Gain. As A Hunting Guide Aid, Counsel, Or Agree to Aid, Or Attempt to Aid Another Person in Conduct That Results in A Big Game Violation. Place Bait for The Purpose of Attracting Big Game. Possess Unlawfully Taken White-Tailed Deer Over Bait (3 counts). Possess Unlawfully Taken Bull Elk.
Pedro Cortez	2022-0037	
Matthew Levin	2022-0038	Shoot from A Vehicle.
James Greninger	2022-0039	Take Javelina in Wrong Unit.
Miguel Angel Ruelas-Michel	2022-0034	Possess Unlawfully Take Mule Deer.

LUNCH BREAK (BEGINS AT 12:00 PM)

Agenda items # 9-11 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.

- 9) **Modification of the License Agreement with John and Michelle Holbrook at Horseshoe Ranch. Presenter: Triska Hoover, Land Resources Manager.** Modification of the License Agreement with John and Michelle Holbrook to occupy and use the Horseshoe Ranch Property

and public land improvements for a term to commence on the date of the last signature until January 24, 2025.

- 10) **Intergovernmental Agreement with Triangle Natural Resource Conservation District. Presenter: Josh Avey, Chief, Terrestrial Wildlife Branch.** The Commission will be presented with an Intergovernmental Agreement to allow the Department to partner with the Triangle Natural Resource Conservation District (NRCD) to assist with cultural resource surveys required to complete 4,000 acres of grassland restoration on the Prescott National Forest. The Commission may vote to take action on, or provide the Department direction on this item.
- 11) **Extension of Approval for Exportation of Sonoran Pronghorn to Sonora, Mexico. Presenter: Cynthia Soria, International and Borderlands Wildlife Specialist.** The Commission may extend the approval that the Arizona Game and Fish Department will continue working with the Mexican Government to improve the genetic variability of Sonoran Pronghorn by exporting animals over the next two years to support range-wide recovery goals.
- 12) **Approval of Proposed Amendments Resulting from Programmatic Reviews of the Commission's Policies. Presenter: Marianne Cox, Compliance and Strategies Branch Chief.** The Department will ask the Commission to vote to approve the proposed recommendations resulting from programmatic reviews of the Commission's policies.
- 13) **Request to Approve Final Exempt Rulemaking Amending R12-4-102 (License, Permit, Stamp, and Tag Fees), R12-4-202 (Complimentary Disabled Veteran's License; Reduced-fee Disabled Veteran's License) to Implement HB2701. Presenter: Jennifer Stewart, Customer Service Branch Chief, Support Services Division.** The Department will ask the Commission to vote to approve the Final Notice of Exempt Rulemaking amending R12-4-102 (License, Permit, Stamp, and Tag Fees), R12-4-202 (Complimentary Disabled Veteran's License; Reduced-fee Disabled Veteran's License).
- 14) **Marketing Update. Presenter: Heidi Rayment, Marketing Branch Chief.** The Department will provide an update on agency marketing efforts and projects, including FY23 Conserve and Protect strategy.
- 15) **State and Federal Legislative Update. Presenter: Ed Sanchez, Legislative Liaison, Government Affairs.** 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 related to Department responsibilities.
- 16) **State and Federal Lands Planning Update. Presenter: Luke Thompson, Habitat, Lands, and Evaluation Branch Chief.** The Commission will be updated on Department activities and involvement with land management planning and other actions regarding state and federal lands in Arizona.

- 17) **Commission Priority Report. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will provide an update on the Commission Priorities and Metrics. The Department will also provide an extended presentation by Chris Cantrell and Luke Thompson, Development Branch Chief and Habitat, Lands, and Evaluation Branch Chief, on Developing a Comprehensive Facility Maintenance Program and Real Estate Strategy.
- 18) **Proposed Amended Dates of Arizona Game and Fish Commission Meetings for 2023. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will ask the Commission to consider and select proposed amended meeting date for the August, 2023 Commission Meeting in Cottonwood.
- 19) **2022 Annual Commission Awards Selection. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will present the 2022 Commission award nominees and will ask the Commission to select the award recipients.
- 20) **Chairman, Commissioners and Director Comments.** The Chairman, Commissioners and Director may provide brief comments 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.**
- 22) **Litigation Report.** The Department's legal counsel may report on the status of the litigation matters: *In re General Stream Adjudication for the Little Colorado River and Gila River; Zuni water rights settlement agreement; Center for Biological Diversity v. U.S. Forest Service*, CV 12-0817 (AZ); *Center for Biological Diversity v. Zinke*, CV 15-00019 (AZ); *Center for Biological Diversity v. Zinke*, CV 18-00047; *WildEarth Guardians v. Ashe*, CV 15-00285 (AZ); *Safari Club International v. Zinke*, 16-00094 (AZ); *The National Trust for Historic Preservation v. Bernhardt*, CV 19-05008; *Wildearth Guardians v. Bernhardt*, CV-19-00441. *State of California v. Bernhardt*, CV 19-06013 and companion cases challenging the USFWS's ESA rule changes; Tonto NF Travel Management Plan; litigation challenging the revised 10(j) rule for Mexican gray wolves.
- 23) **Executive Session (The Commission will not vote to take on 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 *In re General Stream Adjudication for the Little Colorado River and Gila River; Zuni water rights settlement agreement; Center for Biological Diversity v. U.S. Forest Service*, CV 12-0817 (AZ); *Center for Biological Diversity v. Zinke*, CV 15-00019 (AZ); *Center for Biological Diversity v. Zinke*, CV 18-00047; *WildEarth Guardians v. Ashe*, CV 15-00285 (AZ); *Safari Club International v. Zinke*, 16-00094 (AZ);, *et al.*, CV 2018-010149; *Center for Biological*

Diversity v. U.S. Forest Service, CV 20-00075; *The National Trust for Historic Preservation v. Bernhardt*, CV 19-05008; *Wildearth Guardians v. Bernhardt*, CV-19-00441; *State of California v. Bernhardt*, CV 19-06013 and companion cases challenging the USFWS's ESA rule changes; *California v. Wheeler*, CV 20-03005; Zachary Nipp notice of claim; Tonto NF Travel Management Plan; litigation challenging the revised 10(j)rule for Mexican gray wolves.

- 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. 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 contract negotiations over access to the Big Boquillas Ranch.
- 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 regarding the Commission's authority to close state trust lands to hunting and to close roads providing access to state trust lands.
- e. 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 cattle trespasses on the Commission's Coal Mine property and the State Parks & Trails Sonoita Creek State Natural Area.
- f. 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 Commission authority over license revocation and civil penalties for wildlife-related criminal violations under Title 13, Arizona Revised Statutes.
- g. Purchase or Disposal 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 or disposal of real property and for the purpose of discussing and consulting with legal counsel for legal advice.
- h. 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.



Ty E. Gray
Director

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”