



PUBLIC MEETING NOTICE AND AGENDA
REVISION #2

July 28, 2022

A public meeting of the Arizona Game and Fish Commission will be held on **August 5, 2022**, at the **Little America Hotel, 2515 E. Butler Ave., Flagstaff, AZ 86004**. 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 2 OFFICE IN FLAGSTAFF.** 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, August 5, 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) **Hunt Permit-Tag Application Schedules for 2023 Hunts. Presenter: Tera Wozniak, Draw Administrator, Customer Support and Sales Branch.** The Department will

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**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**

present the proposed hunt-permit tag application schedules for the 2023 hunts for Commission approval.

- 3) **Modification to method for promoting Mule Deer Special Big Game Hunt Tag for the 2023-2024 season as awarded to Conservation First USA. Presenter: Josh Avey, Terrestrial wildlife Branch Chief.** The Commission will be updated on a potential addition to the promotion of the Mule Deer Special Big Game Hunt Tag as awarded to Conservation First USA to include gear and outfitting costs that will be covered by Big-Game Hero, LLC.
- 4) **Commission Priority Report. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will provide an FY22 end of year report on the Commission Priority metrics as well as present the FY23 metrics for each Priority. The Department will also provide an extended presentation by Dan Sturla, Program Manager, on Increase Public Access and Improvement Landowner Relations.
- 5) **Heritage Partnership Program Updates. Presenter: Ryan Babel, Natural Resources Planner.** The Department will provide an update of the Heritage Partnership Program projects.
- 6) **Connectivity / Migration Mapping Update. Presenter: Lucas Olson, Cooperative Biologist, Mule Deer Foundation.** The Commission will be provided a briefing on migration and corridor mapping related to connectivity efforts throughout the State.

TIME CERTAIN AT 10:00 AM

**** REVISED****

- 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 #	Conviction
Robert E. Piper	2022-0028	Attach Tag to Elk Taken by Another
Gregg Lord	2022-0030	Careless Misuse of a Firearm
Danny Mack	2022-0031	Trap on Public Lands. Use Sight Exposed Bait
Jose De Jesus Nuñez-Mora	2022-0032	Take Javelina From A Vehicle
Jose Angel Nuñez-Mora	2022-0033	Take Mule Deer Without A License

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) **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.
- 9) **Cooperative Agreement with USGS and Bureau of Reclamation on Planet Ranch Conservation and Wildlife Area. Presenter: Jim Ruff, Land and Water Program Supervisor.** The Commission may approve the Cooperative Agreement with USGS and Bureau of Reclamation to install monitoring equipment on five wells and two surface water sites on Planet Ranch Conservation and Wildlife Area.
- 10) **Memorandum of Understanding with Arizona Antelope Foundation. Presenter: Amber Munig, Big Game Management Program Supervisor.** 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.
- 11) **Restricting the Sale of Archery Deer Non-permit tags to Nonresidents. Presenter: Amber Munig, Big Game Management Program Supervisor.** The Commission may provide direction on initiating exempt rulemaking to address statute changes associated with SB1170, specifically restricting the sale of Archery Deer Non-permit tags to nonresident hunters.

****ITEM REMOVED****

- 12) **Collection Agreement with the Yuma Natural Resource Conservation District. Presenter: Michael Sumner, Region 4 Supervisor.** The Commission will be presented a collection agreement with the Yuma Natural Resource Conservation District that awards Heritage Partnership Program funds for re-developing an outdoor classroom at Betty's Kitchen Watchable Wildlife Viewing Area.

LUNCH BREAK (BEGINS AT 12:00 PM)

- 13) **Research Branch Briefing. Presenter: Esther Rubin, Research Branch Chief.** The Commission will be updated on activities of the Department's Research Branch.

- 14) **Drought Response Strategy, Quarter Three Updates. Presenter: Karen Klima, Region 3 Supervisor.** The Department will provide an overview of the progress made by the three drought teams addressing Commission Priority #9, “Develop and Implement a Comprehensive Drought Response Strategy”. The Commission may provide the Department direction of this item.
- 15) **Threatened and Endangered Wildlife Briefing. Presenter: Ryan Mann, Aquatic Research Program Manager.** The Commission will be updated on Department activities related to research and propagation of endangered native fish.
- 16) **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.
- 17) **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. The Commission will consider adoption of a Commission resolution regarding the Obligation of the Federal Government to control overpopulation of wild horses and remove unauthorized feral horses on Federal Lands in Arizona.
- 18) **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.
- 19) **Future Agenda Items and Action Items.**
- 20) **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.
- 21) **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.
- 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. 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 law enforcement authority to access private property for law enforcement purposes.
- h. 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.
- i. 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”