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**PUBLIC MEETING NOTICE AND AGENDA**  
**REVISION #2**

**February 14, 2023**

A public meeting of the Arizona Game and Fish Commission will be held on **February 17, 2023**, at the **Sierra Vista City Hall, Council Chambers, 1011 N. Coronado Drive, Sierra Vista, AZ 85635**. The public may attend the meeting in person or view the meeting at [www.azgfd.gov/commissioncam](http://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. 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. Copies of any presentations, documents, etc. discussed during the meeting will be available by contacting [okline@azgfd.gov](mailto: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, February 17, 2023 - 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 items 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 Commission's legal counsel. Commission members may remove certain items if further public input or discussion is deemed necessary.
  - a) **Ben Avery Shooting Facility Master Plan Update. Presenter: Mike Raum, Shooting Sports Branch Chief.** Approval of the Ben Avery Shooting Facility Master Plan update.

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**5000 W. CAREFREE HIGHWAY, PHOENIX AZ 85086**

**GOVERNOR:** KATIE HOBBS **COMMISSIONERS:** CHAIRMAN JAMES E. GOUGHNOUR, PAYSON | TODD G. GEILER, PRESCOTT | CLAY HERNANDEZ, TUCSON  
MARSHA PETRIE SUE, SCOTTSDALE | LELAND S. "BILL" BRAKE, ELGIN **DIRECTOR:** TY E. GRAY **DEPUTY DIRECTOR:** TOM P. FINLEY

- b) **Approval of Memorandum of Understanding with the Great Basin Bird Observatory. Presenter: Josh T. Avey, Branch Chief, Terrestrial Wildlife Branch.** The Commission may approve a Memorandum of Understanding with the Great Basin Bird Observatory for the purpose of conservation and management of wildlife and related educational programs, primarily to benefit bird SGCN through research and monitoring projects.
- 3) **Requests from Regions I, II, III, IV, and V for short road closures on State Trust Land. Presenter: Dan Sturla, Landowner Relations Program Supervisor.** As part of continued implementation of the joint protocol for management of motor vehicle access on State Trust lands (STL) between the Arizona Game and Fish Department (AGFD) and Arizona State Land Department (ASLD), the Department and ASLD have resolved 99 unauthorized road closures on STL resulting in restored public access to over 240,000 acres in the past 3 years. Last year’s efforts alone opened 30 gates on STL. The Commission will be provided an update on Department efforts and success, and may approve 7 new petitions requesting to close 12 short roads on State Trust lands, plus 6 requests to renew existing closures. The Commission may vote to take action on, or provide the Department direction on this item.
- 4) **Update on the Department’s evaluation of alternatives for the issuance, sale, and transfer of Special Big Game License Tags. Presenter: Clay Crowder, Assistant Director, Wildlife Management Division.** The Commission will be updated on the Department’s initial evaluation of alternatives regarding the issuance, sale and transfer of Special Big Game License Tags.
- 5) **Threatened and Endangered Species Briefing. Presenter: Cheri Bouch er, Habitat Branch Project Evaluation Program Specialist, and Haley Nelson, Contracts Branch Senior Research Biologist/GIS specialist.** The Commission will be provided a briefing on the Department’s efforts for monarch butterfly conservation in Arizona.
- 6) **Wildlife Values Update. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** The Commission will consider the proposed changes to the wildlife values for calendar year 2023.

**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.

<b>Name</b>	<b>Docket #</b>	<b>Conviction</b>
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Jaime M. Cardenas	2022-0046	Take Mule Deer Without A Valid License.
Jaime M. Cardenas	2022-0047	Take Mule Deer Without A Valid License.
Jaime M. Cardenas	2022-0048	Take Rabbit Without A Valid License.
Anny Khamtan	2023-0007	Possess Unlawfully Taken Elk.
Kevin Sybunroeung	2023-0008	Possess Unlawfully Taken Elk.
Kevin Sybunroeung	2023-0010	Take Javelina Without A Valid License. Take Javelina Without A Valid Tag. Possess Unlawfully Taken Javelina.
Sam Chek	2023-0011	Possess Unlawfully Taken Elk.
Chann Chek	2023-0012	Possess Unlawfully Taken Elk.
Jacob Armijo	2023-0013	Obtain Resident Archery Deer Tag By Misrepresentation. Obtain Resident Turkey Tag By Misrepresentation.
Keith Rousseve Sr.	2023-0014	Obtain Resident Deer Tag By Misrepresentation.
Brittney Carlstrom	2023-0015	Obtain Resident Hunting License By Misrepresentation.
Jose Anaya	2023-0016	Obtain Resident Hunt/Fish License By Misrepresentation.

**LUNCH BREAK (BEGINS AT 12:00 PM)**

**Agenda items # 8-13 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) Memorandum of Understanding with Marian University. Presenter: Tom R. Jones, Amphibians and Reptiles Program Manager.** The Commission will be presented with a Memorandum of Understanding to allow the Department to partner with Marian University for wildlife conservation and management activities in Arizona. The Commission may vote to take action on, or provide the Department direction on this item.
- 9) Memorandum of Understanding with University of Nevada, Las Vegas. Presenter: Tom R. Jones, Amphibians and Reptiles Program Manager.** The Commission will be

presented with a Memorandum of Understanding to allow the Department to partner with the University of Nevada, Las Vegas for wildlife conservation and management activities in Arizona. The Commission may vote to take action on, or provide the Department direction on this item.

- 10) **Renewal of an ASLD grazing lease on the Upper Verde River Wildlife Area. Presenter: Jim Ruff, Land and Water Program Supervisor.** Approval of a 10-year renewal of a grazing lease on managed State Trust Land on the Croll parcel of the Upper Verde River Wildlife Area, Yavapai County, AZ.
- 11) **Renewal of a Cooperative Agreement with SRP for operation and maintenance of a monitoring flume at the Upper Verde River Wildlife Area – Campbell Place. Presenter: Jim Ruff, Land and Water Program Supervisor.** The Commission may approve a renewal of an existing Cooperative Agreement with SRP for operation and maintenance of a monitoring flume at the Upper Verde River Wildlife Area – Campbell Place.
- 12) **Memorandum of Understanding between the Arizona Game and Fish Commission and the City of Tucson. Presenter: Mark Frieberg, Tucson Field Supervisor.** The Department will present an amended Memorandum of Understanding (MOU) between the Arizona Game and Fish Commission (Commission) and the City of Tucson.
- 13) **Memorandum of Understanding between the Arizona Game and Fish Commission and The Arizona Board of Regents on behalf of the University of Arizona. Presenter: Raul Vega, Region V Supervisor.** The Department will present a renewal of a Memorandum of Understanding (MOU) between the Arizona Game and Fish Commission (Commission) and The Arizona Board of regents on behalf of the University of Arizona.
- 14) **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.
- 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) **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 Dan Sturla, Program

Manager, Landowner Relations and Habitat Enhancement, on improving and conserving habitat.

- 17) **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.
- 18) **Future Agenda Items and Action Items.**
- 19) **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*; *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.
- 20) **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*; *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. **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.
- 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 cattle trespasses on the Commission's Coal Mine property and the State Parks & Trails Sonoita Creek State Natural Area.
- 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 Commission authority over license revocation and civil penalties for wildlife-related criminal violations under Title 13, Arizona Revised Statutes.

\*NEW\*

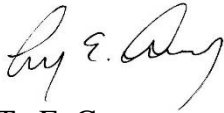
- f. **Legal Advice.** The Commission may vote to meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) for the purpose of discussing and consulting with legal counsel for legal advice regarding the commercial importation of restricted live wildlife.
- g. **Purchase or Disposal of Real 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.

\*NEW\*

- h. **Office of Administrative Hearings Case Status Report.** 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 regarding the following matters before the Office of Administrative Hearings: *In the Matter of John Ray* (The OAH Decision will be set on the Commission's March 17, 2023 meeting agenda). *In the Matter of Austin Lewis and Newell Lewis* (The OAH Decision will be set on the Commission's March 17, 2023 meeting agenda).
- 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.

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Ty E. Gray  
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”**