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## PUBLIC MEETING NOTICE AND AGENDA

**April 27, 2022**

A public meeting of the Arizona Game and Fish Commission will be held on May 13, 2022, at the **Santa Cruz County Fairgrounds, 3142 AZ-83, Sonoita, AZ 85637**. 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](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. **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](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, May 13, 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 are hereby noticed as 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

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

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

Commission's legal counsel. Commission members may remove certain items if further public input or discussion is deemed necessary.

- a) **Approval of Law Enforcement Boating Safety Fund (LEBSF) Grant Allocation Formula for FY 2021. Presenter: Danny Rodriguez, Watercraft Coordinator, Law Enforcement Branch.** The Commission may approve the proposed LEBSF formula per ARS §5-383 for fiscal year 2022/23 and 2023/24.
  - b) **City of Phoenix, Police Department License Agreement for range use at the Ben Avery Shooting Facility. Presenter: Mike Raum, Shooting Sports Branch Chief.** The Commission may approve a License Agreement with the City of Phoenix for the purpose of official law enforcement training of City police officers at the Ben Avery Shooting Facility.
  - c) **Approve FY 2024 Proposed Budget & FY 2023 Modification. Presenter: Marvin Mendieta, Budget and Payroll Manager.** Approve FY 2024 proposed budget and the proposed modifications to the FY 2023 budget.
  - d) **Proposed Translocation of Rocky Mountain Bighorn Sheep to Utah. Presenter: Amber Munig, Big Game Management Supervisor.** The Utah Division of Wildlife Resources has requested Rocky Mountain bighorn sheep from Arizona to augment a nursery herd they have established on Antelope Island. The Commission may vote to take action or provide the Department with direction on this request.
- 3) **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.
  - 4) **Commission Priority Report. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will provide an update on the Commission Priorities and metrics and will provide an expanded presentation by Pat Barber, Special Assistant to the Director on the Fiscal and Sociopolitical Sustainment.
  - 5) **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 may take a position or provide the Department guidance on the revised Tonto National Forest Land Resource Manage Plan (Forest Plan) and Final Environmental Impact Statement.

- 6) **Threatened and Endangered Wildlife Briefing. Presenter: Julie Carter, Aquatic Wildlife Branch Chief.** The Commission will be provided a briefing on the Department's efforts on the conservation and management of Roundtail Chub.

**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>
Nicholas Escobedo	2022-0018	Apply For Resident Pronghorn Tag By Fraud.
Devan Lauria	2022-0020	Take Mule Deer Without A Permit. Possess/Transport Unlawfully Taken Mule Deer.
Sonni A. Penrod	2022-0021	Possess/Transport Unlawfully Taken Elk. Allow Tag To Be Attached To Elk By Another.
Herbert N. Tutrone	2022-0022	Take Mule Deer During A Closed Season.

- 8) **Hearing to accept, reject or modify Administrative Law Judge Decision No. 22A-0001-AH-AZGFD recommending a Civil Assessment against Loren McReynolds for the illegal taking, possession and transport of a Mule deer in the Grand Canyon National Park. Presenter: Gene Elms, Law Enforcement Branch Chief.** The Commission will consider and take action on the decision and recommendation by the Judge of the Office of Administrative Hearings that the Commission impose a civil assessment against Loren McReynolds and forfeiture of a shoulder mount of the unlawfully-taken Mule deer to the Department.

**Agenda item # 9 is a first read item. 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) **Renewal of the Cooperative Stewardship Agreement for Hunting Management on Hopi Trust Lands between the Arizona Game and Fish Commission and the Hopi Tribe. Presenter: Larry Phoenix, Regional Supervisor, Region II.** The Commission may approve the renewal of the Cooperative Stewardship Agreement between the Arizona Game

and Fish Commission and the Hopi Tribe for continuation of hunting management on Hopi Trust Lands.

- 10) **Approve Notice of Final Exempt Rulemaking Amending Article 5. Boating and Water Sports Rule, R12-4-504 Watercraft Registration; Fees; Penalty for Late Registration; Staggered Registration Schedule. Presenter: Deanna Pflieger, FOR4 Wildlife Manager Supervisor.** The Department will ask the Commission to vote to approve the Notice of Final Exempt Rulemaking Amending R12-4-504 Watercraft Registration; Fees; Penalty for Late Registration; Staggered Registration Schedule.
- 11) **Approve the Notice of Final Rulemaking and Economic Impact Statement Amending Rules Within Article 5. Boating and Water Sports. Presenter: Deanna Pflieger, FOR4 Wildlife Manager Supervisor.** The Department will ask the Commission to vote to approve the Notice of Final Rulemaking and Economic Impact Statement Amending Rules Within Article 5. Boating and Water Sports.

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

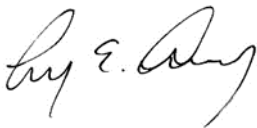
- 12) **Approve Shooting Range Development Grant Requests for FY 2023. Presenter: Matthew Schwartzkopf, Statewide Shooting Range Administrator.** The Department's Shooting Range Development Grant Program received six grant applications for fiscal year 2023. The Department will ask the Commission to approve three applications, totaling \$100,000 of the \$100,000 available. The Commission may vote to take action on, or provide the Department direction on this item.
- 13) **Wildlife Connectivity Update to the Commission. Presenter: Jeff Gagnon, Wildlife Specialist Regional Supervisor.** The Commission will be provided a briefing on the Wildlife Contracts' Connectivity efforts throughout the State.
- 14) **Petition to close a road on State Trust Land near Naco, Arizona. Presenter: Dan Sturla, Landowner Relations Program Manager.** The Department will present a petition submitted by the San Jose Ranch to close a road on STL located just north of Naco, Arizona. The 1.2-mile-long road only provides access to the ranch headquarters and an alternative vehicular route has been identified.
- 15) **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.
- 16) **Future Agenda Items and Action Items.**

- 17) **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.
- 18) **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. **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.
- g. **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**