



PUBLIC MEETING NOTICE AND AGENDA
REVISION #1

August 5, 2020

A public meeting of the Arizona Game and Fish Commission will be held on **August 7, 2020** at the **Arizona Game and Fish Department, 5000 W. Carefree Hwy, Phoenix, Arizona 85086**. The public may view the meeting at www.azgfd.gov/commissioncam or may listen to the meeting by calling 602-666-0783, Access code: 280 046 234##. Members who listen by phone should keep their phones on mute. **Members of the public wanting to speak to the commission on specific agenda items can call 602-962-8790 and follow the prompts to say your name, where you are calling from, and the agenda item you wish to speak about.** Copies of any presentations, documents, etc. discussed during the meeting will be available on the Department's webpage prior to the meeting. Members of the Commission will attend by telephone conference call. Unless expressly provided otherwise with any matter, **the Commission may discuss and may vote to take action on the following matters:**

Friday, August 7, 2020 - Meeting begins at 8:00 A.M.

Pledge of Allegiance

Welcome/Introductions

Awards and Recognition

****REVISED****

- 1. State and Federal Legislation. Presenter: David Fernandez, Legislative Specialist.** 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 or other elective issues related to Department responsibilities.
- 2. Commission Priorities Update. 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 Community Engagement Administrator, Pat Barber and Assistant Director, Doug Cummings regarding Fiscal and Sociopolitical Sustainment.
- 3. Federal Lands Planning Update. Presenter: Clay Crowder, Habitat, Evaluation, and Lands Branch Chief.** The Commission will be updated on Department activities and involvement with resource management planning and other major actions on federal lands in Arizona.
- 4. North American Model Opportunity for All. Presenter: Karen Klima, Terrestrial Wildlife Program Manager.** The Department will provide a brief historical overview regarding hunting and angling opportunity for all in the United States.

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5000 W. CAREFREE HIGHWAY, PHOENIX AZ 85086

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

5. **Briefing on the Colorado River Nature Center Wildlife Area and the Planned Laughlin-Bullhead City Bridge Project. Presenter: Jim Ruff, Lands and Water Program Supervisor and Deanna Kephart, Habitat Evaluation and Lands Program Manager, Region III.** The Commission will be briefed on the Colorado River Nature Center Wildlife Area in Mohave County, Arizona including a description of the Laughlin-Bullhead City Bridge project planned on the northern boundary of the property.
6. **Threatened and Endangered Wildlife Briefing. Presenter: Ryan O'Donnell, Wildlife Specialist Regional Supervisor and Tim Snow, Regional Terrestrial Wildlife Specialist.** The Commission will be provided a Briefing on the Department's conservation efforts of the Mt. Graham Red Squirrel.
7. **Arizona Game and Fish Commission and City of Buckeye Intergovernmental Agreement. Presenter: Jay Cook, Regional Supervisor, Mesa.** Agreement for the common purpose of maintaining, improving and managing outdoor recreation opportunities and wildlife resources
8. **Renewal of a Road Closure on State Trust Land Approximately Seven Miles West of Eagar, Arizona. Presenter: Don Larsen, 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 Commission may approve a request submitted by Maryhelen "Sug" Peters to renew a road closure on STL located approximately seven miles west of Springerville, Arizona.
9. **Consideration of Proposed Commission Orders 25, 41, 42, and 43 for the 2021-2025 Hunting Seasons. Presenter: Josh Avey, Terrestrial Wildlife Branch Chief.** The Commission will consider and may vote to approve Commission Order 25 (raptors), Commission Order 41 (amphibians), Commission Order 42 (crustaceans and mollusks) and Commission Order 43 (reptiles) establishing seasons and season dates, bag and possession limits, and open-closed areas.
10. **Consideration of Amendment to Commission Order 5 Turkey for the 2021 and 2022 Spring Hunting Seasons. Presenter: Amber Munig, Big Game Management Program Supervisor.** The Commission will consider and may approve an amendment to Commission Order 5 (turkey) for the 2021 and 2022 spring hunting seasons in Unit 33 North.

****PULLED****

TIME CERTAIN AT 9:30 AM

11. Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief. Kelly Slater has requested a rehearing regarding the revocation of her license privileges.

****PULLED****

TIME CERTAIN AT 9:30 AM

- 12.** Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief. Nicholas Slater has requested a rehearing regarding the revocation of his license privileges.

****REVISED****

TIME CERTAIN AT 10:00 AM

- 13. 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
Aaron Verhoff	2020-0023	Take Big Game (Bear) Without Permit. Possess Unlawfully Taken Big Game (Bear).
Jared Shupla	2020-0024	Take Big Game (Elk) Without Permit. Possess/Transport Unlawfully Taken Big Game (Elk).
Joel Blanco III	2020-0027	Possess Unlawfully Taken Wildlife (Mule Deer).
Joel Blanco Jr.	2020-0028	Possess Unlawfully Taken Wildlife (Mule Deer).
Allen Vansee	2020-0029	Take Wildlife (Mule Deer) Without Permit. Take Wildlife (Mule Deer) During Closed Season. Possess Unlawfully Taken Wildlife (Mule Deer).
Yen Gnim	2020-0030	Possess Unlawfully Taken Wildlife (Mule Deer).
Johnney Gnim	2020-0031	Possess Unlawfully Taken Wildlife (Mule Deer).
Brett A. Wheeler	2020-0034	Take Black-Tailed Rattlesnake Without License.
Ralph W. Dubois	2020-0035	Take Wildlife (2x2 White-Tailed) Deer Without A Permit Tag. Take Wildlife (2x2 White-Tailed) Deer In Excess Of The Bag Limit.
Marshall Shupla	2020-0048	Allow Permit To Be Possessed By Another Individual.
James Hamberlin	2020-0032	Locate Wildlife (Bighorn Sheep) With An Aircraft In A Hunt Unit With An Open Big Game Season (10-27-17, 10-31-17, 11-14-17, 11-16-17 and 11-17-17).

14. **Recommended Order for Guide License Denial for Failure to Report to the Department Violations of a State Wildlife Law Personally Witnessed by the Guide License Holder (10-31-17, 11-17-17).** **Presenter: Gene Elms, Law Enforcement Branch Chief.** The Commission will consider and determine whether to accept, reject or modify the Findings of Fact, Conclusions of Law and Recommended Order of the Administrative Law Judge in *In the Matter of Timothy Downs*, No. 20A-0002-AH-AZGFD dated June 24, 2020.
15. **Request to Approve Proposed Rulemaking Amending Article 1. Definitions and General Provisions.** **Presenter: Erin Butler, FOR3 Terrestrial Wildlife Program Manager.** The Department will ask the Commission to vote to approve a Notice of Docket Opening, Notice of Proposed Rulemaking, and Economic Impact Statement amending rules within Article 1, Addressing Definitions and General Provisions.

TIME CERTAIN AT 1:30 PM

16. **Request to Approve Proposed Rulemaking Amending Article 4. Live Wildlife.** **Presenter: Timothy Holt, FOR2 Field Supervisor.** The Department will ask the Commission to vote to approve a Notice of Docket Opening, Notice of Proposed Rulemaking, and Economic Impact Statement amending rules within Article 4, addressing live wildlife.

****NEW****

- 16A. **Hunt Permit-Tag Application Schedules for 2021 Hunts.** **Presenter: Jennifer Stewart, Branch Chief, Customer Support and Sales Branch.** The Department will present the proposed hunt-permit tag application schedules for 2021 hunts for Commission approval.

Agenda Items #17 and #21 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.

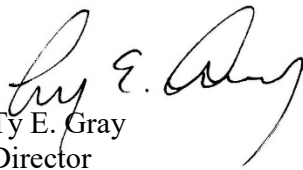
17. **License Agreement with Maricopa County for the Maricopa Trail to access a portion of the Ben Avery Shooting Facility.** **Presenter: Jim Ruff, Land and Water Program Supervisor.** Renewal of a License Agreement with Maricopa County for the Maricopa Trail for recreational access to a portion of the Ben Avery Shooting Facility property.
18. **Subcontract for Fourth Priority Colorado River Water Rights.** **Presenter: Jade Dickens, Water Resources Program Manager.** Subcontract for Fourth Priority Colorado River Water Rights for development of a backwater pond as part of the larger Bullhead City - Laughlin bridge project on the Colorado River Nature Center Wildlife Area.
19. **Agreement with Bullhead City to Maintain an Access Road on the Colorado River Nature Center Wildlife Area.** **Presenter: Jim Ruff, Land and Water Program Supervisor.** License agreement with Bullhead City to provide O&M for an access road to be constructed on the bridge embankment and noise berm as part of the larger Bullhead City - Laughlin bridge project on the Colorado River Nature Center Wildlife Area.

20. **License Agreement with Jonathan and Rebeca Simons on the Lower San Pedro Wildlife Area. Presenter: Clay Crowder, Habitat, Evaluation, and Lands Branch Chief.** License Agreement with Jonathan and Rebeca Simons for non-exclusive access on the Lower San Pedro Wildlife Area.
21. **Pinetop Office Space Lease Agreement with USFWS. Presenter: Clay Crowder, Habitat, Evaluation and Lands Branch Chief.** Office Space Lease Agreement with the USFWS for the purpose of leasing office space located at the Pinetop Region 1 Office in order to maintain a field office for the management of the Mexican Wolf Recovery Program.
22. **Commissioner Committee Reports.** Commissioners may provide an update on the subcommittees that they chair regarding 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.
23. **Director and Commissioner Comments.** The Director and the Commissioners may provide brief comment 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.
24. **Future Agenda Items and Action Items.**
25. **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); *Hamberlin v. State of Arizona, et al.*, CV 2018-010149; *State of Arizona v. Hamberlin, No. 1 CA-CV 18-0435*; *State of Arizona v. Tim Downs, Pinal County Justice Court No. CM2018-000584*; *State of Arizona v. James Hamberlin, Pinal County Justice Court No. CM2018-000583*; *Slater v. State of Arizona, et al.*, CV 2018-097090; *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; Owens notice of claim; Center for Biological Diversity's NOI for Mexican spotted owl; legal action related to restricting outdoor recreation on federal public lands in Arizona due to COVID-19; *California v. Wheeler*, CV 20-03005.
 - 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 meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) and (4) for the purposes 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 an alleged criminal damage claim against an individual the Commission has taken license revocation action.
- 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 the Commission's authority to suspend or revoke license privileges based on a violation of federal law.
- f. **Purchase 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 of real property and for the purpose of discussing and consulting with legal counsel for legal advice.
- g. **Contract Negotiations.** The Commission may vote to meet in executive session pursuant to A.R.S. § 38-431.03(A)(4) for purposes of discussion or consultation with the Commission's legal counsel in order to consider its position and instruct legal counsel regarding the Commission's position on negotiations over the GCNP Draft Bison Reduction Agreement.
- 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.

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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”