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## **PUBLIC MEETING NOTICE AND AGENDA**

**February 8, 2021**

A public meeting of the Arizona Game and Fish Commission will be held on **February 19, 2021**, at the **Willcox City Council Chamber, Conference Room 300 W. Rex Allen Dr., Willcox, AZ 85643**. The public may attend the meeting in person but the number of people allowed in the meeting facility will be limited based on social distancing requirements. **BE AWARE THE TOWN OF WILLCOX REQUIRES FACE COVERINGS IN PUBLIC SETTINGS WHERE SIX FEET PHYSICAL DISTANCE CANNOT BE MAINTAINED.** 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 viewing via video teleconference 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. **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 ELECTRONIC MEANS.** Copies of any presentations, documents, etc. discussed during the meeting will be available by contacting [sbernal@azgfd.gov](mailto:sbernal@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 19, 2021 - Meeting begins at 8:00 A.M.**

**Pledge of Allegiance**

**Welcome/Introductions**

**Awards and Recognition**

- 1) Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. 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 have been grouped together and 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.

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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

- a) **Approve Bubbling Ponds Hatchery Utility Permit Amendment Agreement with Arizona Public Service. Presenter: Jim Ruff, Land and Water Program Supervisor.** The Commission may approve renewal of and updating language within the utility permit via amendment agreement with Arizona Public Service at the Bubbling Ponds Hatchery, Cornville, Yavapai County, AZ.
- b) **Approve Renewal of Right-of-Way License Agreement with CenturyLink QC. Presenter: Jim Ruff, Land and Water Program Supervisor.** Renewal of a Right-of-Way License Agreement with CenturyLink QC for a non-exclusive utility permit for the purposes of placement and maintenance of communications line on Commission-owned Robbins Butte Wildlife Area west of Buckeye, Arizona.
- 3) **Commission Priorities Update. Presenter: Kent Komadina, Special Assistant to the Commission.** The Department will provide an update on the Commission Priorities and Metrics and will provide an expanded presentation by the Land and Water Program Supervisor, Jim Ruff regarding a Comprehensive Maintenance Program and the Real Estate Strategy Priority.
- 4) **State and Federal Lands Planning Update. Presenter: Tracy Bazelman, Project Evaluation Specialist.** The Commission will be updated on Department activities and involvement with land management planning and other actions regarding state and federal lands in Arizona.
- 5) **State and Federal Legislation. Presenter: Ed Sanchez, Legislative Liaison.** 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.
- 6) **The Role of Science in the North American Model of Wildlife Conservation. Presenter: Andrew Jones, Terrestrial Research Program Manager.** The Department will provide an informational briefing on the role that science plays in wildlife policy.
- 7) **Threatened and Endangered Wildlife Briefing. Presenter: Mike Ingraldi/Shawn Lowery, Statewide Program Manager(s).** The Commission will be provided a Briefing on the Department's efforts regarding Cactus Ferruginous Pygmy Owl (CFPO).

**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:

<b>Name</b>	<b>Docket #</b>	<b>Conviction</b>
Kenneth Brady	2021-0006	Possess/Transport Unlawfully Taken Black Bear. Use Edible Substance To Take Black Bear.
Keith R. Whiting	2021-0008	Possess Unlawfully Taken Rainbow Trout. Take Rainbow Trout During Closed Season. Criminal Trespass.

Trevor Stafford	2021-0009	Knowingly Take Mule Deer In Closed Season (2 counts).
Robert Mullion	2021-0010	Interference With Rights Of Hunters.
Medusa Hurst	2021-0011	Unlawful Sale Of Rattlesnakes. Exceed Possession Limit Of Rattlesnakes (2 counts).
Johnathan Warbis	2021-0012	Unlawful Sale Of Rattlesnakes (3 Counts).
Jacob K. Keyser	2021-0013	Take White-Tailed Deer With Unlawful Weapon/Device.

- 9) **Habitat Partnership Committee (HPC) annual update. Presenter: Kirby Bristow, Habitat Partnership Committee Coordinator.** Presentation on the status of projects funded with Special Big Game License Tag money allocated through the HPC program.

**Lunch Break (Begins at 12:00 p.m.)**

- 10) **Request to Approve a Notice of Proposed Rulemaking Amending Articles 1. Definitions and General Provisions, Article 2. Licenses; Permits, Stamps; Tags, and 3. Taking and Handling of Wildlife. Presenter: Larry Phoenix, FOR3 Regional Supervisor.** The Department will ask the Commission to vote to approve a Notice of Proposed Rulemaking and Economic Impact Statement to initiate rulemaking to amend rules within Article 1. Definitions and General Provisions, Article 2. Licenses; Permits, Stamps; Tags, and 3. Taking and Handling of Wildlife, related to the use of game cameras.
- 11) **Approve the Article 5. Boating and Water Sports Five-year Rule Review Report, for Submission to the Governor's Regulatory Review Council (G.R.R.C.). Presenter: Dee Pflieger, FOR4 Wildlife Manager Supervisor.** The Department will ask the Commission to vote to approve the Five-year Rule Review Report for Article 5 addressing boating and water sports, for submission to G.R.R.C.
- 12) **Approve the Article 7. Heritage Grants Five-year Rule Review Report, for Submission to the Governor's Regulatory Review Council (G.R.R.C.). Presenter: Ryan Babel, DOCS Natural Resources Planner.** The Department will ask the Commission to vote to approve the Five-year Rule Review Report for Article 7 addressing Heritage Grants, for submission to G.R.R.C. The Commission may vote to take action on and provide the Department direction on this item.
- 13) **Request to Approve Draft Exempt Rulemaking Amending R12-4-202. Disabled Veteran's License. Presenter: Celeste Cook, Rules and Policy Manager.** The Department will ask the Commission to vote to approve a Draft Notice of Exempt Rulemaking amending R12-4-202. Disabled Veteran's License to establish a Reduced-fee Disabled Veteran's License.

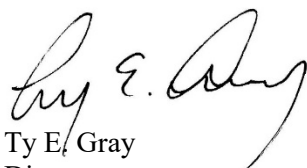
**Agenda Items #14 and #15 are first read items. The Commission may choose to take action on first read items as needed or may direct the Department to place first read items on the consent agenda for approval at the next Commission meeting.**

- 14) **License Agreement with Rogers Ranch. Presenter: Jade Dickens, Water Resources Program Manager.** License Agreement with Rogers Ranch for routine maintenance on Commission-owned property at EC Bar Ranch in Apache County, Arizona.
- 15) **License Agreement with AT Ranch. Presenter: Jade Dickens, Water Resources Program Manager.** License Agreement with AT Ranch for removal of six culverts and routine maintenance on Commission-owned property at EC Bar Ranch in Apache County, Arizona.
- 16) **Commissioner Committee Reports, Director and Commissioner Comments.** Commissioners may provide an update on the subcommittees that they chair regarding current events and issues. 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.
- 17) **Future Agenda Items and Action Items.**
- 18) **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); *Hamberlin v. State of Arizona, et al.*, CV 2018-010149; *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; *Keene v. Cactus RV Center*, CV 2020-01089.
- 19) **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; *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; *Keene v. Cactus RV Center*, CV 2020-01089.
  - 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 legal authority to respond to wildlife depredation.
- 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 applicability of the Americans with Disabilities Act to Commission rules governing the manner and method of taking wildlife.
- 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”**