



PUBLIC MEETING NOTICE AND AGENDA
REVISION #1

May 12, 2021

A public meeting of the Arizona Game and Fish Commission will be held on May 14, 2021, at the **Prescott Resort & Conference Center, Granite Mountain Conference Room, 1500 AZ-69, Prescott, Arizona 86301**. 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 PRESCOTT 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 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. Unless expressly provided otherwise with any matter, **the Commission may discuss and may vote to take action on the following matters:**

Friday, May 14, 2021 - 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 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 G. GEILER, PRESCOTT | CLAY HERNANDEZ, TUCSON DIRECTOR: TY E. GRAY DEPUTY DIRECTOR: TOM P. FINLEY**

- a) **Approve FY 2023 Proposed Budget & FY 2022 Modification. Presenter: Jennifer Alspaw, Jennifer Alspaw, Business and Finance Chief.** Approve FY 2023 proposed budget and the proposed modifications to the FY 2022 budget.
- b) **Approval of Memorandum of Understanding with the National Audubon Society, Inc. Presenter: Josh T. Avey, Terrestrial Wildlife Branch Chief, Terrestrial Branch.** The Commission may approve a Memorandum of Understanding with the National Audubon Society, Inc. for the purpose of conservation and management of wildlife and related educational programs, primarily to benefit SGCN through Important Bird Areas and other similar projects.
- 3) **Threatened and Endangered Wildlife Briefing - Species Status Assessments for Arizona Mollusks. Presenter: Jeff Sorensen, Invertebrate Wildlife Program Manager.** The Department will present a summary on the various SSAs for Arizona mollusks and some conservation successes for native snails.
- 4) **Consideration of Amendment to Commission Order 25 for the 2022-2025 Hunting Seasons. Presenter: Josh Avey, Terrestrial Wildlife Branch Chief.** Consideration of Amendment to Commission Order 25 for the 2022-2025 Hunting Seasons.
- 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.
- 6) **Briefing on Potential Rotenone Treatment in the Virgin River Gorge. Presenter: Julie Carter, Aquatic Wildlife Branch Chief.** The Commission will be updated on a potential rotenone treatment in the Virgin River Gorge in 2021 if drought conditions persist.
- 7) **Shooting Range Development Grant Requests for FY 2022. Presenter: Matthew Schwartzkopf, Statewide Shooting Range Administrator.** The Department's Shooting Range Development Grant Program received six grant applications for fiscal year 2022. The Department will ask the Commission to approve four 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.

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:

Name	Docket #	Conviction
John D. Ray	2020-0056	Obtain Non-Resident Deer Tag By Misrepresentation.
Felix Vasquez	2021-0019	Obtain Resident Hunt/Fish License By Misrepresentation.
Jonathon Handley	2021-0020	Attach Another's Tag To Elk.

		Possess Unlawfully Taken Elk. Hunt Elk Without Valid Tag.
Julia D. Vasquez	2021-0021	Possession Of Unlawfully Taken Elk.
William Lacey Jr.	2021-0022	Obtain Resident Hunt License By Misrepresentation.
Joshua Mitchell	2021-0023	Apply For/Obtain Lifetime License By Misrepresentation.
Fredy O. Lopez- Nevarez	2021-0026	Take (Pursue) White-Tailed Deer In Excess Of Bag Limit. Take White-Tailed Deer Without A Permit Tag. Shoot From A Road.

- 9) **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 Landowner Relations Program Manager, Don Larsen regarding the Improve and Conserve Habitat.
- 10) **State and Federal Legislation. 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.

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

TIME CERTAIN AT 1:00 PM

- 11) **Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** The Department has requested a rehearing regarding the revocation of Medusa Hurst's license privileges.
- 12) **Request to Approve Notice of Proposed Rulemaking and Economic Impact Statement Amending Rules Within Articles 1. Definitions and General Provisions and 3. Taking and Handling of Wildlife. Presenter: Larry Phoenix, FOR2 Regional Supervisor.** The Department will ask the Commission to vote to approve a Notice of Proposed Rulemaking and Economic Impact Statement amending rules within Articles 1. Definitions and General Provisions and 3. Taking and Handling of Wildlife, establishing an electronic tagging system. The Commission may vote to take action on and/or provide the Department direction on this item.
- 13) **Update on Department tracking activities regarding Executive Order 14008 Sec. 216 Conserving Our Nation's Lands and Waters, and Commission Resolution Regarding Special Land Designations. Presenter: Luke Thompson, Habitat, Lands, and Evaluation Branch Chief.** The Commission will be presented an informational update on Executive Order 14008 Sec. 216 Conserving Our Nation's Lands and Waters, "30 by 30" initiative, and the Department's efforts to work nationally, regionally and within the state to provide comment and input on the federal agencies actions under the Executive order.

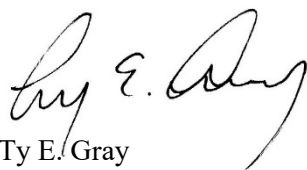
Agenda Items #14 and #15 are first read items. The Commission may choose to take action on first read items as needed or may direct the Department to place first read items on the consent agenda for approval at the next Commission meeting.

- 14) Memorandum of Understanding (MOU) with the Altar Valley Conservation Alliance (AVCA). Presenter: Josh Avey, Terrestrial Wildlife Branch Chief.** The Commission may vote to authorize the Department to execute and amend as necessary an MOU with the Altar Valley Conservation Alliance to encourage strong partnerships.
- 15) Renewal of Right-of-Way License Agreement with the City of Safford. Presenter: Jim Ruff, Land and Water Program Supervisor.** Renewal of a Right-of-Way License Agreement with the City of Safford for a non-exclusive utility permit for the purposes of operating and maintaining an underground sewer line on Commission-owned property.
- 16) 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.
- 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; John Hudson's warning of possible legal action against Game and Fish for failing to prevent trespassing livestock from entering Salero Ranch.

- 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. 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.
- e. 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”