



PUBLIC MEETING NOTICE AND AGENDA

June 1, 2021

A public meeting of the Arizona Game and Fish Commission will be held on **June 11, 2021**, at the **Quality Inn, Conference Room, 801 North Beeline Hwy., Payson, Arizona 85541**. 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. 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 and provide public comment for the meeting from any Department Regional Office and the Department's Headquarters via video teleconference or members of the public viewing via video teleconference but also 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. 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. **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.**

SPEAKERS ON AGENDA ITEMS WITH A LARGE NUMBER WANTING TO COMMENT WILL BE LIMITED TO TWO MINUTES, AND THE CHAIRMAN MAY DECREASE THE TIME IN ORDER TO COMPLETE PUBLIC COMMENT IN A REASONABLE PERIOD. SPEAKERS CALLING-IN TO SPEAK WILL BE PLACED IN A QUEUE WHERE THEY WILL WAIT THEIR TURN TO SPEAK. IF THE QUEUE IS FULL, A CALLER WILL RECEIVE A BUSY SIGNAL AND WILL NEED TO KEEP TRYING TO CONNECT. IN THE EVENT OF ANY TECHNICAL MALFUNCTION WITH THE VIDEO TELECONFERENCE OR PHONE SYSTEMS, THE MEETING WILL NOT BE DELAYED OR POSTPONED. THE PUBLIC SHOULD CONSIDER THIS POSSIBILITY IN DECIDING WHETHER TO ATTEND IN PERSON OR BY VIDEO CONFERENCE OR PHONE.

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, June 11, 2021 - Meeting begins at 8:00 A.M.

Pledge of Allegiance

Welcome/Introductions

Awards, Recognition, and Regional Highlights

azgfd.gov | 602.942.3000

5000 W. CAREFREE HIGHWAY, PHOENIX AZ 85086

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

- 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 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.
 - a) **Approve 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.
 - b) **Approve 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.

TIME CERTAIN AT 8:30 AM

- 3) **Request to Approve Notice of Final 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 Final Rulemaking and Economic Impact Statement amending rules within Articles 1. Definitions and General Provisions and 3. Taking and Handling of Wildlife, related to the use of trail cameras.
- 4) **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 Assistant Director Wildlife Division, Clay Crowder regarding Drought and recommendation to create new priority
- 5) **Threatened and Endangered Wildlife Briefing. Presenter: Angie McIntire, Bat Project Coordinator and Ronald Mixan, Wildlife Specialist Regional Supervisor.** The Commission will be provided a Briefing on the Department's conservation efforts of Bats of Arizona.
- 6) **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.
- 7) **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.

- 8) **Approve Final Exempt Rulemaking Amending R12-4-102 License, Permit, Stamp, and Tag Fees and 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 Final Notice of Exempt Rulemaking amending R12-4-102 License, Permit, Stamp, and Tag Fees and R12-4-202. Disabled Veteran's License to establish a Reduced-fee Disabled Veteran's License.

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

TIME CERTAIN AT 1:30 PM

- 9) **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
Adam B. Meyer	2021-0025	Take Mule Deer Within ¼ Mile.
Jennifer O. Marquez	2021-0027	Take Mule Deer By Unlawful Method. Take Mule Deer Without License. Waste Of Edible Game Meat.
Wade Stock	2021-0028	Take Deer Without A Valid Permit.
Colten Cheney	2021-0029	Take Elk During A Closed Season. Waste Of Edible Game Meat.
Kyle Orr	2021-0030	Take Javelina In Wrong Unit. Possess/Transport Unlawfully Taken Javelina.
Joshua R. Hoover	2021-0031	Take Elk From A Vehicle.

- 10) **Authorize Issuance of Special Big Game Hunt License Tags to Wildlife Conservation Organizations for Pronghorn, Bighorn Sheep, Black Bear, Bison, Elk, Javelina, Mountain Lion, Mule Deer, Turkey and White-tailed Deer for 2022–2023. Presenter: Amber Munig, Big Game Management Program Supervisor, Terrestrial Wildlife Branch.** The Commission will consider and may vote to take action on applications from organizations for 2022–2023 Special Big Game License Tags as per R12-4-120. A detailed description of proposals is available for public review at all Department offices.
- 11) **Approve Proposed Commission Order 29 for Special Big Game License-Tag Seasons for Mule Deer, White-tailed Deer, Pronghorn, Elk, Turkey, Javelina, Bighorn Sheep, Bison, Black Bear, and Mountain Lion for the 2022–2023 Special License-Tag Hunting Seasons. Presenter: Amber**

Munig, Big Game Management Program Supervisor, Terrestrial Wildlife Branch. The Commission will consider and may vote to approve Commission Order 29: Special Hunts, establishing seasons and season dates, bag and possession limits, permit numbers, and open areas for Special Big Game Hunt License-Tags for the 2022-2023 seasons. A detailed description of all proposals is available for public review on the Department website.

Agenda Items #12 - 14 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.

- 12) **License Agreement with Concho Water Company. Presenter: Jade Dickens, Water Resources Program Manager.** License Agreement with Concho Water Company for routine maintenance of water ditch on Commission-owned property.
- 13) **Memorandum of Understanding with the Arizona Desert Bighorn Sheep Society for Cooperative Activities. Presenter: Amber Munig, Big Game Management Program Supervisor, Terrestrial Wildlife Branch.** The Commission may vote to approve a Memorandum of Understanding to allow the Department to cooperate with the Arizona Desert Bighorn Sheep Society on projects for public information and wildlife habitat enhancement. The Commission may vote to take action on, or provide the Department direction on this item.
- 14) **Memorandum of Understanding with the Southern Sierra Research Station. Presenter: Josh T. Avey, Terrestrial Wildlife Branch Chief, Terrestrial Branch.** The Commission will be briefed and may approve a Memorandum of Understanding with the Southern Sierra Research Station to engage in collaborative scientific research which will facilitate and enhance the conservation and management of wildlife resources, particularly birds and their habitats.
- 15) **Update of Commission Awards. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will present the Commission with a list of award categories for the 2021 Commission Awards to be presented at the 2022 Commission Awards Banquet in January.
- 16) **Proposed Dates and Locations of Arizona Game and Fish Commission Meetings for 2022 and January 2023. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will ask the Commission to consider and select proposed meeting dates and locations for the Year 2022 and for January 2023.
- 17) **Election of Commission Chair and Vice-Chair for July 1, 2021 through June 30, 2022. Presenter: Kent Komadina, Special Assistant to the Director.** The Commission will vote to elect a Commission Chair and Vice-Chair for July 1, 2021 through June 30, 2022.
- 18) **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.
- 19) **Future Agenda Items and Action Items.**

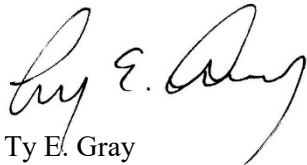
20) Litigation Report. The Department's legal counsel may report on the status of the litigation matters: *In re General Stream Adjudication for the Little Colorado River and Gila River; Zuni water rights settlement agreement; Center for Biological Diversity v. U.S. Forest Service*, CV 12-0817 (AZ); *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.

21) 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; potential legal action related to the Coal Mine Springs property.
- 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