



PUBLIC MEETING NOTICE AND AGENDA

July 23, 2021

A public meeting of the Arizona Game and Fish Commission will be held on **August 6, 2021**, at the **Grand Canyon Railway & Hotel, Conference Room, 233 N. Grand Canyon Blvd., Williams, Arizona 86046**. 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 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, August 6, 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 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.

azgfd.gov | 602.942.3000

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

- a) **Approve 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.
- b) **Approve Memorandum of Understanding (MOU) 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 authorize the Department to execute and amend as necessary an MOU to work cooperatively with the Arizona Desert Bighorn Sheep Society on projects for public information and wildlife habitat enhancement.
- 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 Community Engagement Administrator/Ombudsman, Pat Barber regarding Long-Term Fiscal and Social political Sustainment.
- 4) **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.
- 5) **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.
- 6) **Threatened and Endangered Wildlife Briefing. Presenter: James Driscoll, Nongame Birds and Mammals Program Manager.** The Commission will be provided a Briefing on the Department's conservation efforts within the Nongame Technical Committee of the Pacific Flyway.
- 7) **Briefing on 5-Year Hunt Guidelines and the initiation of the Review. Presenter: Clay Crowder, Assistant Director, Wildlife Management Division.** The Commission will be briefed on the current hunt guidelines, the review process and timeline, and on comments received thus far on the existing hunt guidelines.

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
Adam B. Meyer	2021-0025	Take Mule Deer Within ¼ Mile.
Adam B. Meyer	2021-0041	Take Mule Deer Over Bait.

Adam B. Meyer	2021-0042	Take With Artificial Light.
Donald Graber	2021-0032	Waste Of Game Meat (Elk). Take (Shoot) Wrong Sex (Bull Elk).
Jason Gonzales	2021-0033	Waste Of Game Meat (Mule Deer). Take (Shoot) Wrong Sex.
Austin Peeler	2021-0034	Take Mule Deer Without A Valid Tag.
Lian Bik	2021-0035	Possess/Transport Unlawfully Taken Mule Deer.
Zacc Vasquez	2021-0036	Possession Of Unlawfully Taken Mule Deer.

- 9) **Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Eric D. Lopez has requested a rehearing regarding the revocation of his license privileges.
- 10) **Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** John R. Ottley has requested a rehearing regarding the revocation of his license privileges.
- 11) **Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Johnathan Warbis has requested a rehearing regarding the revocation of his license privileges.
- 12) **Amendment to Commission Order 43 Reptiles. Presenter: Josh T. Avey, Terrestrial Wildlife Branch Chief, Terrestrial Branch.** The Commission will be asked to approve an amendment to Commission Order 43 Reptiles regarding the possession limit for legally held Sonoran desert tortoises.

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

- 13) **Hunt Permit-Tag Application Schedule for 2022 Hunts. Presenter: Kathy Ford, Draw Administrator, Customer Support and Sales Branch.** The Department will present the proposed hunt-permit tag application schedules for the 2022 hunts for Commission approval.
- 14) **Approve Proposed Commission Order 30 for Limited-Entry Permit-tag Seasons for Mule Deer, White-tailed Deer, and Elk. Presenter: Amber Munig, Big Game Management Program Supervisor, Terrestrial Wildlife Branch.** The Commission will consider and may vote to approve Commission Order 30: Limited-Entry Permit-tags, establishing initial seasons and season dates, permit numbers, and open areas for mule deer, white-tailed deer, and elk. A detailed description of all proposals is available for public review on the Department website.

15) Consideration of Amendment to Commission Order 26 Population Management Hunts for the 2021 Hunting Seasons. Presenter: Amber Munig, Big Game Management Program Supervisor. The Commission will consider and may approve an amendment to Commission Order 26 Population Management Hunts for the 2021 Hunting Seasons in Unit 3A.

16) Veteran License Discount Task Team Report. Presenter: Pat Barber, Community Engagement Administrator. The Department will provide the Commission with information developed by the Veteran License Task Team that was directed by the Commission in February 2021.

17) Request for Referral to OAH. Presenter: Linda Pollock, Assistant Attorney General. The Commission at its June 11, 2021 meeting revoked John Ottley's license privileges for the unlawful taking of a Gila Monster and the possession of Rosy Boa in Excess of Possession Limits. The Department has requested the Attorney General's Office to prepare a case for civil penalties pursuant to A.R.S. 17-314 on the issue of Mr. Ottley's possession of over 70 Rosy Boas and two Gila Monsters.

Agenda Items #18- 20 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.

18) Intergovernmental Agreement between the Arizona Game and Fish Commission and the City of Willcox. Presenter: Jay Cook, Statewide Community Engagement Program Leader. The Department will present an Intergovernmental Agreement between the Arizona Game and Fish Commission and the City of Willcox to work cooperatively for the common purpose of maintaining, improving, and managing outdoor recreation opportunities and wildlife resources and their habitat; and educating and informing the public.

19) Renewal of Memorandum of Understanding between the Arizona Game and Fish Commission and the Arizona State Land Department. Presenter: Luke Thompson, Habitat Evaluation and Lands Branch Chief. The Commission may approve the renewal of a Memorandum of Understanding between the Commission and the Arizona State Land Department.

20) Cooperative Management Agreement with the Bureau of Land Management and the City of Bullhead City for the management of the Colorado River Nature Center Wildlife Area. Presenter: Jim Ruff, Land and Water Program Supervisor. Revisions to the existing Cooperative Management Agreement with the Bureau of Land Management and the City of Bullhead City for ongoing management of the Colorado River Nature Center Wildlife Area.

21) 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.

22) Future Agenda Items and Action Items.

23) 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*

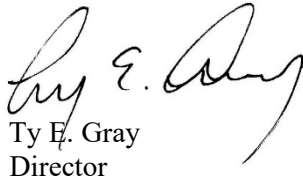
settlement agreement; Center for Biological Diversity v. U.S. Forest Service, CV 12-0817 (AZ); Center for Biological Diversity v. Zinke, CV 15-00019 (AZ); Center for Biological Diversity v. Zinke, CV 18-00047; WildEarth Guardians v. Ashe, CV 15-00285 (AZ); Safari Club International v. Zinke, 16-00094 (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.

24) 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. **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 impose limits on nonresident hunting and fishing in Arizona.
- e. **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.

- f. **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.

* * * * *



Ty E. Gray
Director

* * * * *

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