



PUBLIC MEETING NOTICE AND AGENDA

September 10, 2021

A public meeting of the Arizona Game and Fish Commission will be held on **September 24, 2021**, at the **Greer Community Center, 74 Main Street, Greer, AZ 85927**. 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, September 24, 2021 - Meeting begins at 8:00 A.M.

Pledge of Allegiance

Welcome/Introductions

Awards, Recognition, and Regional Highlights

- 1) Game Ranger Swearing-In. Presenter: Tom Finley, Deputy Director.** The Department will present 3 Wildlife Manager trainees for the reciting of the Game Ranger oath.
- 2) 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.
- 3) 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 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 Intergovernmental Agreement between the Arizona Game and Fish Commission and the City of Willcox. Presenter: Jay Cook, Statewide Community Engagement Program Leader.** The Department has presented 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.
- b) **Cooperative Agreement with Bullhead City and BLM for management of the Colorado River Nature Center Wildlife Area. Presenter: Jim Ruff, Land and Water Program Supervisor.** Revision to the existing Cooperative Agreement with Bullhead City and the Bureau of Land Management for ongoing management of the Colorado River Nature Center Wildlife Area.
- 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 **R3 Branch Chief Information, Education and Recreation Division, Scott Lavin regarding Promote Fair Chase.**
- 5) **Drought Response Strategy Introduction. Presenter: Karen Klima, Regional Supervisor, Kingman.** The Department will provide an overview of the progress made by the three drought teams addressing Commission Priority #9, “Develop and Implement a Comprehensive Drought Response Strategy”.
- 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) **Threatened and Endangered Wildlife Briefing. Presenter: Thomas R. Jones, Amphibians and Reptiles Program Manager.** The Commission will be provided a briefing on the Department’s efforts to learn more about the distribution and abundance of Arizona Toads.
- 9) **Update on 5-Year Hunt Guidelines Review. Presenter: Amber Munig, Big Game Management Program Supervisor, Terrestrial Wildlife Branch.** The Commission will be provided an update on the Hunt Guidelines Review including comments received thus far on the existing hunt guidelines.
- TIME CERTAIN AT 10:00 AM**
- 10) **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
David Zimmerman	2021-0037	Take White-Tailed Deer During Closed Season.
Martin Metz	2021-0038	Locate Wildlife From Airplane In A Unit With Ongoing Big Game Hunt.
Daniel Cooper	2021-0039	Locate Wildlife From Airplane In A Unit With Ongoing Big Game Hunt.
Sterling Peters	2021-0040	Take Mule Deer From Roadway. Possess Unlawfully Taken Mule Deer.
Bradley Damron	2021-0044	Obtain Resident Hunting License By Misrepresentation.

- 11) **Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** William C. Lacey has requested a rehearing regarding the revocation of his license privileges.
- 12) **Request for Referral to OAH. Presenter: Linda Pollock, Assistant Attorney General.** The Department has requested the Attorney General's Office to seek civil penalties pursuant to A.R.S. 17-314 against John Ottley for the unlawful possession of Rosy Boas and Gila Monsters. The Commission may refer the matter to the Office of Administrative Hearings to conduct a hearing and prepare a report and recommendation to the Commission.
- 13) **PointGuard Plus and Standard PointGuard Pricing. Presenter: Pat Barber, Community Engagement Administrator.** The Department will present to the Commission new proposed pricing for the standard PointGuard and the pricing for the soon to be implemented PointGuard Plus membership packages.
- 14) **Veteran License Task Team Update and Department Recommendation. Presenter: Pat Barber, Community Engagement Administrator.** The Department will provide the Commission with a recommendation based upon information developed by the Veteran License Task Team that was directed by the Commission in February 2021.

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

- 15) **Proposed Repeal of Commission Policy A1.20 Land Use Agreements on Commission Properties. Presenter: Luke Thompson, Habitat, Lands, and Evaluation Branch Chief.** The Department will ask the Commission to vote to approve the recommendation to repeal A1.20 Land Use Agreements on Commission Properties.
- 16) **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 authorizing the use of electronic tags.

- 17) **Ethically Hunting Arizona Course Rollout. Presenter: Scott Lavin, R3 Branch Chief Information, Education and Recreation Division.** The Commission will be given an update on the rollout of the Ethically Hunting Arizona Course, and provided a recommendation on course fees for participants.

Agenda Items #18-22 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.

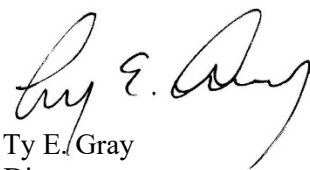
- 18) **Approve Memorandum of Agreement between the Arizona Game and Fish Commission and the American Prairie Foundation. Presenter: Carl Lutch, Flagstaff, Terrestrial Wildlife Program Manager.** The Commission may approve a Memorandum of Agreement between the Arizona Game and Fish Commission and the American Prairie Foundation to transfer Plains bison from the American Prairie Preserve in Montana to the Arizona Game and Fish Department.
- 19) **Renewal of Memorandum of Understanding between the Arizona Game and Fish Commission and the United States Forest Service Southwest Region. Presenter: Luke Thompson, Habitat Evaluation and Lands Branch Chief.** The Commission may approve the renewal of a Memorandum of Understanding between the Arizona Game and Fish Commission and the United States Forest Service Southwest Region
- 20) **Renewal of License Agreement with Navopache Electric Cooperative. Presenter: Jim Ruff, Land and Water Program Supervisor.** The Commission will be asked to consider renewing the existing License Agreement with the Navopache Electric Cooperative for the installation, operation and maintenance of electric poles, lines and service to provide electricity across a Commission owned property.
- 21) **License Agreement with Joe Cattle Company. Presenter: Jade Dickens, Water Resources Program Manager.** License Agreement with Joe Cattle Company for new piping, continued utilization, and routine maintenance of water wells on Commission-owned property.
- 22) **Cooperative Agreement with the Western Association of Fish and Wildlife Agencies to Fund the YY Male Fish Consortium. Presenter: Julie Carter, Aquatic Wildlife Branch Chief.** The Commission may approve the Cooperative Agreement with the Western Association of Fish and Wildlife Agencies to support the YY Male Fish Consortium through the subcontractor Fisheries Management Solutions Inc.
- 23) **2021 Annual Commission Awards Selection. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will present the 2021 Commission award nominees and will ask the Commission to select the award recipients.

- 24) **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.
- 25) **Future Agenda Items and Action Items.**
- 26) **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); *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.
- 27) **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);, *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
 - 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 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 contract negotiations over access to the Big Bocquillas ranch.
 - 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 a request for an Attorney General opinion related to political activity.
- f. **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 City of Phoenix developmental impact fees for the Ben Avery Shooting Range water mains project.
- g. **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 cattle trespasses on the Commission's Coal Mine property and the State Parks & Trails Sonoita Creek State Natural Area.
- h. **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.
- i. **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