



PUBLIC MEETING NOTICE AND AGENDA

November 29, 2021

A public meeting of the Arizona Game and Fish Commission will be held on **December 10, 2021**, at the **Four Points by Sheraton Yuma, 2030 S Avenue 3 E, Yuma, AZ 85365**. 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, December 10, 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.

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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) **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.
- b) **Approve License Agreement with Joe Cattle Company. Presenter: Jade Dickens, Water Resources Program Manager.** The Commission may approve a license agreement with Joe Cattle Company for new piping, continued utilization, and routine maintenance of water wells on Commission-owned property.
- c) **Memorandum of Agreement between the Arizona Game and Fish Commission and the American Prairie Foundation. Presenter: Carl Lutch, Terrestrial Wildlife Program Manager- Flagstaff.** The Department will present 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.
- 3) **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.
- 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 Landowner Relations Program Coordinator, Kyle Dutro regarding Increase Public Access and Improve Landowner Relations.
- 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) **Community Fishing Program Update. Presenter: Scott Gurtin, Community Fishing Program Manager.** The Commission will be updated on the expanding Community Fishing Program.
- 7) **Sonoran Pronghorn Recovery Project. Presenter: John Hervert, Region 4 Terrestrial Wildlife Program Manager.** The Commission will be provided a briefing on the Department's efforts to conserve the Sonoran Pronghorn.
- 8) **Update on agency marketing efforts and projects; FY22 Conserve and Protect strategy; public-private alliance; and 10 in 10 revenue results and planning. Presenter: Heidi Rayment, Marketing Branch Chief, Information, Education, and Recreation Division and Laura Canaca, Division Coordinator Information, Education, and Recreation Division.** The Commission will be briefed on the agency's marketing efforts and plans to date, including the FY22 Conserve and Protect campaign. The Commission also will be briefed on the agency's public-private alliance, results for FY21 and goals for FY22.

TIME CERTAIN AT 10:00 AM

- 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
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.
Charles Cunningham	2021-0043	Take Wildlife With An Unlawful Method (Bait) – 3 Counts. Assist Unlawful Take For Monetary Gain (F2) – 2 Counts. Possess/Transport Unlawfully Taken (Deer).
Steven Ward	2021-0045	Falsifying Annual Guide Report.
Dustin Wagner	2021-0046	Take 4 Trout during Closed Season. Possess 4 Unlawfully taken Trout.
Loren McReynolds	2021-0049	Take Over Limit Of Mule Deer – 2 Counts. Possess Unlawfully Taken Mule Deer – 2 Counts. Possess Mule Deer Without Tag Attached. Failure To Tag Mule Deer Immediately. Take Mule Deer From A Vehicle – 2 Counts. Take Mule Deer With Artificial Light.

- 10) **Request for Referral to OAH. Presenter: Linda Pollock, Assistant Attorney General.** The Department has requested the Attorney General’s Office to seek civil penalties and recovery of a shoulder mount pursuant to A.R.S. 17-314 against Loren McReynolds for the alleged unlawful take of a mule deer buck within the boundary of the Grand Canyon National Park. 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.

- 11) **Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Adam Meyer has requested a rehearing regarding the revocation of his license privileges.

- 12) **Consideration of Proposed Commission Orders 3, 4, 5 (fall and spring), and 26 for 2022-2023 Fall and Spring Hunting Seasons. Presenter: Amber Munig, Big Game Program Supervisor.** The Commission will consider and may approve Commission Orders 3 (pronghorn), 4 (elk), 5 (turkey, fall and spring), and 26 (population management) establishing seasons and season dates, bag and possession limits, permit numbers or authorized limits, and open areas for the respective 2022-2023 fall and spring hunting seasons.
- 13) **A Briefing on Public Comment Received and Proposed Revisions to the Hunt Guidelines for the 2023-2024 through 2027-2028 Hunting Seasons. Presenter: Amber Munig, Big Game Management Supervisor.** The Commission will be briefed on the comment received thus far on the existing hunt guidelines and a preliminary draft of revised guidelines will be presented. Comment received on the preliminary draft at public meetings and through written correspondence will be shared as well.

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

- 14) **Bullhead City Police Department's request to modify waterway markers along the Colorado River. Presenter: Danny Rodriguez, Watercraft Law Enforcement Programs Coordinator.** Bullhead City Police Department is requesting Commission approval to install informational markers near their Community Park swim beach and to move the current "No Wake Zone" section down river.
- 15) **Renewal of Road Closure on State Trust Land South of Winslow, Arizona. Presenter: Kyle Dutro, Landowner Relations Program Coordinator.** As part of continued implementation of the joint protocol for management of motor vehicle access on State Trust lands (STL) between the Arizona Game and Fish Department (AGFD) and Arizona State Land Department (ASLD), the Commission may approve a request submitted by the Clear Creek Ranch to renew a road closure on STL located south of Winslow, Arizona.
- 16) **Renewal of a Road Closure on State Trust Land Southwest of Three Points, Arizona. Presenter: Kyle Dutro, Landowner Relations Program Coordinator.** As part of continued implementation of the joint protocol for management of motor vehicle access on State Trust lands (STL) between the Arizona Game and Fish Department (AGFD) and Arizona State Land Department (ASLD), the Commission may approve a request submitted by John King to renew a road closure on STL located southwest of Three Points, Arizona.
- 17) **Renewal of a Road Closure on State Trust Land East of Bonita, Arizona. Presenter: Kyle Dutro, Landowner Relations Program Coordinator.** As part of continued implementation of the joint protocol for management of motor vehicle access on State Trust lands (STL) between the Arizona Game and Fish Department (AGFD) and Arizona State Land Department (ASLD), the Commission may approve a request submitted by Roger Warner to renew a road closure on STL located east of Bonita, Arizona.

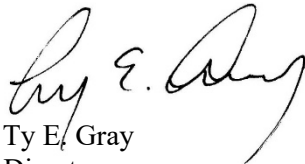
Agenda Items #18-20 are first read items. The Commission may choose to take action on first read items as needed or may direct the Department to place first read items on the consent agenda for approval at the next Commission meeting.

- 18) **Off-cycle Request to Amend Commission Order 40 at four new waters for Community Fishing Program. Presenter: Scott Gurtin, Community Fishing Program Manager.** The Commission may vote to amend Commission Order 40: Fish, establishing bag and possession limits within four artificially constructed waters in Buckeye, Avondale, Glendale, and Mesa Arizona.
- 19) **Renewal of Memorandum of Understanding between the Arizona Game and Fish Commission and Pima County. Presenter: Raul Vega, Region V Supervisor.** The Department will present a Memorandum of Understanding (MOU) between the Arizona Game and Fish Commission (Commission) and Pima County.
- 20) **Memorandum of Understanding with Bat Conservation International, Inc. Presenter: Josh T. Avey, Terrestrial Wildlife Branch Chief, Terrestrial Branch.** The Department will present a Memorandum of Understanding with Bat Conservation International, Inc. for the purpose of conservation and management of wildlife with an emphasis on bat species of Arizona.
- 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); *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);, *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 City of Phoenix developmental impact fees for the Ben Avery Shooting Range water mains project.
- 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 cattle trespasses on the Commission's Coal Mine property and the State Parks & Trails Sonoita Creek State Natural Area.
- g. 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.
- h. 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