



PUBLIC MEETING NOTICE AND AGENDA

REVISION #1

January 19, 2022

A public meeting of the Arizona Game and Fish Commission will be held on **January 21, 2022**, at the **Arizona Game and Fish Department, 5000 W. Carefree Hwy, Phoenix, Arizona 85086**. 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, January 21, 2022 - 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) **Memorandum of Understanding (MOU) with Bat Conservation International, Inc. Presenter: Josh T. Avey, Terrestrial Wildlife Branch Chief, Terrestrial Branch.** The Commission may vote to authorize the Department to execute and amend as necessary an MOU to work cooperatively with Bat Conservation International on projects for the purpose of conservation and management of wildlife with an emphasis on bat species of Arizona.
 - b) **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.
 - c) **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.
- 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 the Development Branch Chief, Chris Cantrell regarding the Comprehensive Maintenance Program Priority and Habitat, Evaluation and Lands Branch Chief, Luke Thompson to provide the expanded presentation on the Real Estate Strategy Priority.
 - 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) **Drought Response Strategy, Quarter Two Updates. 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".
 - 7) **Threatened and Endangered Wildlife Briefing. Presenter: Charles Hofer, Statewide Coordinator - State Wildlife Action Plan.** The Commission will be provided a Briefing on the Department's revisions to the 2022 SWAP.
- 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
Hormoz Sarem-Aslani	2021-0047	Take Mule Deer Without Permit. Knowingly Shoot From Maintained Road. Waste Edible Game Meat.
Michael Shipman	2021-0048	Take Wildlife With An Unlawful Device.
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.
Georgia Parker	2022-0001	Possess Unlawfully Taken Elk.
Leslie Moore	2022-0002	Take Elk With Unlawful Method.
Terry Parker	2022-0003	Take Elk With Unlawful Method – 2 Counts.
Zachery Dentler	2022-0004	Take Elk With Unlawful Method – 2 Counts.
Kenneth Huff	2022-0005	Take Mule Deer Without A Valid License. Take Mule Deer Without A Valid Tag/Permit. Knowingly Take Mule Deer In A Closed Season.
John D. Ray	2022-0006	Take Deer Without A Valid Tag.

- 9) **Preview of the Article 3 Five-Year Rule Review Report. Taking and Handling of Wildlife. Presenter: Michael Sumner, FOR4 Regional Supervisor.** The Department will preview the Five-year Rule Review Report for Article 3 addressing the taking and handling of wildlife

NEW

- 9a) **Approve the Article 9. Aquatic Invasive Species Five-year Rule Review Report, for Submission to the Governor's Regulatory Review Council (G.R.R.C.). Presenter: Kate Dukette, WMD AIS Program Coordinator.** The Department will ask the Commission to vote to approve the Five-year Rule Review Report for Article 9 addressing aquatic invasive species, for submission to G.R.R.C.

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

Agenda Items #10 - 12 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.

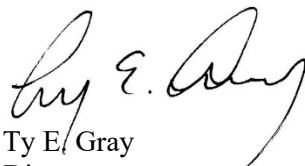
MOVE TO FIRST READ

- 10) **Memorandum of Understanding (MOU) with the Western Association of Fish and Wildlife Agencies (WAFWA) for the Sagebrush Conservation Initiative. Presenter: Clay Crowder, Assistant Director, Wildlife Management Division.** The Commission may vote to authorize the Department to execute a Memorandum of Understanding between the Department and WAFWA for support of the Sagebrush Conservation Initiative.
- 11) **Memorandum of Understanding between the Arizona Game and Fish Commission and the Salt River Project Agricultural Improvement and Power District. Presenter: Josh Avey, Terrestrial Wildlife Branch Chief, Terrestrial Branch.** The Commission will be presented with a Memorandum of Understanding to allow the Department to partner with the Salt River Project for conservation and management activities in Arizona for watershed restoration and habitat enhancement.
- 12) **Memorandum of Understanding between the Arizona Game and Fish Commission and Arizona State Parks Board. Presenter: Luke Thompson, Habitat Evaluation and Lands Branch Chief.** The Commission may approve a Memorandum of Understanding between the Arizona Game and Fish Commission and Arizona State Parks Board.
- 13) **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.
- 14) **Future Agenda Items and Action Items.**
- 15) **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.
- 16) **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; *Zachary Nipp notice of claim*.

- 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 cattle trespasses on the Commission's Coal Mine property and the State Parks & Trails Sonoita Creek State Natural Area.
- 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.

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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