



PUBLIC MEETING NOTICE AND AGENDA

March 21, 2022

A public meeting of the Arizona Game and Fish Commission will be held on April 1, 2022, at the **Arizona Game and Fish Department, 5000 W. Carefree Highway**. The public may attend the meeting in person but the number of people allowed in the meeting facility could be limited if necessary to comply with social distancing requirements for the facility. 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 also view the meeting from any Department Regional Office and the Department's Headquarters via video teleconference. Members of the public may submit Speaker Cards (Blue Cards) if they wish to speak to the Commission on a specific item. Only members of the public attending in person or from a Department office may address 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 THE ALTERNATIVE MEANS PROVIDED HEREIN.** Copies of any presentations, documents, etc. discussed during the meeting will be available by contacting iguzman@azgfd.gov. Unless expressly provided otherwise with any matter, the Commission may discuss and may vote to take action on the following matters:

Friday, April 1, 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) **Approve Proposed Hunt Guidelines for the 2023-2024 through 2027-2028 Hunting Seasons. Presenter: Amber Munig, Big Game Management Supervisor.** Approve Proposed Hunt Guidelines for the 2023-2024 through 2027-2028 Hunting Seasons.

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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**

- 3) **Consent Agenda.** The following item is hereby noticed as a consent agenda item 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 Intergovernmental Agreement between the Arizona Game and Fish Commission and the Arizona Department of Public Safety. Presenter: Gene Elms, Law Enforcement Branch Chief.** The Department will present to the Commission an Intergovernmental Agreement between the Arizona Game and Fish Commission and the Department of Public Safety to fulfill the need for the establishment and maintenance of a modern reliable radio communication system.
- 4) **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.
- 5) **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 Dan Sturla on Improving and Conserving Habitat.
- 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.

TIME CERTAIN AT 10:00 AM

- 7) **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
Randell J. Long Jr.	2022-0011	Discharge Arrow Within 1/4 Mile Of Occupied Residence. Possess And Transport Unlawfully Taken White-Tailed Deer. Knowingly Shoot From A Road.
Martin Holloway	2022-0012	Take Turkey Without A Permit. Knowingly Take Turkey In A Closed Season. Knowingly Allow Waste Of Big Game.
Dominic Rowley	2022-0013	Apply For/Obtain Resident Deer Tag By Misrepresentation. Obtain Resident Hunt License By Misrepresentation. (2 Counts)
Sha Ray Lo Mu	2022-0014	Possess Unlawfully Taken Elk.
Eh Na Doh	2022-0015	Possess Unlawfully Taken Elk.
Theo Hsr	2022-0016	Take Elk During Closed Season. Possess Unlawfully Taken Elk.
Maung Tin Soe	2022-0017	Take Elk During Closed Season (3 Counts). Possess Unlawfully Taken Elk (3 Counts). Take Elk Without A Permit (3 Counts). Waste Of Game Meat (2 Counts).

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

Agenda Items 8-10 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.

- 8) City of Phoenix, Police Department License Agreement for range use at the Ben Avery Shooting Facility. Presenter: Mike Raum, Shooting Sports Branch Chief.** The Commission may approve a License Agreement with the City of Phoenix for the purpose of official law enforcement training of City police officers at the Ben Avery Shooting Facility.

- 9) **FY2024 Proposed Budget & FY 2023 Modification. Presenter: Marvin Mendieta, Budget and Payroll Manager.** The Department will provide the Commission with a presentation on the FY '24 draft budget and proposed modifications to the FY '23 budget.
- 10) **Approval of Law Enforcement Boating Safety Fund (LEBSF) Grant Allocation Formula for FY 2022/23 and 2023/24. Presenter: Danny Rodriguez, Watercraft Coordinator, Law Enforcement Branch.** The Department will provide the Commission with the proposed LEBSF Grant Allocation Formula per ARS §5-383.
- 11) **Western Association of Fish and Wildlife Agencies' Endangered Species Information Workgroup (WAFWA ESAIWG) Presenter: William E. Van Pelt, WAFWA Ecosystem and Grassland Coordinator.** The Commission will be provided a Briefing on the Department's participation in the WAFWA ESAIWG.
- 12) **Drought Response Strategy, Quarter Three 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". The Commission may provide the Department direction on this item.
- 13) **Approve Agreement Between the Game and Fish Commission and the Zuni Tribe. Presenter: Jim Odenkirk, General Counsel.** The Department will present to the Commission a new agreement to revise the water rights settlement between the Commission and the Tribe.
- 14) **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.
- 15) **Future Agenda Items and Action Items.**
- 16) **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; Tonto NF Travel Management Plan.

17) **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; Tonto NF Travel Management Plan.
- 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 on a revised water rights settlement agreement between the Commission and the Zuni Tribe.
- 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 the Commission's position concerning the legal strategy recommendations from the Department's legal strategies team.
- 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 cattle trespasses on the Commission's Coal Mine property and the State Parks & Trails Sonoita Creek State Natural Area.

- f. **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.

- g. **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”