



PUBLIC MEETING NOTICE AND AGENDA

April 3, 2023

A public meeting of the Arizona Game and Fish Commission will be held on **April 14, 2023**, at the **Arizona Game and Fish Department, 5000 W. Carefree Highway**. The public may attend the meeting in person or 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 may only address the Commission by attending in person or from any regional office. Copies of any presentations, documents, etc. discussed during the meeting will be available by contacting okline@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 14, 2023 - 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 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.
 - a) **Commission Order 40 Change for Two New Waters. Presenter: Julie Carter, Aquatic Wildlife Branch Chief.** The Commission will be presented with a proposed amendment to Commission Order 40 (Fish) to establish fishing regulations at Granite Dells Lake in Payson and Cowpuncher Pond in Eager.

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5000 W. CAREFREE HIGHWAY, PHOENIX AZ 85086

**GOVERNOR: KATIE HOBBS COMMISSIONERS: CHAIRMAN JAMES E. GOUGHNOUR, PAYSON | TODD G. GEILER, PRESCOTT | CLAY HERNANDEZ, TUCSON
MARSHA PETRIE SUE, SCOTTSDALE | JEFF BUCHANAN, PATAGONIA DIRECTOR: TY E. GRAY DEPUTY DIRECTOR: TOM P. FINLEY**

- 3) **Consideration of Proposed Commission Orders 2, 6 (fall and spring), 7, 8 (fall and spring), 9 (fall and spring), 10 for 2023-2024 Fall and Spring Hunting Seasons, and amendment to Commission Order 5 for the 2023 Fall Hunting Season. Presenter: Callie Hartson-Cavalcant, Big Game Management Program Supervisor.** The Commission will consider and may approve Commission Orders 2 (deer), 6 (javelina, fall and spring), 7 (bighorn sheep), 8 (bison, fall and spring), and 9 (black bear, fall and spring), and 10 (mountain lion) establishing seasons and season dates, bag and possession limits, permit numbers or authorized limits, and open areas for the respective 2023 - 2024 fall and spring hunting seasons. The Commission will also consider and may vote to amend Commission Order 5 (turkey) for the Fall 2023 season (presented to and approved by the Commission on December 2, 2022) to reduce permits in response to extreme weather conditions.
- 4) **Consideration of Proposed Commission Orders 11-12 and 14-18 (Small Game) for 2023-2024 and 2024-2025 hunting seasons and Commission Orders 19–22 and 24 (Migratory Game Birds) for the 2023-2024 hunting season in accordance with the Final Rules Published in the Federal Register (USFWS, anticipated publication July 2023). Presenter: Dr. Larisa Harding, Small Game Management Program Supervisor.** The Commission will consider and may approve Commission Orders 11 (tree squirrel), 12 (cottontail rabbit), 14 (other birds and mammals), 15 (pheasant), 16 (quail), 17 (chukar partridge), 18 (dusky grouse), establishing seasons and season dates, bag and possession limits, and open areas for the 2023-2024 and 2024-2025 seasons. The Commission will also consider and may approve Commission Orders 19-22 (dove, band-tailed pigeon, waterfowl, and snipe) and 24 (sandhill crane), establishing season dates, open and closed areas, bag and possession limits, and permit numbers (for CO 24 sandhill cranes only) for the 2023-2024 hunting season. A detailed description of proposals will be available for public review at Department offices.
- 5) **Approve the Notice of Final Rulemaking and Economic Impact Statement Amending Rules, Within Articles 1. Definitions and General Provisions and 6. Rules of Practice Before the Commission, to Implement House Bill 2741 and Senate Bill 1170. Presenter: Tyler VanVleet, FOR6 Law Enforcement Program Manager.** The Department will ask the Commission to vote to approve the Notice of Final Rulemaking and Economic Impact Statement Amending Rules Within Articles 1. Definitions and General Provisions to Implement House and 6. Rules of Practice Before the Commission Bill 2741 and Senate Bill 1170.

TIME CERTAIN AT 10:00 AM

- 6) **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
Alvin Ratliff	2023-0005	Interference With The Rights Of Hunters (2 Counts).
Tina McCarey	2023-0017	Possess Unlawfully Taken Turkey. Attach Another's Tag To Wildlife Taken. Take Turkey Without A Valid License.
Michael McCarey	2023-0018	Possess Unlawfully Taken Turkey. Attach Tag To Wildlife Killed By Another. Attach Another's Tag To Wildlife Taken.
Tommy Navarrete	2023-0027	Take Mountain Lion Without Valid A Tag.
James Mercier	2023-0028	Obtain Resident Hunt License by Misrepresentation.
Christopher Mercier	2023-0029	Obtain Resident Hunt License by Misrepresentation.
Thomas Rose	2023-0030	Possess Unlawfully Taken White-Tailed Deer.
Steven Rushing	2023-0031	Obtain Resident Hunting License By Misrepresentation

LUNCH BREAK (BEGINS AT 12:00 PM)

Agenda items # 7 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.

- 7) **Amend 16 IGAs for Community Fishing Program. Presenter: Scott Gurtin, Community Fishing Program Manager.** The Commission may vote to authorize the Department amend 16 intergovernmental agreements with municipal partners to implement the Community Fishing Program and extend the IGA termination date from 6/30/2023 to 6/30/2024.
- 8) **Connectivity Resolution. Presenter: Keith Knutson, Wildlife Contracts Branch.** The Commission will be provided a Briefing in order to consider the adoption of a Commission resolution regarding the importance of wildlife corridors, connectivity, and motorist safety.

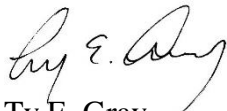
- 9) **FY 2025 Proposed Budget & FY 2024 Modification. Presenter: Marvin Mendieta, Budget and Payroll Administrator.** The Department will provide the Commission with a presentation on the FY '25 proposed budget and proposed modifications to the FY '24 budget.
- 10) **Threatened and Endangered Wildlife Briefing. Presenter: Jeff Sorensen, Invertebrate Program Manager, Terrestrial Wildlife Branch.** The Commission will be provided with an informational presentation on a 2021 project to protect and improve Hutch Springs habitat and water for wildlife and livestock, and Invertebrate Program conservation work.
- 11) **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.
- 12) **State and Federal Legislative Update. 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.
- 13) **Commission Priority Report. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will provide an update on the Commission Priorities and Metrics. The Department will also provide an extended presentation by Karen Klima, Regional III Supervisor, on Developing and Implementing A Comprehensive Drought Response Strategy.
- 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*; *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); *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; litigation challenging the revised 10(j) rule for Mexican gray wolves.

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*; *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; *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; litigation challenging the revised 10(j)rule for Mexican gray wolves.
- 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. 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 Commission authority over license revocation and civil penalties for wildlife-related criminal violations under Title 13, Arizona Revised Statutes.

- 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 the commercial importation of restricted live wildlife.
- 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 on the retroactive application of proposed Article 3 rules.
- h. 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 regulate the transfer and sale of special big game tags.
- i. 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 updates on the open meeting law.
- j. 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.
- k. 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”