



PUBLIC MEETING NOTICE AND AGENDA

January 8, 2024

A public meeting of the Arizona Game and Fish Commission will be held on **January 19, 2024** 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, January 19, 2024 – Meeting location opens at 7:45 a.m.
Meeting begins at 8:00 a.m.
Lunch Break at 12:00 p.m.

Pledge of Allegiance

Welcome/Introductions

Awards and Recognition

- 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) **IGAs for Community Fishing Program. Presenter: Scott Gurtin, Community Fishing Program Manager.** The Commission will be asked to vote to authorize the

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5000 W. CAREFREE HIGHWAY, PHOENIX AZ 85086

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

Department to finalize negotiations, execute, and amend as necessary Intergovernmental Agreements and future sub-agreements between the Department and multiple communities.

- b) **Approval of the Letter of Agreement with the U.S. Coast Guard Waterways Management Division and The Arizona Game and Fish Department. Presenter: Gene Elms, Law Enforcement Branch Chief, Field Operations Law Enforcement.** The Commission may vote to approve a Letter of Agreement to allow the Department to continue partnering with the U.S. Coast Guard (USCG) in managing navigational aids within a joint federal waterway system. The Commission may vote to take action or provide the Department direction on this item.
- 3) **Amend Hunt Guidelines for the 2023-2024 through 2027-2028 hunting seasons to reflect the following changes: 1) Over-the-Counter Archery Deer Seasons, 2) Schedule for Proposed Hunt Recommendations, and 3) Black Bear Seasons. Presenter: Callie Cavalcant, Big Game Management Program Supervisor, Terrestrial Wildlife Branch.** The Commission will consider and may vote to amend the hunt guidelines for fall 2023-2024 through spring 2027-2028 hunting seasons to reflect changes to the over-the-counter archery deer seasons, the timeline and schedule for proposed hunt recommendations for Commission Order 5 (Turkey) and 8 (Bison), and Arizona's black bear seasons.
- 4) **Update on the Department's evaluation of the Special Big Game License Tag Program. Presenter: Clay Crowder, Assistant Director, Wildlife Management Division.** The Commission will be updated on the Department's evaluation of raffle and non-affle tag sales or transfer models of the Special Big Game License Tags.
- 5) **Approve the Notice of Final Rulemaking and Economic Impact Statement Amending Rules Within Articles 1. Definitions and General Provisions, 2. Licenses; Permits; Stamps; Tags, 3. Taking and Handling of Wildlife, and 6. Rules of Practice Before the Commission. Presenter: Michael Sumner, Regional Supervisor, FOR4.** 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, 2. Licenses; Permits; Stamps; Tags, 3. Taking and Handling of Wildlife, and 6. Rules of Practice Before the Commission and the Commission may provide the Department direction on this item.

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
Kevin Clark	2024-0001	Guide Without A License.
Fredi Ceballos Vega	2024-0002	Possess/Transport Unlawfully Taken White-Tailed Deer.
Todd Kanz	2024-0003	Possess Unlawfully Taken Elk Parts.
Bradley Damron	2024-0004	Take Mule Deer Without A Valid Permit. Possess/Transport Unlawfully Taken Mule Deer.
Brian Bitter	2024-0007	Possess/Transport Unlawfully Taken White-Tailed Deer.

- 7) **Request for Referral to OAH. Presenter: Linda Pollock, Assistant Attorney General.** The Department will request that the Thomas Rose matter be referred to the Office of Administrative Hearings to conduct a hearing and prepare a report and recommendation to the Commission on the issue of whether Thomas Rose was convicted of a Title 17 take offense in his plea agreement filed with a Santa Cruz County justice court.
- 8) **Hearing on Administrative Law Judge Decision in the Matter of Mark P. Somerlik, Respondent, No. 23A-0001-AH-AZGFD recommending the imposition of civil penalties against Mark P. Somerlik for his unlawful possession of 29 rattlesnakes, three copperhead snakes, one water moccasin, four Gila monsters and one Sonoran Desert toad. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** The Commission will consider and take action on the Decision and Recommended Order by the Office of Administrative Hearings. The Commission may accept, reject or modify the Decision and determine the amount of civil penalties, if appropriate, which may not be less than the statutory-minimum amount of \$250.00 for each unlawfully-possessed reptile and amphibian pursuant to A.R.S. § 17-314.
- 9) **Wildlife Values Update. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** The Commission will consider the proposed changes to the wildlife values for calendar year 2024.

Agenda item 10 is a first read item. 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.

- 10) **Review of draft Commission policy regarding the state’s primary authority to manage wildlife. Presenter: Clay Crowder, WMD Assistant Director.** The Department will

present a draft Commission policy regarding the state's primary authority to manage wildlife. The Commission may give the Department direction or vote to approve the draft policy.

- 11) **Species of Greatest Conservation Need (SGCN) Briefing. Presenter: Thomas R. Jones, Amphibians and Reptiles Program Manager.** The Commission will be provided a briefing on the Department's most recent efforts to establish a new relict leopard frog population in Arizona.
- 12) **Presentation on the WMTW Raptor Migration Tracking Project. Presenter: Kenneth "Tuk" Jacobson, Raptor Management Coordinator.** This month's "Whole Mission" presentation to the Commission will focus on the Raptor Migration Tracking Project which was initiated in 2019.
- 13) **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.
- 14) **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.
- 15) **Commission Priority Report. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will provide an update on the Commission Priorities and Metrics and the Commission may approve, amend or replace the current Priorities. The Department will also provide an extended presentation by Julie Carter, Aquatic Wildlife Branch Chief, on Increasing and Improving Sportfish Opportunities.
- 16) **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.
- 17) **Future Agenda Items and Action Items.**
- 18) **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. Zinke*, CV 15-00019 (AZ); *Center for Biological Diversity v. Zinke*, CV 18-00047; *WildEarth Guardians v. Ashe*, CV 15-00285 (AZ); *Safari Club*

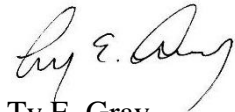
International v. Zinke, 16-00094 (AZ); *Wildearth Guardians v. Bernhardt*, CV-19-00441. *State of California v. Bernhardt*, CV 19-06013 and companion cases challenging the USFWS's ESA rule changes; Tonto NF Travel Management Plan; litigation challenging the revised 10(j) rule for Mexican gray wolves.

19) 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. 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; Tonto NF Revised Land 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 and exportation 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 regarding the designation of the Grand Canyon National Monument.
- 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 non-resident guide license fees that differ from resident guide license fees.
- 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 discussing and consulting with legal counsel for legal advice regarding the BLM's plan for recreational shooting within the Sonoran Desert National Monument.
- j. 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 Ryan Hatch and Alan Hamberlin, their unlawful possession and importation of a mule deer and whether the Commission can refer the matter to the Office of Administrative Hearings for civil penalties and the return of animal parts.
- k. 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.
- l. 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”