



PUBLIC MEETING NOTICE AND AGENDA

April 29, 2024

A public meeting of the Arizona Game and Fish Commission will be held on **May 10, 2024** at the **Pinetop Lakeside Town Hall, 325 W White Mountain Blvd, Pinetop-Lakeside, AZ 85929**. 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. ***DUE TO THE MEETING LOCATION, PUBLIC COMMENT WILL NOT BE AVAILABLE FROM THE REGION 1 OFFICE IN PINETOP.** 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 sprice@azgfd.gov. Unless expressly provided otherwise with any matter, the Commission may discuss and may vote to take action on the following matters:

**Friday, May 10, 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

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.

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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**

- a) **Approve FY 2026 proposed budget and the proposed modifications to the FY 2025 budget. Presenter: Marvin Mendieta, Budget and Payroll Administrator.** The Commission may approve the FY 2026 proposed budget and the proposed modifications to the FY 2025 budget.

- 3) **Habitat Partnership Committee (HPC) annual update. Presenter: Andrew Cavalcant, Habitat Partnership Committee Coordinator.** The Department will present on the status of projects funded with Special big Game License Tag money allocated through the HPC program.

- 4) **Shooting Range Development Grant Requests for FY 2025. Presenter: Matthew Schwartzkopf, Statewide Shooting Range Administrator.** The Department's Shooting Range Development Grant Program received five grant applications for fiscal year 2025. The Department will ask the Commission to approve four applications, totaling \$65,283 of the \$100,000 available. The Commission may vote to take action on, or provide the Department direction on this item.

- 5) **Shooting Sports Update. Presenter: Mike Raum, Shooting Sports Branch Chief.** The Department will provide updates on Shooting Sports projects and activities. The Commission may provide direction.

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
Michael Diamond	2024-0024	Take Trout in Closed Area.
Thomas Diamond	2024-0025	Take Trout in Closed Area.
Jeremias Toribio	2024-0026	Take Mule Deer During Closed Season. Possess Unlawfully Taken Mule Deer.
Leticia Vega	2024-0027	Take Mule Deer During Closed Season.
Petru Gutman	2024-0028	Possess Unlawfully Taken Mule Deer. Take in The Wrong Unit.

Adrian Arghir 2024-0035 Possess Unlawfully Taken Mule Deer.
Take Without Tag.

Timothy McNeel 2024-0029 Take Trout Over Bag Limit.

- 7) **Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Hesston Reidhead has requested a rehearing regarding the revocation of his license privileges.
- 8) **Request for Referral to OAH. Presenter: Linda Pollock, Assistant Attorney General.** The Department has requested the Attorney General's Office to present evidence at an administrative hearing concerning alleged violations of statutes and wildlife rehabilitation rules by Lisa Bates, dba Tucson Wildlife Center. 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.
- 9) **Species of Greatest Conservation Need (SGCN) Briefing. Presenter: Shawn Lowery, Wildlife Specialist Regional Supervisor.** The Commission will be provided a briefing on the Department's habitat and conservation In-Lieu Fee (ILF) program.
- 10) **Off Highway Vehicle and PFD Outreach Programs in Region 1, Pinetop. Presenters: Nancy Huser, East Sector Off Highway Vehicle Officer, Region 1, and Mark Terrill, West Sector Off Highway Vehicle Officer Region 1.** The Commission will be provided a briefing on the off-highway vehicle and PFD outreach efforts throughout the Pinetop Region.
- 11) **Briefing on Research Branch Activities and Projects. Presenter: Esther Rubin, Research Branch Chief.** The Department will provide an informational update on the Research Branch's projects and activities.
- 12) **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.
- 13) **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 and may take a position or provide direction to the Department for coordination, action, or proposed changes to legislation related to Department responsibilities.
- 14) **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 Scott Lavin, Promote Fair Chase.

- 15) **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.
- 16) **Future Agenda Items and Action Items.**
- 17) **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.
- 18) **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; litigation challenging the revised 10(j)rule for Mexican gray wolves; *In the Matter of Thomas Rose, Respondent*, OAH No. 24A-0001-AH-AZGFD.
 - 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 OAH recommended decision in the Thomas Rose matter.

- 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. 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.
- 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 regarding trespasses and other unauthorized activities on Commission-owned Wildlife Areas.
- 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. 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 practices related to communication, agendas and public records.

- m. 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.



Tom Finley
Deputy 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”