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**PUBLIC MEETING NOTICE AND AGENDA**  
**REVISION #1**

**December 4, 2023**

A public meeting of the Arizona Game and Fish Commission will be held on **December 8, 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](http://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](mailto: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, December 8, 2023 – 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) **Approve amendment to Commission Order 14: Other Birds and Mammals. Presenter: Callie Cavalcant, Big Game Management Program Supervisor, Terrestrial Wildlife Branch.** The Commission will consider and may vote to approve amendments to Commission Order 14: Other Birds and Mammals, establishing seasons and season dates, bag and possession limits, and open areas for northern bobwhite quail.

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**azgfd.gov | 602.942.3000**

**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**

- 3) **Consideration of Proposed Commission Orders 3, 4, 5 (fall and spring), 26, and 30 for 2024-2025 Fall and Spring Hunting Seasons. Presenter: Callie Cavalcant, Big Game Management Program Supervisor, Terrestrial Wildlife Branch.** The Commission will consider and may approve Commission Orders 3 (pronghorn), 4 (elk), 5 (turkey, fall and spring), 26 (population management), and 30 (limited-entry) establishing seasons and season dates, bag and possession limits, permit numbers or authorized limits, and open areas for the respective 2024- 2025 fall and spring hunting seasons.
  
- 4) **Species of Greatest Conservation Need (SGCN) Briefing. Presenter: Angie McIntire, Bat Project Coordinator and Ronald Mixan, Wildlife Specialist Regional Supervisor.** The Commission will be provided a briefing on the Department’s conservation efforts of bats of Arizona, with an emphasis on acoustic surveys.

**TIME CERTAIN AT 10:00 AM**

**\*REVISED**

- 5) **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.

<b>Name</b>	<b>Docket #</b>	<b>Conviction</b>
Charles Kett	2023-0052	Allow Elk Permit to Be Attached to Another's Kill.
Robert Kett	2023-0053	Take Elk in Excess of Bag Limit. Possess Unlawfully Taken Elk.
Carlos Vargaschina	2023-0057	Destroy Property While Hunting.
Nathan Moody	2023-0058	Unlawful Cross-Country Travel.
Andrew Harris	2023-0061	Take Wildlife Without A Valid Hunting License.
Robert Harris	2023-0062	Possess/Transport Unlawfully Taken Wildlife.
Alan Hamberlin	2023-0063	Possess Unlawfully Taken Mule Deer. Import Unlawfully Taken Mule Deer.
Ryan Hatch	2023-0064	Possess Unlawfully Taken Mule Deer. Import Unlawfully Taken Mule Deer.

- 6) **Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Steven Rushing has requested a rehearing regarding the revocation of his license privileges.
- 7) **Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Robert L. King has requested a rehearing regarding the revocation of his license privileges.
- 8) **Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Robert B. Busby has requested a rehearing regarding the revocation of his license privileges.
- 9) **Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Charles K. Busby has requested a rehearing regarding the revocation of his license privileges.
- 10) **Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Richard A. Beauchamp has requested a rehearing regarding the revocation of his license privileges.
- 11) **Request for Referral to OAH. Presenter: Patrick Boyle, Assistant Attorney General.** The Department has requested the Attorney General's Office to seek civil penalties pursuant to A.R.S. § 17-314 against Ernesto Bernal for the unlawful take of a mule deer. 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.

**Agenda items 12-14 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.**

**\*REVISED**

- 12) **Letter of Agreement with the U.S. Coast Guard Waterways Management Division and The Arizona Game and Fish Department. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** 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.
- 13) **License Agreement with Crown Castle to construct a new wireless telecommunication tower at the Ben Avery Shooting Facility. Presenter: Jim Ruff, Land and Water Program Supervisor.** The Commission will be asked to approve a license agreement with Crown Castle to construct, operate, and maintain a new wireless telecommunication tower

and related equipment on Ben Avery Shooting Facility to enhance wireless telecommunication coverage in the area.

- 14) **IGAs for Community Fishing Program. Presenter: Scott Gurtin, Community Fishing Program Manager.** The Commission will be asked to Vote to authorize the Department to finalize negotiations, execute, and amend as necessary Intergovernmental Agreements and future sub-agreements between the Department and Avondale, Casa Grande, Chandler, Gilbert, Glendale, Graham County, Maricopa, Mesa, Payson, Peoria, Phoenix, Prescott Valley, Queen Creek, Sahuarita, Scottsdale, Show Low, Somerton, St. Johns, Surprise, Tempe, Tucson, and Yuma to implement Community Fishing Waters under a new 5-year cycle, and to develop new 5-year agreements with Apache Junction, Gila Bend, Litchfield Park, and Eagar.
- 15) **Approve the Article 4, Live Wildlife Five-year Rule Review Report for Submission to the Governor's Regulatory Review Council (G.R.R.C.). Presenter: Martin Guarena, Wildlife Law Enforcement Supervisor, FOR5.** The Department will ask the Commission to vote to approve the Five-year Rule Review Report for Article 4 addressing live wildlife for submission to G.R.R.C. The Commission may vote to take action on and provide the Department direction on this item.
- 16) **Desert Tortoise Adoption Program. Presenter: Kellie Tharp, Education Branch Chief.** The Department will brief the Commission on the Desert Tortoise Adoption Program and highlight the collaborative efforts that make it all possible.
- 17) **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.
- 18) **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.
- 19) **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 Karen Klima, Regional III Supervisor, on Developing and Implementing A Strategy for Resilient Wildlife and Habitat.

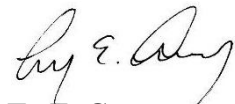
- 20) **Options for Special Tag Sale and Transfer.** The Commission will consider whether to direct the Department to develop, for later Commission action, options for the sale and transfer of special big game tags and to evaluate the budget impact for each option.
- 21) **State Authority Policy.** The Commission will consider whether to adopt a policy position concerning the State's primary authority to manage wildlife.
- 22) **Proposed Amended Dates and locations of the Arizona Game and Fish Commission Meetings 2024. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will ask the Commission to consider and select the proposed amended meeting date for the June 2024 Commission Meeting in Payson and the amended location for the March and May 2024 meetings.
- 23) **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.
- 24) **Future Agenda Items and Action Items.**
- 25) **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.
- 26) **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) to discuss with legal counsel and obtain legal advice related to potential incompatible uses on the Commission's state grazing leases.
- 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.

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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”**