



PUBLIC MEETING NOTICE AND AGENDA

August 26, 2024

A public meeting of the Arizona Game and Fish Commission will be held on **September 6, 2024** at the **Hassayampa Inn 122 E Gurley St, Prescott, AZ 86301**. 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 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, September 6, 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 CLAY HERNANDEZ, TUCSON | MARSHA PETRIE SUE, SCOTTSDALE | JEFF BUCHANAN, PATAGONIA
JAMES E. GOUGHNOUR, PAYSON | TODD G. GEILER, PRESCOTT **DIRECTOR:** TY E. GRAY **DEPUTY DIRECTOR:** TOM P. FINLEY

- a) **Cooperative Agreement with BSST, LLC for the Importation of Barramundi for Aquaculture Production. Presenter: Julie Carter, Aquatic Wildlife Branch Chief.** The Commission will be presented with a Cooperative Agreement with BSST Arizona, LLC for the importation of Barramundi for aquaculture production.
- 3) **Update Briefing on Petitions to Close One Road on State Trust Land Near Congress, Arizona. Presenter: Dan Sturla, Landowner Relations Program Manager.** The Commission will be updated on a petition submitted by Woody Grantham to restrict vehicle access at a single gate on State Trust Land (STL) located just east of Congress, Arizona. The Department will provide an evaluation of how the current gate is servicing the local community, and how its closure may impact them.
- 4) **Consideration of Proposed Recommendation to Commission Order 16 (Quail) regarding Montezuma (Mearns’) quail season dates, length, and harvest limits. Presenter: Dr. Larisa Harding, Small Game Management Program Supervisor.** The Commission will consider and may approve proposed amendments outside the 2023–2028 Hunt Guidelines to Commission Order 16 (Quail) establishing the 2024–2025 hunting season dates, open and closed areas, and bag and possession limits for Montezuma (Mearns’) quail only.
- 5) **Departments Evaluation of Revenue from SBTG. Presenter: Andrew Cavalcant, Habitat Partnership Committee Coordinator.** The Commission will be updated on the Department’s efforts to evaluate revenue generation from the Special Big Game License Tags in regards to funds available for the Habitat Partnership Committee project proposals and/or needs for future years.

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
Theodore Cly	2024-0045	Possession of Unlawfully Taken Wildlife (Elk)
Terry Fulks	2024-0046	Take Elk with Unlawful Device (Trail Camera) 4 Counts.

Pedro Garcia

2024-0047

Take Fish Without License.

- 7) **Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Michael Diamond 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.** Thomas Diamond 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.** Douglas Kleck has requested a rehearing regarding the revocation of his license privileges.
- 10) **Update to the Commission Regarding Human Wildlife Conflicts in Arizona. Presenter: Luke Thompson, Special Assistant to the Director.** The Commission will be provided an update on Human Wildlife Conflicts in Arizona and an overview of Department policy, actions and responses regarding public safety related to human wildlife conflicts.
- 11) **GMU 20A Habitat Enhancement Efforts. Presenter: Dennis Fogle, Wildlife Manager** The Commission will be provided a briefing on the progress of habitat enhancement projects in Game Management Unit (GMU) 20A.
- 12) **Approve the Notice of Rulemaking Docket Opening, Notice of Proposed Rulemaking, and Economic Impact Statement Amending Rules Within Article 1. Definitions and General Provisions. Presenter: Christopher Dean, Ben Avery Shooting Facility Range Manager.** The Department will ask the Commission to vote to approve the Notice of Rulemaking Docket Opening, Notice of Proposed Rulemaking, and Economic Impact Statement Amending Rules Within Article 1. Definitions and General Provisions; the Commission may provide the Department direction on this item.
- 13) **Proposed Amendments to Commission Order 40: Fish, Concerning Specific Proposals for Bag and Possession Limits, Special Regulations, and Specific Closures for Sport Fishing for Calendar Year 2025 and 2026. Presenter: Curtis Gill, Statewide Sport Fish Program Manager.** The Commission may vote to adopt amendments to Commission Order 40: Fish, establishing open seasons, open areas, closures and bag and possession limits for calendar year 2025 and 2026.
- 14) **Species of Greatest Conservation Need (SGCN) Briefing. Presenter: Angie McIntire, Bat Project Coordinator.** The Commission will be provided a briefing on the Department's conservation efforts for bats at Gilbert Road Bridge.

- 15) **State and Federal Legislation. Presenter: Ed Sanchez, Legislative Policy Administrator.** 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.
- 16) **State and Federal Lands Planning Update. Presenter: Callie Cavalcant, Habitat, Lands and Evaluation Branch Chief.** The Commission will receive an update on Department activities and involvement with land management planning and other actions regarding state and federal lands in Arizona.
- 17) **Commission Priorities Update. Presenter: Luke Thompson, 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 Josh Avey, Terrestrial Wildlife Branch Chief, on Establishing a Comprehensive Wildlife Management Approach.
- 18) **2024 Annual Commission Awards Selection. Presenter: Luke Thompson, Special Assistant to the Director.** The Department will present the 2024 Commission award nominees and will ask the Commission to select the award recipients.
- 19) **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.
- 20) **Future Agenda Items and Action Items.**
- 21) **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; litigation challenging the revised 10(j) rule for Mexican gray wolves.
- 22) **Executive Session. (The Commission will not vote to take on any action during the 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; OAH No. 24A-0001-AH-AZGFD, The Notice of Intent to Sue concerning the Alamo Wildlife Area.

- 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 the designation of the Grand Canyon National Monument.
- 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 discussing and consulting with legal counsel for legal advice regarding the BLM's plan for recreational shooting within the Sonoran Desert National Monument.
- 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 regarding trespasses and other unauthorized activities on Commission-owned Wildlife Areas.
- h. Legal Advice.** The Commission may vote to meet in executive session in accordance with A.R.S. §§ 38-431.03(A)(3) & (4) for the purpose of discussions and consulting with legal counsel for legal advice and to instruct Department staff on contract

negotiations regarding a license agreement for a transmission line over the Willcox Playa Wildlife Area.

- i. 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.
- 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 Commission practices related to communication, agendas and public records.
- 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.
- l. Personnel Matters and Legal Counsel Regarding the Hiring of a New Agency Director.** The Commission may vote to meet in executive session in accordance with A.R.S. 38-431.03(A) (1) and (A) (3) to receive legal advice from counsel regarding the process for hiring a new Agency Director.



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”