



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

June 7, 2023

A public meeting of the Arizona Game and Fish Commission will be held on **June 9, 2023**, at the **Gila County Tommie Cline Martin Complex, 707 S. Colcord Road, Payson, AZ 85541**. 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, June 9, 2023 – Meeting location opens at 7:45A.M.
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) **License Agreement Renewal with the Arizona State Forester at Flagstaff Regional Office. Presenter: Jim Ruff, Land and Water Program Supervisor.** The

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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

Commission may approve renewal of a License Agreement with the Arizona State Forester for use of a portion of the Flagstaff Regional Office property as an Administrative Site.

- b) **Memorandum of Understanding with the Phoenix Zoo. Presenter: Jeff Sorensen, Invertebrate Wildlife Program Manager.** The Commission may approve a Memorandum of Understanding to allow the Department to partner with the Phoenix Zoo for wildlife conservation and management activities in Arizona.
- 3) **Approve Proposed Commission Order 29 for Special Big Game License-Tag Seasons for Mule Deer, White-tailed Deer, Pronghorn, Elk, Turkey, Javelina, Bighorn Sheep, Bison, Black Bear, and Mountain Lion for the 2024–2025 Special License-Tag Hunting Seasons. Presenter: Callie Hartson-Cavalcant, Big Game Management Program Supervisor, Terrestrial Wildlife Branch.** The Commission will consider and may vote to approve Commission Order 29: Special Hunts, establishing seasons and season dates, bag and possession limits, permit numbers, and open areas for Special Big Game Hunt License-Tags for the 2024–2025 seasons.
- 4) **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.
- 5) **Authorize Issuance of Special Big Game Hunt Tags to Wildlife Conservation Organizations for Pronghorn, Bighorn Sheep, Black Bear, Bison, Elk, Javelina, Mountain Lion, Mule Deer, Turkey and White-tailed Deer for 2024–2025. Presenter: Andrew Cavalcant, Habitat Partnership Committee Coordinator, Terrestrial Wildlife Branch.** The Commission will consider and may vote to take action on applications from organizations for 2024–2025 Special Big Game Tags as per R12-4-120. A detailed description of proposals is available for public review at all Department offices.
- 6) **Approval of Article 1. Definitions and General Provisions Five-year Review Report for Submission to the Governor's Regulatory Review Council (G.R.R.C.). Presenter: Christopher Dean, Range Manager.** The Department will ask the Commission to vote to approve the Five-year Rule Review Report for Article 1 addressing definitions and general provisions for submission to G.R.R.C. The Commission may vote to take action on and provide the Department direction on this item.

TIME CERTAIN AT 10:00 AM

Revised

- 7) **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
Tyler Biggs	2023-0033	Take Mule Deer Without A Permit.
Tyler Biggs	2023-0034	Take Mule Deer in Excess of Bag Limit.
Tyler Biggs	2023-0035	Take Mule Deer in Closed Unit.
Robert King	2023-0036	Apply For/Obtain Resident Deer Tag by Misrepresentation.
Jimmie Phillips Jr.	2023-0037	Obtain Resident Hunt License by Misrepresentation.

LUNCH BREAK (BEGINS AT 12:00 PM)

Agenda items # 8-9 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.

- 8) **Renewal of Licensing Agreement with Lumen (formerly CentryLink) to operate and maintain a buried fiber optic line through a portion of the Cluff Ranch Wildlife Area. Presenter: Jim Ruff, Land and Water Program Supervisor.** The Commission may approve the renewal of an existing License Agreement with Lumen for operation and maintenance of its existing fiber optic cable.
- 9) **Renewal of Licensing Agreement with Lumen (formerly CenturyLink) to operate and maintain a buried fiber optic line through the GSA parcel of Cluff Ranch Wildlife Area. Presenter: Jim Ruff, Land and Water Program Supervisor.** The Commission may approve the renewal of an existing License Agreement with Lumen for operation and maintenance of its existing fiber optic cable on the GSA parcel of the Cluff Ranch Wildlife Area.
- 10) **Ben Avery Shooting Facility Master Plan, Range Protection Zone Update. Presenter: Mike Raum, Shooting Sports Branch Chief.** The Commission will be provided an update on the Department's ongoing evaluation of future range protection zone planning as

designated in the Ben Avery Shooting Facility Master Plan. The Commission may vote to take action on and provide the Department direction on this item.

- 11) **Limited Entry Hunt Opportunity Update. Presenter: Heidi Rayment, Marketing and Public Affairs Branch Chief.** The Commission will be briefed on the Department's strategy to conduct limited entry hunt opportunities, including messaging, tag offerings and application process.
- 12) **Species of Greatest Conservation Need Wildlife Briefing. Presenter: Sky Arnett-Romero, Wildlife Specialist II.** The Commission will be provided a briefing on the Department's conservation efforts of the Flat-tailed Horned Lizard.
- 13) **Response Plan in Case of a Future Detection of CWD in Arizona. Presenter: Anne Justice-Allen, DVM, Wildlife Health Program Supervisor.** The Commission will be provided a briefing on the Department's Response Plan that will be implemented in the event Chronic Wasting Disease is ever detected in Arizona.
- 14) **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.
- 15) **State and Federal Legislative Update. Presenter: David Fernandez, Legislative Policy Administrator.** 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.
- 16) **Commission Priority Report. Presenter: Ed Sanchez, Legislative Liaison, Government Affairs.** The Department will provide an update on the Commission Priorities and Metrics. The Department will also provide an extended presentation by Dan Sturla, Landowner Relations and Habitat Enhancement Program Manager, on Increasing Public Access and Improving Landowner Relations.
- 17) **Election of Commission Chair and Vice-Chair for July 1, 2023 through June 30, 2024. Presenter: Ed Sanchez, Legislative Liaison, Government Affairs.** The Commission will vote to elect a Commission Chair and Vice-Chair for July 1, 2023 through June 30, 2024.
- 18) **Proposed Dates and Locations of Arizona Game and Fish Commission Meetings for 2024 and January 2025. Presenter: Ed Sanchez, Legislative Liaison, Government**

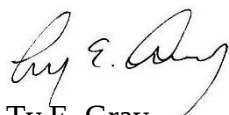
Affairs. The Department will ask the Commission to consider and select proposed meeting dates and locations for the Year 2024 and for January 2025.

- 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. 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.
- 22) **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.

Revised

- 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. **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.
- h. **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”