



PUBLIC MEETING NOTICE AND AGENDA

REVISION #1

September 6, 2023

A public meeting of the Arizona Game and Fish Commission will be held on **September 8, 2023** at the **Greer Community Center, 74 Main Street, Greer, AZ 85927**. 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, September 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

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.

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

- a) **Renewal of Memorandum of Understanding between the Arizona Game and Fish Commission and the United States Department of the Interior, National Park Service, Intermountain Regional Office. Presenter: Ginger Ritter, Project Evaluation Program, Program Manager.** The Commission may approve the renewal of a Memorandum of Understanding between the Arizona Game and Fish Commission and the United States Department of the Interior, National Park Service, Intermountain Regional Office.
- b) **Renewal of a License Agreement with the Army Corps of Engineers for continued management of Alamo Lake Wildlife Area. Presenter: Jim Ruff, Land and Water Program Supervisor.** The Commission may approve a renewal of an existing License Agreement with the Army Corps of Engineers for continued management of the Alamo Lake Wildlife Area.
- c) **Renewal of a License Agreement with Qwest Corporation (d/b/a CenturyLink) to operate and maintain a buried fiber optic line through a portion of the Ben Avery Shooting Facility. Presenter: Jim Ruff, Land and Water Program Supervisor.** The Commission may approve the renewal of an existing License Agreement with CenturyLink for the operation and maintenance of an existing fiber optic cable along the eastern boundary of the Ben Avery Shooting Facility.
- d) **Cooperative Agreement with Cornerstone Developments LLC for the Importation of Barramundi for Aquaculture Production. Presenter: Julie Carter, Aquatic Wildlife Branch Chief.** The Commission may approve the Cooperative Agreement with Cornerstone Developments LLC for the importation of live Barramundi for aquaculture production.

Agenda item 3 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.

- 3) **Memorandum of Understanding with Arizona Deer Association and Mule Deer Foundation Renewal. Presenter: Andrew Cavalcant, Habitat Partnership Committee Coordinator, Terrestrial Wildlife Branch.** The Commission may vote to approve a Memorandum of Understanding to allow the Department to partner with the Arizona Deer Association and Mule Deer Foundation on conservation and education programs and work towards improving the status of deer and other wildlife and the habitat upon which the species depends. The Commission may vote to take action on, or provide the Department direction on this item.
- 4) **Pronghorn project in GMU 1. Presenter: Jason Capps, Wildlife Manager GMU 1, Region I.** The Commission will be provided a briefing on the management of pronghorn antelope and a collaring/movement project in GMU 1.

- 5) **Species of Greatest Conservation Need (SGCN) Wildlife Briefing. Presenter: Zachary Beard, Statewide Native Aquatics Program Manager.** The Commission will be provided a briefing on the conservation and management of Apache trout.

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
William Fansler	2023-0054	Obtain a license or take wildlife while license has been revoked. Take wildlife without a valid license.
Danny Ono	2023-0055	Take Deer with Unlawful Device (Trail Camera).
Richard Hendrix	2023-0056	Take mule deer without a valid tag. Take mule deer after hours. Possess unlawfully taken mule deer. Take with artificial light.

- 7) **Commission Update on Outreach Efforts to Survey Mearns' Quail Hunters. Presenter: Dr. Larisa Harding, Small Game Management Program Supervisor.** The Department will present an update on outreach efforts to hunters who specifically target Mearns' quail for harvest.
- 8) **Approve Article 2. Licenses; Permits; Stamps; Tags Five-year Rule Review Report for Submission to the Governor's Regulatory Review Council (G.R.R.C.). Presenter: Dr. Larisa Harding, Small Game Program Manager, WMD.** The Department will ask the Commission to vote to approve the Five-year Rule Review Report for Article 2 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.
- 9) **Approve the Notice of Supplemental Proposed 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, FOR4 Regional Supervisor.** The Department will ask the Commission to vote to approve the Notice of

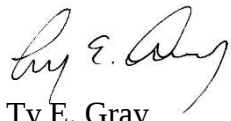
Supplemental Proposed Rulemaking and Economic Impact Statement Amending Rules Within Articles 1. Definitions and General Provisions, 2. Licenses; Permits; Stamps; Tags, 3. Taking and Handling of Wildlife, and 6. Rules of Practice Before the Commission and the Commission may provide the Department direction on this item.

- 10) **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.
- 11) **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.
- 12) **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 Josh Avey, Terrestrial Wildlife Branch Chief, on Establishing a Comprehensive Wildlife Management Approach.
- 13) **2023 Annual Commission Awards Selection. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will present the 2023 Commission award nominees and will ask the Commission to select the award recipients.
- 14) **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.
- 15) **Future Agenda Items and Action Items.**
- 16) **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.

17) 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.
- 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 discussing and consulting with legal counsel for legal advice regarding the BLM's plan for recreational shooting within the Sonoran Desert National Monument.
- i. Legal Advice.** The Commission may vote to meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) for discussing and consulting with legal counsel for legal advice the potential referral of Ernesto Bernal to OAH for civil penalties for the unlawful take of a deer and potential legal actions in response to the OAH case against Austin Lewis.
- 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.


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”