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## **PUBLIC MEETING NOTICE AND AGENDA**

**November 20, 2020**

A public meeting of the Arizona Game and Fish Commission will be held on **December 4, 2020** at the **Quality Inn, Conference Room 801 N. Beeline Hwy., Payson, AZ 85541**. The public may attend the meeting in person but the number of people allowed in the meeting facility will be limited based on social distancing requirements. **BE AWARE THE TOWN OF PAYSON REQUIRES FACE COVERINGS IN PUBLIC SETTINGS WHERE SIX FEET PHYSICAL DISTANCE CANNOT BE MAINTAINED.** In the alternative, the public may 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 viewing via video teleconference wanting to speak to the commission on specific agenda items can call 602-962-8790 and follow the prompts to say your name, where you are calling from, and the agenda item you wish to speak about. **THE ABILITY OF THE PUBLIC TO ATTEND THE MEETING IN PERSON IS SUBJECT TO CHANGE IN THE EVENT COVID-RELATED RESTRICTIONS ON PUBLIC EVENTS ARE MODIFIED PRIOR TO THE MEETING. IF THIS OCCURS, OTHER OPTIONS WILL REMAIN FOR THE PUBLIC TO LISTEN, WATCH AND COMMENT VIA ELECTRONIC MEANS.** Copies of any presentations, documents, etc. discussed during the meeting will be available by contacting [sbernal@azgfd.gov](mailto:sbernal@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 4, 2020 - Meeting begins at 8:00 A.M.**

**Pledge of Allegiance**

**Welcome/Introductions**

**Awards and Recognition**

- 1) Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. 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 have been grouped together and 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:** DOUGLAS A. DUCEY **COMMISSIONERS:** CHAIRMAN KURT R. DAVIS, PHOENIX | LELAND S. "BILL" BRAKE, ELGIN  
JAMES E. GOUGHNOUR, PAYSON | TODD G. GEILER, PRESCOTT | ERIC S. SPARKS, TUCSON **DIRECTOR:** TY E. GRAY **DEPUTY DIRECTOR:** TOM P. FINLEY

- a) **Approve License agreement for five piezometer wells on Robbins Butte Wildlife Area, Sovereign Lands and PLO-1015 lands. Presenter: Kelly Wolff, Habitat, Evaluation, and Lands Manager, Region VI.** The Commission may approve entering into a License Agreement with US Geological Survey to install and maintain a network of five piezometer wells on Robbins Butte Wildlife Area, Sovereign Lands, and PLO-1015 lands, Maricopa County, AZ.
- b) **Approve Robbins Butte WA License Agreement with Maricopa County Parks and Recreation. Presenter: Clay Crowder, Habitat Evaluation, and Lands Branch Chief.** The Commission may approve entering into the License Agreement with Maricopa County Parks and Recreation on the Robbins Butte WA for Access and Maintenance of a Trail.
- 3) **State and Federal Legislation. Presenter: Ed Sanchez, Legislative Liaison.** 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 or other elective issues related to Department responsibilities.
- 4) **Commission Priorities Update. Presenter: Kent Komadina.** The Department will provide an update on the Commission Priorities and offer a recommendation for updating the Priorities and a recommendation for how to incorporate the Priorities into the Commission Sub-Committee structure.
- 5) **State and Federal Lands Planning Update. Presenter: Clay Crowder, Habitat, Evaluation, and Lands 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.
- 6) **Request to Approve a Notice of Final Rulemaking and Economic Impact Statement Amending Article 1. Definitions and General Provisions. Presenter: Erin Butler, FOR3 Terrestrial Wildlife Program Manager.** The Department will ask the Commission to vote to approve a Notice of Final Rulemaking and Economic Impact Statement amending rules within Article 1, Addressing Definitions and General Provisions.
- 7) **Request to Approve a Notice of Final Rulemaking and Economic Impact Statement Amending Article 4. Live Wildlife. Presenter: Timothy Holt, FOR2 Field Supervisor.** The Department will ask the Commission to vote to approve a Notice of Final Rulemaking and Economic Impact Statement amending rules within Article 4, addressing live wildlife.
- 8) **Update on agency marketing efforts and projects; FY21 Conserve and Protect strategy; 2020 trends survey; public-private alliances; and 10 in 10 revenue results and planning. Presenter: Heidi Rayment, Marketing Branch Chief Information, Education, and Recreation Division and Laura Canaca, Division Coordinator Information, Education, and Recreation Division.** The Commission will be briefed on the agency's marketing efforts and plans to date, including the FY21 Conserve and Protect campaign and results of the 2020 trends survey. The Commission also will be briefed on the agency's public-private alliances, and IERD 10 in 10 results for FY20 and goals for FY21.

**TIME CERTAIN AT 10:00 AM**

- 9) **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>
Julio Delgado	2020-0053	Take Deer With Unlawful Device.
Henry Cota	2020-0054	Hunt Without A Permit Tag. Possess Another's Tag in Hunt Area.
Andrew Gray	2020-0059	Knowingly Waste Edible Game Meat.
Keith Francis	2020-0065	Possess Unlawfully Taken Mule Deer.

- 10) **Rehearing Request Regarding Commission Acceptance of OAH Decision. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Tim Downs has requested a rehearing regarding the Commission's decision to accept the recommended Decision and Order of the Office of Administrative Hearings affirming the Department's denial of Downs' 2020 Guide License.
- 11) **Rehearing Request Regarding Previous License Revocation/Civil Assessment. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Mark Carlisle has requested a rehearing regarding the revocation of his license privileges.
- 12) **Renewal of a Road Closure on State Trust Land Approximately Eight Miles North of Winkelman, Arizona. Presenter: Don Larsen, Landowner Relations Program Supervisor.** The Commission may approve a request submitted by Elmo Holt to renew a road closure on STL located approximately eight miles north of Winkelman, Arizona. The purpose of this closure is to prevent further resource damage to riparian habitat along an upper stretch of the Gila River.
- 13) **Renewal of a Gate Closure on State Trust Land by Gold Canyon, Arizona. Presenter: Don Larsen, Landowner Relations Program Supervisor.** The Commission may approve a request submitted by Dee Johnson to renew a gate closure on STL located approximately two miles east of Gold Canyon, Arizona. Collaboration regarding the management of this high use area recommended locking this one vehicular access point to reduce habitat damage and other issues, while maintaining vehicular access through alternative access points.

**Lunch Break (Begins at 12:00 p.m.)**

**TIME CERTAIN AT 1:30 PM**

- 14) **Request to Approve a Notice of Rulemaking Docket Opening, Notice of Proposed Rulemaking Amending Article 3. Taking and Handling of Wildlife. Presenter: Larry Phoenix, FOR3 Regional Supervisor.** The Department will ask the Commission to vote to approve a Notice of Rulemaking Docket Opening, Notice of Proposed Rulemaking, and Economic Impact Statement to

initiate rulemaking to amend rules within Article 3. Taking and Handling of Wildlife, related to the use of game cameras.

- 15) **Request to Approve Notice of Rulemaking Docket Opening Amending Rules Within Articles 1. Definitions and General Provisions; 2. Licenses, Permits, Stamps, Tags; and 3. Taking and Handling of Wildlife. Presenter: Larry Phoenix, FOR3 Regional Supervisor.** The Department will ask the Commission to vote to approve a Notice of Rulemaking Docket Opening to initiate rulemaking to amend rules within Articles 1. Definitions and General Provisions; 2. Licenses, Permits, Stamps, Tags; and 3. Taking and Handling of Wildlife, related to authorizing the use of electronic tags.
- 16) **Amending Commission Order 40 to Remove Temporarily Bag and Possession Limits on all Fish Species at Cluff Ranch Pond #3. Presenter: Nathan Berg, Region V Aquatic Wildlife Program Manager.** Due to the impending water level draw down of Cluff Ranch Pond #3 to replace the nonfunctional dam release valve, the Commission will be asked to approve the immediate removal of daily bag and possession limits on all fish species (effective upon approval) until March 31, 2021.
- 17) **Amending Commission Orders 4 and 26 for the 2021 Hunting Seasons. Presenter: Amber Munig, Big Game Management Program Supervisor.** The Commission will consider and may approve amendments to Commission Order 4 (elk) and 26 (Population Management Hunts) hunts and permit numbers in some units for the 2021 fall hunting seasons.

**Agenda Item #18 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.**

- 18) **Grazing Allotment and Horseshoe Ranch Property License Agreement with JH Cattle Company. Presenter: Clay Crowder, Habitat Evaluation, and Lands Branch Chief.** The Commission will be presented with a property license with JH Cattle Company at Horseshoe Ranch for livestock operations and building access.
- 19) **Commission Sponsored Committees; Department Review and Recommendations. Presenter: Pat Barber, Community Engagement Administrator.** The Department will brief the Commission on the results of a review of current Commission Sponsored Committees which include the Heritage Public Advisory Committee, the Habitat Partnership Committee, the Landowner/Sportsmen Relations Committee, and the Sportsmen's Constituent Group. The Commission may vote to continue, modify and/or discontinue any of these committees.
- 20) **Commissioner Committee Reports, Director and Commissioner Comments.** Commissioners may provide an update on the subcommittees that they chair regarding current events and issues. The Director and the Commissioners may provide brief comment 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.
- 21) **Future Agenda Items and Action Items.**
- 22) **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; Zuni water rights*

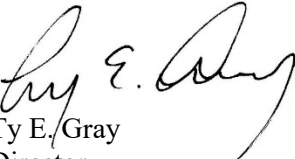
settlement agreement; *Center for Biological Diversity v. U.S. Forest Service*, CV 12-0817 (AZ); *Center for Biological Diversity v. Zinke*, CV 15-00019 (AZ); *Center for Biological Diversity v. Zinke*, CV 18-00047; *WildEarth Guardians v. Ashe*, CV 15-00285 (AZ); *Safari Club International v. Zinke*, 16-00094 (AZ);; *Hamberlin v. State of Arizona, et al.*, CV 2018-010149; *State of Arizona v. Hamberlin*, No. 1 CA-CV 18-0435; *Slater v. State of Arizona, et al.*, CV 2018-097090; *The National Trust for Historic Preservation v. Bernhardt*, CV 19-05008; *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.

**23) 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*; *Zuni water rights settlement agreement*; *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); *Hamberlin v. State of Arizona, et al.*, CV 2018-010149; *State of Arizona v. Hamberlin*, No. 1 CA-CV 18-0435; *State of Arizona v. Tim Downs*, Pinal County Justice Court No. CM2018-000584; *State of Arizona v. James Hamberlin*, Pinal County Justice Court No. CM2018-000583; *Slater v. State of Arizona, et al.*, CV 2018-097090; *Center for Biological Diversity v. U.S. Forest Service*, CV 20-00075; *The National Trust for Historic Preservation v. Bernhardt*, CV 19-05008; *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; Owens notice of claim; Center for Biological Diversity's NOI for Mexican spotted owl; legal action related to restricting outdoor recreation on federal public lands in Arizona due to COVID-19; *California v. Wheeler*, CV 20-03005.
- 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. 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.
- e. 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”**