

**MEETING MINUTES
NEW MEXICO STATE GAME COMMISSION
Community Center Air Park Road
Clayton, New Mexico**

Thursday, May 11, 2017
9:00 a.m. – 5:00 p.m.

A P P E A R A N C E S

Chairman Paul Kienzle

Vice Chairman Bill Montoya

Game Commissioner Robert Espinoza

Game Commissioner Ralph Ramos

Game Commissioner Bob Ricklefs

Game Commissioner Elizabeth Ryan

A B S E N T

Game Commissioner Thomas Salopek

(Meeting already in progress)

GUEST SPEAKER: I'm the Assistant Director of the Resource Division of Department of Game and Fish.

GUEST SPEAKER: Good Morning Chairman, Commissioners, (Indiscernible) Deputy Director with the Department of Game and Fish.

GUEST SPEAKER: Good morning Chairman and Commissioners. I'm Lance Cherry. I'm the Chief of Information and Education with the New Mexico Department of Game and Fish.

GUEST SPEAKER: Morning Commission and members of the public. I'm Chris Chadwick, Assistant Director with the Department of Game and Fish.

GUEST SPEAKER: Good morning Chairman and Commissioners. My name is Paul Varela. I'm the Chief of the Administrative Services Division with Department of Game and Fish.

GUEST SPEAKER: Good morning Mr. Chairman and members of the Commission. My name's (Indiscernible) and the (Indiscernible-background noise) of Department of Game and Fish.

DIRECTOR SANDOVAL: Mr. Chairman, if I may? Angelica [Phonetic], she's new to the budget position so she came up from our HR Division and we're excited to put her on doing budgets.

GUEST SPEAKER: Good morning Mr. Chairman, members of the Commission and members of the public. I'm Stewart Lyle. I'm the Chief of Wildlife.

GUEST SPEAKER: Good morning Mr. Chairman. I'm (Indiscernible) Garcia. I'm (Indiscernible) of the nonprofit here in Clayton under the (Indiscernible).

GUEST SPEAKER: Good morning Mr. Chairman and Commission. I'm Russ Benjamin. I'm the Construction Manager of the Department of Game and Fish.

GUEST SPEAKER: Good morning everyone. I'm Alydia Gandia [Phonetic], the (Indiscernible).

GUEST SPEAKER: Good morning. I'm Mary Catherine Ray [Phonetic]. Wildlife Chair, Rio Grande (Indiscernible).

GUEST SPEAKER: Michelle Lou [Phonetic], (Indiscernible).

GUEST SPEAKER: Michelle Lou [Phonetic] (Indiscernible).

GUEST SPEAKER: Good morning Mr. Chairman, (Indiscernible) Chief Legislative Officer for (Indiscernible).

GUEST SPEAKER: Good morning, (Indiscernible-background noise).

GUEST SPEAKER: Mr. Chairman, I'm (Indiscernible-background noise).

GUEST SPEAKER: Mr. Chairman, Commissioners, my name is Colin Duff [Phonetic]. I'm a Southern Major for Field Operations (Indiscernible-background noise).

GUEST SPEAKER: Good morning. I'm Robert Griego. I'm a Colonel of Field Operations.

GUEST SPEAKER: Good morning. Ray Sanchez, I'm the Major for the Northern Field Operations.

GUEST SPEAKER: Good morning Mr. Chairman, Members of the Commission. members of the public. Casey Cardinal. I'm with the Environmental Department.

GUEST SPEAKER: My name's Doug Townsend. Good morning. I'm with the National resources and Observation Service and I'm also under the Fisheries [Phonetic].

GUEST SPEAKER: Good morning. I'm Marla Atkinson [Phonetic] and I'm a concerned citizen and a concerned hunter.

GUEST SPEAKER: Good morning Mr. Chairman, Members of the Commission. My name is Terry Anderson and I represent the New Mexico Foreign Livestock Bureau.

GUEST SPEAKER: Good morning. I'm John Cain [Phonetic], (Indiscernible-background noise).

GUEST SPEAKER: Good morning Mr. Chair and Members of the Commission. I'm Angie Gonzalez for (Indiscernible). Thank you for coming to a new county.

GUEST SPEAKER: Good morning. Brady Fincher [Phonetic], I'm just a citizen.

GUEST SPEAKER: Good morning. I'm Mike Sloane, Chief of Fisheries.

GUEST SPEAKER: Good morning. I'm Mike Ruhl. I'm the Native Fish Program Manager for the Department.

GUEST SPEAKER: Good morning. I'm Brian (Indiscernible). I'm the Rio Grande Cutthroat Trout Biologist (Indiscernible).

GUEST SPEAKER: Good morning. I'm Kirk Patton. I'm the Assistant Chief of Fisheries for Game and Fish.

GUEST SPEAKER: Good morning. I'm Allerton Payton [Phonetic] I'm an attorney regarding a case before the Commission today and also a hunter and concerned citizen.

GUEST SPEAKER: Good morning. My name's Mike Jones. I'm Mr. Pendleton's law partner and I came up for moral support but I'm also a hunter and fisher as well.

GUEST SPEAKER: Good morning. Susan (Indiscernible) New Mexico Wildlife Federation.

GUEST SPEAKER: (Indiscernible).

GUEST SPEAKER: Good morning. Carl (Indiscernible) from District Education System.

GUEST SPEAKER: Good morning Mr. Chairman, Commissioners, members of the public. I'm Martin Perea. Videographer with Information and Education Division for New Mexico Game and Fish.

GUEST SPEAKER: Good morning everyone. I'm Dan Williams. I'm the Assistant Chief of Information.

GUEST SPEAKER: Good morning everybody. My name is Sandra DuCharme. I'm the Executive Assistant to the Director and the Game Commission.

CHAIRMAN KIENZLE: Senator Campos.

GUEST SPEAKER: Thank you very much members of the Commission and of course to the Director. Pete Campos State Senator representing the Senate District 8 which is most of Northeastern New Mexico.

CHAIRMAN KIENZLE: Thank you. Can I get a motion to approve the minutes from our meeting in April?

COMMISSIONER: So moved Mr. Chairman.

COMMISSIONER 2: Second.

CHAIRMAN KIENZLE: All in favor?

ALL COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Ayes have it. Senator Campos, you have the floor. Thank you.

SENATOR CAMPOS: Thank you very much, Mr. Chairman, members of the Commission and of course, to Director Sandoval. I want to thank you very much for giving me the opportunity this morning to spend a few minutes with you regarding one of the issues that is before us here in the State of New Mexico and so before you, you have a very brief handout that will outline at least some of the solutions as we consider this issue well for future meetings. But before I get into this particular presentation, I first of all want to thank you very much for the work that you continue to do on behalf of all of the residents here in New Mexico. I know that you travel around the state. It's difficult to not only take on all these serious issues that we continue to bring before the Commission but you're doing that with very limited resources. Fully understand that and as I continue to go forward as a State Senator, the work that I do, please count on me as one of the advocates to help you with raising up resources and of course, helping to solve a lot of issues that we face with our Game and Fish Department here in New Mexico. Secondly, I want to go ahead and thank you also for the fine work that's going on with the Warm Water Fish Hatchery located in Santa Rosa. That along with the Educational Center is going to be, in my opinion, one of the centerpieces for the warm water Fisheries and of course, fisheries in general here in New Mexico but it's because of your applicantcy [Phonetic], because of your vision, that projects like that continue even again, during the stuff you do all the times. So with being said, Mr. Chairman, members of the Commission, in (Indiscernible-background noise) what I did is I in essence, outlined kind of where we see these things when we start talking about trapping and poisoning in New Mexico and so within that, my discussion is going to be very brief. To give you an idea, to the left of the front page of the handouts, you would have, if you will, those that are working, if you will, at the dam, trappings and poisonings and (Indiscernible) and then starts to move to your right where it's a, an SB-286 where there was some restrictions but that doesn't

matter in essence of it being the public lands and then we cross over to the other side to where you didn't have it, if you will, some of the suggestions but again, (Indiscernible) and then also with the current regulations on the trapping in (Indiscernible). So let's, if I could Mr. Chairman and members of the Commission, for the time being, put those aside and start the discussion and unfortunately, for the most part, in order for us to cover our vast state in order to address these issues, it really takes the entire state and all our stakeholders support in order for us to move forward with this. So within that, we also know these things can't be done unless we have resources to carry out these functions. So just some suggestions and again, I'm going to go through this superficially but at least start that discussion to provide some ideas and then there's about three bullets on the second page that I would offer to you as some of the next steps. For the first would be the creation of a public lands stakeholders stamp. It's the thought and an idea but that way these other individuals who are out there and I say other individuals, visitors to our state and those who are the outdoor enthusiast who make (Indiscernible), the trappers or the hunters, but there being a step possibly developed where with about 15,000 members of this year on projections, a group of Mexico. These people and others would be able to purchase a stamp like this and help with, if you will, the enforcement that comes to the trapping here in New Mexico. Along with that, some ideas and from what I've heard these things over and over. How do we protect, if you will, a public who use our trails, possibly put up signage? How do we deal with traffic as they go out and they (Indiscernible-background noise) traffic? To identify these areas also the signage flags and other ways so that people who are out there walking their animals, taking a hike and at least rest assured that they are more of the issues to address that possibly, you know they're not aware of or that we really haven't been able to fully enforce because of the vastness of our state and for the employees that are responsible for this and of course,

unfortunately as we continue to deal with those people who, who thinks in a reckless manner. Another point would be made a review an appropriately make recommendations for removal of current exemptions from licensure. Now these are contentious issues but in order for the groups to come together. I have offered myself as a person to sit at the table with stakeholders to help to work through some of these issues and to assist the Commission in any way possible, either in the future through legislation or as we move forward with both, to some of the administrative rules to come up with suggestions and compromises in order for all of our stakeholders here in the state and our visitors of course, to utilize our properties in our vast open spaces to the best way possible. I could go through the entire list but I'm not going to. I'm just going to go ahead and go down to Item Number 8 and that would be to explore ways to bridge the dividing between the Department of Game and Fish, the Game Commission and non-licensed buyers, both residents and tourists who enjoy using the outdoors and appreciate our states wildlife. I move to that point and you read the last reserved legislative session. I walked into a committee meeting room, there at conservation, and the room was full, as you all know and we had so many people that were there very passionate about their points and view and I truly feel that in order for us to move forward, there needs to be our online attempts to create good communication. To come up with, if you will, collaboration and if you will, some organization of some the rules and some the legislation that in essence binds us as we move forward as a very productive state. The use of land in New Mexico is definitely changing. We see the influx of population, relocation of people in our small communities and I really commend the people of Clayton. As you can tell, especially as you were driving in, you hadn't been to this corner of the state for some time. The community is clean, well maintained. There's a lot of pride in ownership and that speaks well for rural New Mexico. Here in Northeastern New Mexico, as I travel all the way from

(Indiscernible-background noise) working on fish hatchery (Indiscernible). As we take a look at about ten different dams in this part of the state, still need rehabilitation. That's huge. That is for the state (Indiscernible) of our most, one of our most precious resources (Indiscernible) of water. And then along with that, our roads and of course, our cattle ranches and then projection on our big game and enjoyment, if you will, of our lakes for fishing where we take our youngsters and we work with them and we teach them patience. That along with so many other things we do in New Mexico truly help us do become very elite. On the second page, what I'd like to do is in essence, is just go through three basic steps. Members of the Commission, respectively, if we could in the future establish a small working group among the New Mexico Department of game and Fish. The balance of representation and issue stakeholders. Secondly, to have the working group meet and along with that I would like to be a part of that. I don't have to have any official role but I would like to have the opportunity to sit in and continue to help to bring forward ideas and thoughts that definitely would benefit the stakeholders here in New Mexico that utilize our public lands. Then thirdly, the working group would report back to you, State Game Commission and make recommendations for administrative solutions and as I have in the past and I commend the Board of Director Sandoval because true leaders, whether it be that we work with the Game Protection Plan, increasing fees. I've been (Indiscernible) on Saturdays hearing some of that legislation but more than that, we continue to modernize to a group and of course, to use the scarce resources that you all have in a very efficient way and I hope thank you Mr. Chairman for that work. So with that, Mr. Chairman Commissioners, Director Sandoval, I'm available for questions, any discussion. if not, again I just really thank you for allowing me these few minutes to make this presentation. It was worth the drive coming in this morning on I-25 to take a look, if

you will, at our vast lands and how beautiful they really are and thank you for the way that you all work to preserve them. Thank you.

CHAIRMAN KIENZLE: I'll say I note the Commission is committed to modernizing traffic rules. As you know, the way the Commission typically works is things bubble up from the bottom and not completely down from the top and so I know the Director is also interested in this issue and the three suggestions you make I think are excellent suggestions and we all need to put a timeframe or some sort of deadline on it.

DIRECTOR SANDOVAL: So Mr. Chairman, Senator Campos, so we have those same internal discussions. We've already started to identify those appropriate stakeholders. We see this rolling out this summer, spring into summer and then being able to bring some potential discussion points probably in the fall depending on what kind of feedback we get. So yes, the wheels are in motion. Stewart Shoppe, Wildlife Management Division would be the primary division in charge and then he kind of worked on that.

CHAIRMAN KIENZLE: And we've taken enough (Indiscernible). We've done open instead of closed for (Indiscernible-background noise). So we're committed to the very things you talked about. But again, someone need only get something in front of us that we can start to consider and then put that on the table and I know we've tried to jumpstart this process over the years and there's a lot of stakeholders. This is not an easy, kind of easy circle to square quickly but with you involved in the process we can commit from the Director to the department, I know we can get it done and I'm pretty sure everyone will go away unhappy, which is probably a good solution but I think we can modernize these rules and certainly make some improvements

because we have not really taken up the issues that you bring up here in quite some time. So you've got the Commissions full support to get it done.

SENATOR CAMPOS: Mr. Chairman, members of the Commission, I want to thank you very much for this opportunity. I really want to thank you for your support of your employees tonight and I say that because as we're going through this tumultuous period regarding, if you will, the full fiscal match and the accountability at the state level. There are other issues that we also need to address but I didn't want to go ahead and make that known because of your efforts, we'll need to do everything possible again, to support our employees as they try to cover the entire state not only in enforcement but to continue and proceed in operations. We do have the Director, thank you very much and so I'll wait to hear from you when these meetings will be held with the stakeholders are and of course, as I move forward to make every attempt to meet those needs.

CHAIRMAN KIENZLE: I would suggest on the first one, get everybody in the same room if you can but beyond that, we're a big state. So (Indiscernible) so people can call in rather than, but if we do this the way we typically do it, you know wheel it around the state perhaps to give the opportunity for people in all the different parts of the state that could actually show up. Stay involved and keep driving the process. If you run into any roadblocks let me know.

SENATOR CAMPOS: I appreciate it Mr. Chairman and members of the Commission. Thanks again.

CHAIRMAN KIENZLE: Thank you. Any comments from the public on Senator Campos's presentation? Okay. Agenda Item Number 8, Awards of Excellence and Dedication to Wildlife Management.

DIRECTOR SANDOVAL: Good morning Mr. Chairman, members of the Commission, members of the public. We're here to present our Annual Employee Awards that we give out to those folks who have shown a dedication to the wildlife in the State of New Mexico. That's not to say, I can brag on each and every one of these employees that work for this department. They all do an extraordinary job. They stand firmly and have purpose and they have a passion about wildlife that it's rather humbling to be around when you work with them. So I wish we could give everybody an award. We'd be here all day but there are a few different categories. So the first one, I would like Brian, Mike, Mike and Kirk to come on up. So I'd just like to note for the record they have ties on. We hardly ever see them with their shirts on with ties. So take a picture now. These gentlemen all represent, they are receiving a Teamwork Award for this department this year. You've heard me say and testify both in public settings and in private the work that's been done for the Rio Grande Cutthroat Trout work up here actually in North Central New Mexico and the gentlemen standing behind me are the reason why it's happened. They are truly dedicated to restoring Rio Grande Cutthroat Trout and honestly, I think they are the reason why potentially, knock on wood, we will move through the lawsuits around the Conservation easily because we have done so much work and they have been dedicated over the last 20 years to ensuring that the Rio Grande Cutthroat Trout will come back and be a species that we can all be proud of in the State of New Mexico. So I'm not going to read the whole letter because there's a lot here. Thank you sir, for all the good information but what it really comes down to is, they really do take a team effort and I will include in there the financial specialists that make all this work because it was not just these guys out on the ground. It was making sure we could that we could purchase everything and get everybody on and help. So it's everywhere from doing a

financial to doing a program report which included going in and applying a lot of pesticides out there which is a lot of work. Racking those fish, dumping them out, there shouldn't be dumping,

(Laughter)

Sorry, stocking those fish out there but it's over 350,000 trout's I think have been managed at some point and the work has just been tremendous. The teamwork that goes into what happens. You know, often times there's huge kind of swarming of employees up there when we're doing those, the pesticide application or we're doing the stocking or whatever it may be and it really is one of those feathers in our caps as an agency. So I would just like to recognize the teamwork for the Rio Grande Cutthroat Trout Restoration, particularly there on the Rio you can see the work that's been done. These guys are tremendous.

(Applause)

Thank you guys for all your hard work. Thank you guys so much. On to the next. Can I get Casey to come on up? So you all have seen Casey on occasion. Casey Cardinal. She is our Resident Bird Biologist. She does a tremendous amount of work and I think she's made a few presentations up here to the Commission but she was nominated for having received the Conservation Services Award this year. She's tremendous and she has really grown our constituent involvement around Resident Bird Program just in general. She's a wonderful person to be around. She's truly passionate about management and so it's with a great honor that I give Casey the Conservation Services Award. She's new to the state, to the State Game and Fish Department but when she came on she immediately jumped in. She's doing the work for Mariam Turkey and Bull Turkey and has grabbed a hold of that program and done a tremendous job. In a generation from now when we're out there all hunting Bulls Turkey and not done on a truly

(Indiscernible-static) we will have her to thank for that. She is truly the driver in making that program a success. I am, for those of you who don't know, I am the Director Sponsor for the Western Quail Working Group for the Western Association Fish and Wildlife Agencies and Ray in the back. When he was over in Wildlife Management Division, gracefully let Casey take over once he left and became the major. So she is now the Chair of that Western Working Group and she had again, she has just impressed everybody across the Western United States. When they heard that she became the Chair they were very excited. So congratulations Casey. Thank you for standing so strongly and your passion about Resident Bird Management. Congratulations.

(Applause)

Thank you, Casey. So if I could get Melinda to come on up. So there's a little bit of a back story here. Melinda thought she was coming to come talk to guys about all the different properties. So she's probably not happy with me right now.

(Laughter)

Come on up here Melinda. Melinda is our Properties Manager for the department. What we've asked Melinda to do over the last couple of years has been tremendous. She knows our properties better than anybody in the agency and she has owned it and she's done, she is incredibly driven to get things right. For those of you who are on the subcommittee for the Tapers Canyon, all of game, it seems so simple. We had a bunch of maps and we showed this to you guys. She is the one who made who made it up, not me. There is a lot work that goes into our property management. She's always smiling. She's always laughing. You know when Melinda is in the building because you can hear her laugh a mile away because she's awesome and it makes your day go very well but she's set to retire here fairly quickly and we could not let her go without

recognizing the tremendous amount of work she put into getting our properties, the property list that I send you all, she's the one who cuts up, all put in order and figured out for me actually how ownership of property in the State of New Mexico is. She's truly dedicated to making sure we get it right which we need. There's a couple of times we'll go down and go, hey, so can we do with this and she'll look at me and go, yeah-no. But she keeps us on the straight and narrow and she's tremendously dedicated to the department plus what we do and we hate to see her go but she's been a tremendous asset for the department and she's been a true friend of mine. So with great honor, we give you the Court Services Award this year for the department.

(Applause)

Are we good?

CHAIRMAN KIENZLE: Yah.

DIRECTOR SANDOVAL: Okay. All right. That concludes our presentation but again, we do have an officer write an Officer Award. That particular officer could not make it to this meeting. He'll be in (Indiscernible) so we'll be giving it to him at that point. Again, another shout-out to all of our employees. I'm not lying when I say I'm truly humbled by the work that they do every single day. They're amazing. I just, they're great. That's all I can say before I get all weepy, but thank you to all the department staff for everything that you and thank you to the Commission for supporting them.

(Applause)

CHAIRMAN KIENZLE: Agenda Item Number 9, Presentation to the Commission on Penalty Assessment Violations.

RAY SANCHEZ: Good morning, Chairman, Commission. Today I'm going to present to you Agenda Item Number 9, informational item. An update on our penalty assessment violations. A little bit of history. Prior to 1997, all citations issued by our officers required a mandatory court appearance. In 1997, legislature authorized the issuance of penalty assessment citations in lieu of a court appearance for two things. Fishing without a license and hunting small game without a license. Some of the violators elected to take the PA, penalty assessment, he or she, is an addition of guilt. They're agreeing to pay the assessment. That citation will serve as a temporary license any day. They have 30 days to send in the assessment. They can continue to hunt or fish with a temporary license until they pay assessment then the assessment is mailed to them through the mail. In 2015 House Bill 202 was enacted and this legislative action authorized the issuance of any assessments of minor violations of hunting and fishing regulations and for failing to have the required stamps. The Habitat Stamp. Habitat Management Access Stamp and also the 2-Pole Stamp. So hunting, fishing or trapping without the proper stamp is a \$50.00 assessment plus the cost of the appropriate stamp. Manner and Method rule infractions, (Indiscernible) Permission Rule are \$125 assessment. So we have three different stamps PA's that we deal with. The number, 2-pole Stamp or the number of fishing poles. Basically, it's unlawful for somebody to fish with more than one pole unless they have a 2-pole Stamp and at no time can they fish with more than two poles even with the stamp. Then we have our Habitat Stamp where it's required to hunt, fish or trap on Gila land or U.S. Forest Service administered land. This is a required stamp anytime you're on those two properties except of course, if somebody had like a Senior Fishing License which is obviously is free. We're not going to charge them for a \$5 stamp if they have a free fishing license for it. A disabled vet, 100% resident disabled vet. Then we have our Habitat Management and Access Validation. It's kind of (Indiscernible) stamp. Each resident and non-

resident license or wild act associated recreation permit is not valid unless it's accompanied by one of these stamps. Exceptions to this are those that are 17 and younger and again, in combination with some type or one of our free licenses. So some of the general Manner and Ethic penalties assessments that are being forced. Possession of game animal parts found in the field. Potentially, that's antlers attached to the skull or pick up heads they're commonly called. Road playing, shooting at artificial wildlife. Harass protected wildlife. Driving off road or driving on a closed road and any violation of posted signs on the departmental properties or the department controlled properties, it included some of our open game properties. There are several fishing Manner and Method violations. I'm not going to go through them all. Our most common ones are public violations and (Indiscernible) on our special trout waters such as bait or not using larvae [Phonetic], hooks, treble hooks, etc. Size limits is another common violation in fishing Manner and Method and exceeding the bag limit. Those are probably our three most common that we deal with as far as fishing Manner and Method goes. The species specific Manner and Method violations. Again, this is a \$125 assessment. Use of live animals as a blind or decoy. The use of calling devices, electronic calling devices, etc. Bullet types, tracer, animal full-metal jacketed bullets. Legal weapon types. What that means is if somebody uses (Indiscernible) on an archery hunt or somebody using a (Indiscernible). The use of dogs while hunting. Course, this doesn't apply to bear and cougar hunting. Non-toxic shot and shooting hours is probably our most common violation in the shooting hour's violation either hunting too early or too late in the day. A little bit of history on some of the review of the PA's. This is relatively new. We haven't quite finished our second year of these penalty assessments. So this is, it was enacted of July 1, 2015, so we have about a year's worth of data from July to 2016. Our officers have issued nearly 2,998 assessments. What we found just dealing with the public and

some of the comments we're receiving is violators appreciate that in many cases they can continue to do their activity. They don't have to run into town and buy a Habitat Stamp. They can continue to be in the field and hunt or fish or trap. Also, the Learning Permit has been relatively low. PA's are very similar to speeding citations and most customers are comfortable with this idea of a penalty assessment. We've tried to make it as easy as we can on our customers. Assessments can be, it's really tied to their CIN Number, the Customer Identification Number. They can get data online, by telephone, through the mail or they can come into any of our department offices and take care of a penalty assessment. Also, penalty assessments do not involve court appearances. That is one of the options that if they chose to go to court they can. If they chose to take a penalty assessment route, it does not involve court appearance. This has greatly reduced the heavy burden already placed on the Magistrate Court System in the State of New Mexico. It also frees up time for our officers to patrol, respond to human wildlife conflicts and perform some of the other conservation officer duties such as teach Hunter Ed., assist other law enforcement agencies, do some public programs in the schools, etc. Our most common penalty assessment since we started doing this in 1907, in 1997, excuse me, is fishing without a license. The assessment amount is \$75 plus the cost of the fishing license. We're averaging about 950 penalty assessments per year. We have a 60% compliance rate with 573 of those being paid within the mandatory 30 days. So once they're issued, a penalty assessment again, they have 30 days to send in the assessment and they can continue to fish for 15 days with their copy of the citation. Hunting small game without a license is relatively low in numbers. The assessment amount is \$100 plus the cost of the license. We average 7 a year of these and with 100% compliance rate with those with the payment within 30 days. So I think the low numbers are a help with our compliance rate. Our stamp violations, the assessment amount again, is \$50 plus

the cost of the appropriate stamp. We're averaging 227 penalty assessments per year with 208 of these being paid within the 30 days for 92% compliance rate. Manner and Method violations, the assessment amount is \$125. We're averaging 239 a year of these with 162 of these being paid within 30 days for a 68% compliance rate. What we're finding is, that is within the 30 days, actually what we've noticed is that compliance rate on all of them goes up to give the penalty the (Indiscernible) a little bit closer to people who want to apply in the fall. So they come to compliance with their penalty assessments (Indiscernible). So all the income from our penalty assessments goes into our general funds to of course, the Game and Fishing Fund. The average amount collected per year is approximately \$75,000. Kind of difficult to (Indiscernible) the cost of what it takes to administer this program because we have several different employees who are involved in this from our regional office. Financial Specialists and our Admin Assistants at our regional offices or our Guide and Outfitter Register and our permit folks in Santa Fe and our Revocation Manager in Santa Fe and they each make a different salary amount per hour so it's a little bit difficult to figure this out but what we figured out is it takes about 10 minutes per citation to process a payment. So our estimate is that it's costing the department about \$3,500 a year to process these penalty assessment payments. Of course, if a PA or a penalty assessment is not paid in a timely manner, the violator is subject to having his or her privileges suspended. They will be reinstated once payment is made so it can come off and come on the expense of (Indiscernible) quickly. This is a low estimate. When we we're estimating the cost of processing these suspensions, it's about \$11,000 a year. This includes labor and postage. Part of the reasons it seems to make it a little bit high is we have to send out three different types of correspondence via the mail, certified mail, a notice of contemplated action, a notice of final action and then we're sending out if that final action is taking place and that their privileges are suspended and

it's spread out over a long period of time. We can't just group them all in one sweep as they come into compliance or they don't pay a penalty assessment. It's spread out a little bit so that's the biggest cost is probably the postage that we have to deal with. With that, I'll stand for any questions.

CHAIRMAN KIENZLE: So we're, in math we're coming out ahead then?

RAY SANCHEZ: Yes, Mr. Chairman. We are coming out ahead. It's been a, for a long time, our losses you know. It would be a mandatory court appearance for a \$5 stamp. If, this citation was even (Indiscernible) to our officers, use a lot of discretion often dealing with this but now it's relatively easy to try to make it as easy as we can for the customers who pay on their smart phone, pay at home on their computer. They can come to an office or do it in the telephone. So we're coming out ahead and it's also reduced a heavy burden in place of our Magistrate Court System and the state and it frees up our officers not having to make court appearances and traveling for it to perform already a duty that they think they already have. So we're coming out ahead quite successful.

COMMISSIONER MONTOYA: Ray, the noncompliance people that don't show up or don't comply. Is there an action that takes place between the time that we revoke licenses and making the issuance of the citation or whatever? In other words, are these people issued a (Indiscernible) for failure to comply or anything or does it just go into the revocation process?

RAY SANCHEZ: Mr. Chairman, Commissioner Montoya it just goes into the revocation process. It is not a criminal action date of court. So there are no warrants that are issued but their privileges are suspended until they come into compliance with the assessment amount.

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Montoya, they do go through the formal process. They are notified on three different occasions via certified letter and so that process and it's the whole revocation process.

RAY SANCHEZ: Correct, Director.

COMMISSIONER MONTOYA: Thank you.

CHAIRMAN KIENZLE: Any other questions or comments? Will we see this one again in a year or two?

DIRECTOR SANDOVAL: Mr. Chairman, if you would like. The reason why I ask this be put on the Agenda was sometimes we get laws passed and we don't know what the end result is and I think this is a great example of something that's worked well for both our constituents and for the department. So we could certainly –

CHAIRMAN KIENZLE: I would say every couple of years maybe get a report on this. It's helpful to know that something actually works.

DIRECTOR SANDOVAL: Yeah.

COMMISSIONER RAMOS: And also to keep the trans data on that. You know, we going up or down but I was really surprised on the small game hunting. It's so low. Actually, that's probably a celebration but then again, the correlation of checking fishermen around a lake, you probably checked more people then people out in the field as well so, but great job and good presentation.

CHAIRMAN KIENZLE: Thank you.

RAY SANCHEZ: Mr. Chairman, Commissioner Ramos, thank you.

CHAIRMAN KIENZLE: Colonel Griego, revocations. This, revocations is on every Agenda.

COLONEL GRIEGO: Mr. Chairman, Commissioners, (Indiscernible-background noise). Item Number 10, License Revocation. So before you today, we have seven separate groups of individuals subject to revocation for your approval. Group One is one registered outfitter who accumulated 20 or more violation points and 20 or more on misconduct points in a three-year period. He did request a hearing but the Hearing Officer's recommendation is included. There's Group Two, is a reciprocal revocation of one individual based on the (Indiscernible) violators (Indiscernible). Group Three, is nine individuals who have accumulated 20 or more violation points in a three-year period. They requested a hearing and I have submitted written exceptions that you all have and the Hearing Officer's recommendations are there for you also. Group Four, we had 19 individuals who accumulated 20 or more violation points in a three-year period. They requested a hearing and you have the Hearing Officer's recommendations. Group Five, is one individual who's accumulated 20 or more points and that individual elected to enter into a stipulated agreement and Group Six, 18 individuals who accumulated 20 or more violation points and did not request a hearing and then Group Seven, the ever popular, Parental Responsibility Act individuals. So the first thing (Indiscernible) Group One, Arthur Baca is a Registered Outfitter. He accumulated 20 violation points and 20 misconduct points within a three-year period. He went through the process and you all have the Hearing Officer's report in front of you.

CHAIRMAN KIENZLE: You gave us a lot to work on here today.

(Multiple speakers)

DIRECTOR SANDOVAL: There was a lot of homework. Yes, Mr. Chairman.

CHAIRMAN KIENZLE: All right.

DIRECTOR SANDOVAL: Mr. Chairman, Colonel, is Mr. Baca here today?

COLONEL GRIEGO: Mr. Chairman, Director Sandoval he is not. Mr. Chairman and Commissioners, I believe we do have three individuals given on there, present. They are on this list.

CHAIRMAN KIENZLE: I've got Mr. Romero, Mr. Rael. Who's the third one?

COLONEL GRIEGO: I believe the two attorneys represent –

CHAIRMAN KIENZLE: Possibly for Mr. (Indiscernible), and then tell me more about Mr. Baca.

COLONEL GRIEGO: Mr. Chairman, what Mr. Baca had was, he had a few violations. Failure to tag game. He killed a lion or an individual killed a lion and that lion was brought in for Pelt Tags several months after the lion had been killed and we'd been doing an investigation. The Outfitter tried to say that he had forgotten to get that lion tag and that it belonged to an individual, one of his clients from back east. We contacted that individual and found out that he in fact had his lion already and it had been Pelt Tagged and we discovered that that lion, it was brought in for Pelt Tagging where as trying to cover up an illegal lion and so that's with that one there. Driving on a closed road. I don't have all the particulars on that one but he was cited by a different officer for driving on a closed road. Illegal possession of big games in season and that was his spouse. He had killed a lion without a license and (Indiscernible).

CHAIRMAN KIENZLE: Any questions, comments?

COMMISSIONER RYAN: My comment is that there are violations of severity. Some driving on a closed road and illegal taking of a fur and so forth, lacking a Pelt Tag and that has piled up over a period of time and if somebody's looking at its plenty but certainly we all do now and my recommendation is going to be to go with the Hearing Officers recommendations and be revoked all three years.

COMMISSIONER ESPINOZA: Mr. Chairman?

CHAIRMAN KIENZLE: Yes.

COMMISSIONER ESPINOZA: (Indiscernible) quick question on him. Is this revocation for this outfitting as well as his personal hunting and fishing?

COLONEL GRIEGO: Mr. Chairman, Commissioner Espinoza it's going to be for all. His hunting, fishing, trapping and outfitting privileges.

COMMISSIONER ESPINOZA: Okay, great. Thank you.

CHAIRMAN KIENZLE: If there's no further questions or comments, can I get a motion on this one please?

COMMISSIONER RAMOS: Mr. Chairman, I move to revoke the hunting, fishing and trapping license privileges and the Outfitter and Guide Registration privileges of Arthur Richard Baca as recommended by the Hearing Officer.

COMMISSIONER: Second.

CHAIRMAN KIENZLE: All in favor?

ALL COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it.

COLONEL GRIEGO: Okay, Mr. Chairman, Commissioners the second individual is Justin Walker. He was convicted of harassing elk on an aircraft which a bit heard, the Wildlife Violators (Indiscernible) if it added currently in New Mexico it would be a 20 point violation and therefore, we're asking to reciprocate his state's revocation based on that being part of the (Indiscernible) on that.

CHAIRMAN KIENZLE: What state were they in?

COLONEL GRIEGO: Sir?

CHAIRMAN KIENZLE: What state was he in?

COLONEL GRIEGO: Mr. Chairman, I believe that was in Arizona.

CHAIRMAN KIENZLE: In Arizona. Any questions or comments on this one? Can I get a motion please?

COMMISSIONER: Mr. Chairman, I move to reciprocally remove the game and fishing and or trapping license privileges of one individual under the Interstate Wildlife Violators Compact as presented to the department.

CHAIRMAN KIENZLE: Can I get a second?

COMMISSIONER 2: Second.

CHAIRMAN KIENZLE: All in favor?

ALL COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Ayes have it.

COLONEL GRIEGO: Mr. Chairman, Commissioners, part of Group Three, one of the individuals who went through the process but issued a written exception. Mr. Alcon, Daniel Alcon was convicted of criminal trespass (Indiscernible) in hunting activities. Mr. Alcon did request a hearing. The Hearing Officer's recommendation is in front of you and Mr. Alcon's attorney also submitted a written exception that you all have in front of you.

COMMISSIONER RYAN: It's my understanding that the individual is basically, as you mentioned, are just criminal trespassing matters or is there additional violations involved?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan that's correct. It was just a criminal trespass.

COMMISSIONER RYAN: In that, were those trespasses on one incident, one occasion, one time or are they (Indiscernible)?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan it was one instance but it was trespassing across several different properties in the commission, harvesting an elk and bringing the elk out.

COMMISSIONER RYAN: Okay. In that unit, there are no public lands? Is that correct?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan that is correct. Where he was it was all private.

COMMISSIONER RYAN: The hunter would have to have contacted the land owners to be able to have access across the land.

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan that is correct and that individual is from that area and knows the vast majority of those land owners.

COMMISSIONER RYAN: So many cases run together. I just want to make sure I have the facts right on this. Is this the individual that (Indiscernible-coughing) here to a plea agreement (Indiscernible)?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan I believe this the individual who had deferred and then on their exception they turned the rest into why (Indiscernible) that conviction and per statute and case law to enter into or have a deferred sentence, the individual must be found guilty or plead no contest so there is a conviction and court fees are associated with it but the deferment is just after the court or the judge feels they satisfied and feel that it's in the best states to justice to defer that and make it go away after 90 days but if there is still a conviction based on finding and then we'll reassess the points and go forward.

COMMISSIONER RYAN: Are you because, and I have it written down, all the dates involved but in that deferred sentence, I think that the time has passed and he hasn't acquired anymore violations during that time. Is that correct?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan as far we are aware of he has not.

COMMISSIONER RYAN: Do you recall what (Indiscernible) testimony was regarding the criminal trespass? Was it he just didn't contact the land owners or that he was (Indiscernible)?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan I was not present at the hearing but he just did not ask any of the individuals and one or two of the individuals were willing just to come forward and contest that he was on their property.

COMMISSIONER RYAN: Well you know this condition is one of the issues we're talking about. They want the department to deal with and things that county officials across the state are dealing with and that criminal trespass by hunters and (Indiscernible). While I'll accept their tags, property owners and so you know, it's unfortunate that these 20 points placement in the revocation, a 2-year revocation is known but you know, I do believe in (Indiscernible) a message that all these public (Indiscernible), that are doing so much damage to private property and it's a big problem in our state and our department is trying to figure out how to get a handle on it. So I am in full support of his 3-year revocation.

CHAIRMAN KIENZLE: Any questions or comments? Can I get a motion on this one please?

COMMISSIONER RAMOS: Mr. Chairman, I move to accept the Hearing Officer's recommendation and revoke the hunting, fishing and trapping licenses of Daniel Alcon as recommended by the Hearing Officer.

CHAIRMAN KIENZLE: Can I get a second?

COMMISSIONER: Second.

CHAIRMAN KIENZLE: All in favor?

ALL COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Ayes have it.

COLONEL GRIEGO: Mr. Chairman, Commissioners the next individual for Group Three is on (Indiscernible). He was convicted of hunting with a license unlawfully. (Indiscernible) basically a resident in violation and he was no longer a resident of New Mexico when he applied for and received a license. He did request a hearing. The Hearing Officer's recommendation is in front of you. He also submitted a written exception.

COMMISSIONER RYAN: Colonel Griego, what is the rule on when you're no longer a resident of New Mexico? (Indiscernible) is that a six-month period or?

COLONEL GRIEGO: When you move it's when you start claiming the residency in another state. You cannot have dual residency. We have to reside in New Mexico prior to that be (Indiscernible) in New Mexico for at least 90 days prior to application and the individual had moved to Colorado, was applying for resident licenses in Colorado and New Mexico and therefore, his residency is fixed in Colorado. Although he did own property in New Mexico, he was no longer (Indiscernible) as his primary residence. Only on the hunting tags issue.

COMMISSIONER RYAN: Yeah, you know it doesn't occur that when you're in a situation where he just moved and wasn't starting to actively claim his residency in Colorado. He was doing both at the same time and so because that you know, acted, you know intentional action on his part I am in support the revocation.

CHAIRMAN KIENZLE: Any other questions or comments? Can I get a motion on this one?

COMMISSIONER: Mr. Chairman, I move to accept the Hearing Officer's recommendation and revoke the hunting and fishing and trapping licenses of the 21 and after that's done as recommended by the Hearing Officer.

COMMISSIONER 2: Second.

CHAIRMAN KIENZLE: All in favor?

ALL COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it.

COLONEL GRIEGO: Mr. Chairman, Commissioners the next individual in Group Three is Christopher Crowther. He was convicted of hunting with the (Indiscernible) and then illegally killing an elk out of season which resulted in a 40 points (Indiscernible). He did request a hearing. The Hearing Officer's recommendation is in front of you. Mr. Crowther also submitted a written exception.

COMMISSIONER RYAN: For me this is a no-brainer. I'm in support of the revocation.

COMMISSIONER: Mr. Chairman?

CHAIRMAN KIENZLE: Yes, sir?

COMMISSIONER: I move to accept the Hearing Officer's recommendation and revoke the hunting, fishing, trapping licenses to Christopher Crowther as recommended by the Hearing Officer.

CHAIRMAN KIENZLE: Can I get a second?

COMMISSIONER RAMOS: Second.

CHAIRMAN KIENZLE: All in favor?

ALL COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Ayes have it. Kevin Martinez.

COLONEL GRIEGO: Mr. Chairman, Commissioners the next individual Adam Martinez was convicted of killing a deer and pronghorn animal out of season. (Indiscernible) possession of deer and then antelope and while he was on a revocations, resulted in 100 points being accessed. He did request a hearing and has written an exception.

COMMISSIONER RYAN: Which one?

CHAIRMAN KIENZLE: Adam Martinez.

COMMISSIONER RYAN: Adam Martinez. I'm sorry, did you just say that there were 100 points with this?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan that is correct.

COMMISSIONER RYAN: He had at the time, he had a both, a mule deer (Indiscernible)?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan that is correct. He killed both of those animals. I believe it was the middle of summer and killed all of those animals, probably even in 20 minutes of each other and then had been (Indiscernible).

COMMISSIONER RYAN: I'm in support of the three-year revocation on this hunter.

(Indiscernible) the departments recommending, it's the matter of the department recommending more than three years?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan the department is recommending the seven year revocation.

COMMISSIONER RYAN: I'm in support of this department's recommendation.

CHAIRMAN KIENZLE: Any further questions or comments? Can I get a motion on this one please?

COMMISSIONER RAMOS: Mr. Chairman, I move to accept the Hearing Officer's recommendations and revoke the hunting, fishing and trapping licenses of Adam Martinez as recommended by the Hearing Officer to run consecutive to the (Indiscernible) revocation.

COMMISSIONER: Second.

CHAIRMAN KIENZLE: All in favor?

ALL COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Ayes have it.

COLONEL GRIEGO: Mr. Chairman, Commissioners the next individual in the group is Reyes Montoya. He's convicted with, convicted of hunting with the (Indiscernible) resulting 24 points. He did request a hearing and the Hearing Officer's recommendation and he has also submitted a written exception. Mr. Chairman, this individual, per his written exception is arguing that he was in the back seat. He was not the one that shot at an animal and per the statute it states that it's unlawful for an individual or a group of individuals to cast the rays of an artificial light into an area where big game or livestock could be while in possession of an implement that's capable of killing that wildlife to which Mr. Montoya did have a rifle. There was a different testimonial.

One individual said that he did point a rifle at the animal. The other said he did not but in reality, the totality of it, it's irrelevant whether he fired or not. He was in the vehicle as to the rays and he definitely was in possession of that implement.

COMMISSIONER RYAN: Before we enter it, how many individuals were in the vehicle?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan I believe there was four individuals, two males, two females.

COMMISSIONER RYAN: Were they all cited?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan I believe they were. I know for sure the individual that shot and the other individual in the backseat with the firearms were. I am not 100% on the two females. I think they were just associated with it but the two rifles claimed on the two men.

COMMISSIONER RYAN: And the other individual, the other male admitted to firing the shot that killed the poor elk?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan I believe so.

COMMISSIONER RYAN: If I'm understanding, the assessment and some of this conflicting evidence on whether this individual fired a shot but a two-year revocation is more appropriate in this matter and I'm supporting the Hearing Officer's recommendation.

CHAIRMAN KIENZLE: Any further questions or comments? Can I get a motion on this item please?

COMMISSIONER: Mr. Chairman, I move to accept the hearing officer's recommendations and revoke the hunting and fishing and trapping licenses from Reyes E. Montoya as recommended by the hearing officer.

CHAIRMAN KIENZLE: Can I get a second?

COMMISSIONER #2: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it.

COLONEL ROBERT GRIEGO: Mr. Chairman, Commissioners, the next individual is Gary Murphy who was convicted of hunting with license unlawfully for (Indiscernible) and other residency violations and unlawful killing of Oryx in season resulting in 30 [Phonetic] points. He did request a hearing and did issue a written exception. This is an individual, same thing, had property in New Mexico but was living and claiming residency in California.

COMMISSIONER RYAN: And it is my understanding that this individual, the address that he used for New Mexico is actually somewhere he's renting the property to other individuals.

COLONEL ROBERT GRIEGO: Chairman, Commissioner Ryan, that is correct.

COMMISSIONER RYAN: Was there any other testimony regarding, I guess he states that he had moved to California 3 months prior. Was he also seeking hunting licenses in California or just here as he is still claiming?

COLONEL ROBERT GRIEGO: Mr. Chairman, Commissioner Ryan, I don't know for sure if he was applying in California but he was claiming residency. He did have a California driver's license and he was paying resident state taxes, (Indiscernible).

(Indiscernible/inaudible)

COMMISSIONER: I move to accept the Hearing Officers' recommendations, and revoke the Hunting, Fishing and Trapping licenses of Gary Murphy for three years as recommended by the Hearing Officer.

COMMISSIONER #2: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it. I note on the next item that Mr. Rael is present. Mr. Rael, can you raise your hand? I'm just, I'm asking you to raise your hand just to show that you're here. Mr. Rael, we don't typically take comment or testimony under these circumstances but we do note that you're here and that you are interested in the process. Colonel?

COLONEL ROBERT GRIEGO: Mr. Chairman, Commissioners, the next individual is Joe Rael who was convicted of two counts of interfering with law office [Phonetic] enforcement which resulted in 40 points being assessed. Mr. Rael did request a hearing. Hearing Officer's recommendation is in front of you and then Mr. Rael did a submit written exception.

(Inaudible/background speaker)

COMMISSIONER RYAN: And is he, is he also an outfitter, guide?

COLONEL ROBERT GRIEGO: Mr. Chairman, Commissioner Ryan, I believe he has held outfitter's licenses and guide licenses at various times.

COMMISSIONER RYAN: What kind of interference or disturbance was this that occurred?

COLONEL ROBERT GRIEGO: Mr. Chairman, Commissioner Ryan, what I believe occurred based on the testimony and the reports there were two separate individuals hunting some dirt tanks [Phonetic] in the (Indiscernible) area. They parked 4-wheelers up the road half a mile or so and posted signs on those 4-wheelers notifying that hunters were present on the Tank [Phonetic] to notify anyone walking in on that road that there were hunters there. The understanding on the reports is that Mr. Rael was, came into the Tanks and was seemingly talking to himself but in a loud voice making it apparent to the individuals that reported the individual that it was going to scare off anything that was in proximity to those Tanks. Mr. Rael was supposedly going to check on some trail cameras. There was a discussion with two individuals. I don't believe it really got heated. But it was brought forward to the officer and the officer and the officer took that case and the individual, Mr. Rael, was found guilty in magistrate court and appealed it to district court where he was found guilty again in district court.

CHAIRMAN KIENZLE: I'm (Indiscernible) comfortable with 1 year on this (Indiscernible).

COMMISSIONER RYAN: It seems pretty — I agree with the (crosstalk).

COMMISSIONER: Colonel Griego . . .

COMMISSIONER RAMOS: . . . were the officers actually there or did they take statements from another party?

COLONEL ROBERT GRIEGO: Mr. Chairman, Commissioner Ramos, they too, they were not there. They took written statements from the hunters that were hunting those Tanks.

COMMISSIONER RAMOS: Ok, so he was checking on his trail cams and was making noise, whatever. He was aware that they were in there with the note that was left on the ATVs? What's the law on that? Could you go in anyway? I mean, I understand there's a courtesy, common courtesy with hunter-to-hunter. You know, there's several times out in the field that I run into someone. I approach them. I discuss, hey, what's your plan so we can — I don't want to disrupt you. But that's not the case with everyone. Obviously, Mr., Mr. Rael had been doing his homework with scouting cams and whatnot. Yet, he got beat to the punch on there. But if there was no altercation or physical threats or anything like that, I do feel it is somewhat severe. But let me ask you this. Is there any other history on Mr. Rael?

COLONEL ROBERT GRIEGO: Mr. Chairman, Commissioner Ramos, first let me address what the law states. It would not be unlawful for an individual to walk in on that Tank to check his trail cameras. The way the statute reads is, for interference to occur, is an individual has to create a situation whether with noise or sound or smell that would create a situation where it would affect the ability of the lawful hunter to take game, i.e., screaming, banging pots, um, even you know, as far as intentionally urinating under someone's stand (Indiscernible) and that's the intent of the law and that it was felt that it was more so the noise, not the confrontation with the individuals. They did have conversations and there's different sides of how that conversation went but neither side did say that it really got heated but it was more the noise factor, walking around the Tanks after knowing that the individuals were there and both judges felt that was sufficient to have interference. And then, what was your second question?

COMMISSIONER RAMOS: What was it again, previous . . .

COLONEL ROBERT GRIEGO: Oh, previous history . . .

COMMISSIONER RAMOS: . . . his history, any other violations or whatnot?

COLONEL ROBERT GRIEGO: Mr. Chairman, Commissioner Ramos, I know there's been some investigation over the years but as far as, I'd hate to mis-state on that, so—

COMMISSIONER RYAN: Well, you know, I (Indiscernible) fact finder (Indiscernible) heard the testimony and found that he had, the weight of the evidence was in favor of conviction for that violation which does make him subject to revocation, but I really don't really think 3 years is at all appropriate in this case. I would be supportive of 1 year.

COMMISSIONER: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER: I just wanted to say, I value the integrity of sportsmen highly and you know that I think that as sportsmen we should hold our, that level, very high and to interfere with another sportsman's activities, and in this case, walking around knowing that somebody else was there, I just think that we, we need to, not to send a message that that's acceptable. You know, and I do feel with the other Commissioners that maybe 3 years isn't appropriate but I would go with the 3 years simply to send the message that, you know, sportsmen need to be held accountable for harassing or just interfering. You know I've (Indiscernible) Commissioner Ramos, and you know if I see somebody out there, or see another vehicle, I do not go there just simply because I don't, I wouldn't want that to happen to me. And so, I would be in favor of the

3 years. But I will go with the 1 year simply because the other Commissioners are that, but just wanted to make that statement that it's not acceptable for sportsmen to interfere with other sportsmen in whatever manner that might be, whether it's walking around Dirt Tank [Phonetic] talking, or just walking by so they know that they're there.

CHAIRMAN KIENZLE: Well, can I get a motion on . . .

COMMISSIONER: Mr. Chairman, I move to reduce the proposal or recommendation by the Hearing Officer from 3 years to 1 year for revoking the hunting, fishing, and trapping licenses of Joe Rael.

CHAIRMAN KIENZLE: Any discussion? Can I get a second?

COMMISSIONER RYAN: Second.

CHAIRMAN KIENZLE: Any further discussion? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it. None opposed? None opposed.

COLONEL ROBERT GRIEGO: Mr. Chairman, the next individual is Tobias Romero [Phonetic]. He is another individual who, Mr. Romero is here also.

CHAIRMAN KIENZLE: Mr. Romero, would you raise your hand? Thank you.

COLONEL ROBERT GRIEGO: Mr. Chairman, Commissioners, Mr. Romero was convicted of hunting big game in the wrong unit or area which resulted in 20 points. Mr. Romero requested a hearing. The Hearing Officer's recommendation is in front of you. Mr. Romero also submitted

a written exception which is included. In this instance, Mr. Romero had an elk tag that was valid for GMU 16A and he killed an elk about half a mile into 16B in the wilderness. During testimony, he did say that he saw the wilderness boundary sign but did not realize that he was going into a different unit. He just noted that it was wilderness.

(Indiscernible/background speaker/mike interference)

COMMISSIONER RYAN: Our information states that he was with another hunter. Is that . . . is Mr. Garcia in front of us today for revocation?

COLONEL ROBERT GRIEGO: Mr. Chairman, Commissioner Ryan, I don't believe so.

COMMISSIONER RYAN: OK.

(Long pause vs. audio break)

COMMISSIONER RYAN: So, it is my that various hunters, even hunters not with this individual, made the same mistake regarding the unit boundary (Indiscernible).

COLONEL ROBERT GRIEGO: Mr. Chairman, Commissioner Ryan, that is correct. And I don't know who (Indiscernible), I don't know if that's, there is one individual who did not request a hearing. I don't know if it's that individual (Indiscernible/papers being shuffled). I don't know if that's the (Indiscernible) or not.

CHAIRMAN KIENZLE: Another close one for me. And I'd be inclined to give it 1 year instead of 3.

COMMISSIONER RYAN: I agree with the Chairman. It sounds like we're dealing with bad actors here but I know Commissioner Ramos is supportive of, you know, developing some better

mapping systems that can be attained from our Department's website to help with these boundary issues. Certainly I don't think 3 years is appropriate in this case.

COLONEL ROBERT GRIEGO: Mr. Chairman, Commissioners, the Department does provide verbal or written descriptions of our boundaries and if an individual does locate those and takes the time to put them on a map, that's far superior (Indiscernible) a lot of times the maps are difficult to interpret. That's the best we have (Indiscernible).

CHAIRMAN KIENZLE: Did this one go to court? This one did go to court, right?

COLONEL ROBERT GRIEGO: Mr. Chairman, this one did go to court.

CHAIRMAN KIENZLE: Did go to court, and it was a conviction? I'd be in favor of 1 year instead of 3. (Indiscernible) But I'm not (Indiscernible) to make a motion. So, someone else has to make a motion on this item.

COMMISSIONER RYAN: Mr. Chairman, I do (Indiscernible) to reduce the Hearing Officer's recommendation from 3 years to 1 year and revoke the hunting, fishing, and trapping licenses of Tobias Romero [Phonetic] to 1 year.

CHAIRMAN KIENZLE: Can I get a second?

COMMISSIONER #2: Second.

CHAIRMAN KIENZLE: Any further discussion? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: None opposed? None opposed. Thank you. I think we'll take a break before this next item.

(Break in audio/interference only)

(Audio resumes here)

COMMISSIONER RYAN: ... intentional act (Indiscernible/background noise from open mikes) This one seems (Indiscernible/background noise from open mikes). But the facts are (Indiscernible/background noise from open mikes) weight to the evidence whether, whichever is (Indiscernible) taken and those zones [Phonetic] were open, he was legally, you know, it was legal at that time (Indiscernible). When you dig down, which I don't think it was apparent that the evidence of intentional misreporting. There is no motivation that has been reported that didn't want to (Indiscernible) since either one was illegal and so I don't see any motive on his part to do some kind of intentional misreporting which I would have an issue with. Once we drove down further into the way this investigation was run, from Sgt. Smith [Phonetic] all the way to the delay in 2 years from the date of the incident, when within a few weeks he had a DNA sample back but, you know, there's claims by the respondent, conspiracy and so forth, the Department, and by no means do I think that has occurred. I know that there's lack of personnel. We had vacancies in positions within the Department that delayed this matter and other matters, that have come before us. So I want to put that out there that the Department (Indiscernible) the Department's (Indiscernible) but certainly those vacancies affected some due processes (Indiscernible) that I have a problem with. You know, when you're 2 years later, sending a notice of revocation and then it's even a year and a half after that before even a hearing happens, there's a problem. I have a problem with the way the Hearing Officer conducted the hearing.

Hearing Officer seemed to have, there's, other, other hearings. I don't have issues with the way that they were run. But reading the transcript of this hearing, I have trouble with, I have trouble with the way the hearing was run. I have trouble with the way the investigation happened, the way the evidence was collected, the chain of being able to account for, how it was collected, how it was kept, where it was, and the way— we were unable to bring actions within a year. Well, that's a problem if we're — have a policy (Indiscernible). So if we're going to bring action, we need to bring them in a timely manner so that proper discovery can happen or, for, so that due process can have its day. And especially in situations where we have these individuals committing intentional criminal acts, I want to make sure that those guys are put away. And I don't want evidentiary issues and due process issues being an issue in those instances because it prevents us from putting away those guys. So I want to encourage the Department to take a look at the process and we did have this (Indiscernible) personnel and a lack of being able to bring some of these. So it may be that we need to re-evaluate those ones that are subject to — that kind of fell through the cracks for a while, whether those need to actually, you know, (Indiscernible) because they can't come in a timely manner and discovery, proper discovery, cannot happen and people can't have a hearing very close in time to when this stuff occurred, it's a very big due process problem. You know, especially like I said, instances of these criminal, very large, serious criminal (Indiscernible) issues. We want to put the bad guys away. In this case, we don't have a bad guy and I know (Indiscernible) a 3-year revocation, even if the evidence were heavy, and the Department decided this guy violated and intentionally misrepresented his unit, it really, I mean he, there was no, he was still legally able to be there. This is a reporting issue. And if the issue is the wording of our own Commission rule, our own Commission rule says if you have an untrue or fraudulent game reporting, then you're subject to

20 point assessment and revocation. I think it is warranted to consider whether we need to revise the rules to reflect fraudulent reporting or keep the language but say up to 20 points so that law enforcement can look at it with some discretion and say, OK, this is an administrative issue, should 10 points be appropriate here rather than 20. And there will be instances where 20 is absolutely appropriate. So I would like to be able to give the Department a little bit of discretion there, law enforcement in that, in that Commission rule that we have. So I'm just putting that out there as well. In this case, because of the circumstances in front of us, I am not sure we can recommend no revocation whatsoever (Indiscernible/background noise from open mikes) which surprises me because I want to continue to support the findings of the Hearing Officer and, you know, matters coming before us. I want, I don't want anyone to expect that they're going to come before us and get their revocations reduced. I think you saw today, at full force, support for our Commission to enforce the laws of the State of New Mexico. In this particular instance, I'm not, I'm not supportive of that and I will be making a motion for no revocation in this matter.

COLONEL ROBERT GRIEGO: Mr. Chairman, Commissioner Ryan, some of the instances that occurred, the time lines, the time frames, I can't stand up here and be (Indiscernible). There is incentive to (Indiscernible) the zones. Both units were open. They are in two different zones. And there is incentive or benefit to claim a kill in one zone over another because one zone is closed prior to the zone you like hunting in. That data is very important to management of that species. So (Indiscernible) it was a 20 point violation.

COMMISSIONER RYAN: You're just the messenger, and I'm supportive of, we need adequate reporting and we need people to report on time for accuracy. So this (Indiscernible) is by no means to minimize that. But I just don't think these particular circumstances in this case warrant revocation at all.

CHAIRMAN KIENZLE: Questions or comments? Further questions?

COMMISSIONER RYAN: If there's no more discussion, I would move to reject the hearing officer's recommendation of a 3-year revocation and move no revocation period of hunting, fishing, or trapping privileges for Jordan Rutherford in this case.

COMMISSIONER #2: Second that.

CHAIRMAN KIENZLE: Any discussion on the motion? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed? The ayes have it.

COLONEL ROBERT GRIEGO: Mr. Chairman, Commissioners, the next group, group 4, is revocation of 19 individuals who received at least 20 points in a 3-year period. They requested a hearing. You have before you the hearing officer's recommendation. I do want to add or make a note that 1 of the individuals in group 3 that you all recommended a 1-year revocation, Mr. Romero, his partner in that is (Indiscernible) Garcia. He is on this list. The hearing officer recommended 2 years on that individual. So I don't know if you want to deal with that separately or just (Indiscernible) recommendation on that individual (Indiscernible).

CHAIRMAN KIENZLE: Is there any objection to that individual filing an exception?

COLONEL ROBERT GRIEGO: Mr. Chairman, he did not file a written exception. He had his hearing and received 2 years and he knows that. I just wanted to bring that up, that he was partner with the last individual.

CHAIRMAN KIENZLE: I think without an exception there's not much we can do. Can I get a (Indiscernible) a motion on this group?

COMMISSIONER #1: Mr. Chairman, I move to accept the hearing officer's recommendations and revoke the hunting and fishing and trapping licenses of 19 individuals who accumulated 20 or more violation points in a 3-year time period as presented by the Department.

COMMISSIONER #2: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it.

COLONEL ROBERT GRIEGO: Mr. Chairman, Commissioners, now we have Group 5, revocation of one individual with a stipulated agreement. In accordance with Commission rule, by finding, stipulated agreement the individual agrees to the terms set forth and waives the rights to hearing in writing of a written exception. That one individual (Indiscernible) entered into that stipulated agreement. This agreement has been approved by the Department.

COMMISSIONER RYAN: I would make the motion to approve the stipulation, the stipulated agreement entered into by Wayne Dudley.

COMMISSIONER #2: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it.

COLONEL ROBERT GRIEGO: Mr. Chairman, Commissioners, group 6 is the revocation of 15 individuals that received 20 or more points and did not request a hearing.

COMMISSIONER: Mr. Chairman, I move to accept the Department's recommendations to revoke the hunting, fishing and trapping licenses of 15 individuals who have accumulated 20 or more violation points in a 3-year time period as presented by the Department.

COMMISSIONER #2: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it.

COLONEL ROBERT GRIEGO: Mr. Chairman, Commissioners, group 7, the last group, has 127 obligors from Human Services Department reported as being out of compliance with the Parental Responsibilities Act in January, February and March. And you do have that list in front of you.

CHAIRMAN KIENZLE: Can I get a motion on this one?

COMMISSIONER: Mr. Chairman, I move to authorize the Department to administer these suspensions on behalf of the Commission including the issuance and service of notice of contemplated act to each individual listed that is out of compliance with the Parental Responsibility Act.

COMMISSIONER #2: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it. Colonel, I have a question for you. We had probably a dozen substantive revocations. Is that going to be normal or does it just —

COLONEL ROBERT GRIEGO: Mr. Chairman, hopefully that's going to be more than normal. We did have the last of our funding for those hearing officers and tried to make one last push so we're going to be starting again once the contracts are already in the works and then hopefully we will be able to push these through starting in August. So (Indiscernible).

CHAIRMAN KIENZLE: So what would they want to look at, the Commission is a special meeting, all these revocations, I don't know, at the same time, and have them stacked up like cordwood, rather than handle this all at a different time than necessarily (Indiscernible) so we'll talk about that, see what (Indiscernible) maybe more productive use of our time to have a special meeting to get through these (Indiscernible).

COLONEL ROBERT GRIEGO: And, Mr. Chairman, I have been in discussion with the administration on the record of the very well recognized, the issue of trying to catch up and it is hard to sit up here and (Indiscernible) that are 2, 3, sometimes 4 years old but we are catching up and even if we have to get a third hearing officer to come and catch up, we'll, after probably 6 to 8 more months we should be back to dealing with recent cases.

CHAIRMAN KIENZLE: OK. Thank you. Don't go anywhere.

COMMISSIONER RYAN: This is a much happier...

COMMISSIONER: This feels a lot better.

CHAIRMAN KIENZLE: The next item. Number 11, reserving two elk licenses for nonprofit wish-granting organization.

COLONEL ROBERT GRIEGO: Mr. Chairman, Commissioners, Statute 17-3-13.5 directs the State Game Commission to reserve no more than two elk licenses in a year for persons under the age of 21 who have been determined by a physician to have a life-threatening illness and who would be qualified through a nonprofit wish-granting organization. We currently have 4 nonprofit organizations that we deal with, Hunt of a Lifetime, Safari Wish, Catch-a-Dream, and Outward Dream Foundation. Each of these organizations are fantastic organizations. They select their own kids [Phonetic]. They do hunts all over the United States. And last year, we had Catch-A-Dream and Outward Dream Foundation that did receive the authorizations. This year, in turn, is Hunt of a Lifetime and Safari Wish. So with that, we typically award the two authorizations, we take turns with each of the individuals. The license will be valid September 1st through December 31st, 2017, any legal weapon type, any area open to elk hunting, and bag limit is either sex. And it's a fantastic opportunity. We get a lot of even private land owners involved who donate authorizations where we're able to bring 2 or 3 kids at various times of the year. Unfortunately, although it's a fantastic situation to try and help these kids, it is very tasking on people to get to know these children, sometimes 9 or 10 years old and to hear 6 months later or 8 months later that the child passed. And that's our biggest stumbling block dealing with landowners. It's not that they don't want to do it. It's just, emotionally it takes a toll on them and they just, they say, Man, I want to give you another one but you're going to have to give me

a few years, I just, emotionally it's very hard. So these two authorizations are very fantastic. I wish we could give more but we are statutorily obligated on that.

CHAIRMAN KIENZLE: Questions or comments? Can I get a motion on this one here?

COMMISSIONER MONTOYA: Mr. Chairman, I move to accept the Department's recommendation to reserve 2 elk licenses to 2 applicants to be sponsored by the nonprofit wish granting organizations or the alternate should the primary individual not be able to participate in the elk hunt.

COMMISSIONER ESPINOZA: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it.

COMMISSIONER: And that little girl in the picture, I was there for that hunt. It was about 5 years ago. And that little girl is going on 6 years cancer free, so she's doing well.

CHAIRMAN KIENZLE: Great. Stewart, your turn.

COMMISSIONER: Stewart, you going to be here next week?

(Indiscernible)

STEWART LILEY: Mr. Chairman, members of the Commission, I am before you to adopt final regulations for migratory game bird rule for the 2017-18 season. You've seen this presentation twice before. Nothing has really changed, essentially, since you've seen it. It's really adjusting

calendar dates according to Fish and Wildlife Service's framework and bag and possession [Phonetic] limits within those frameworks as well. The Federal Register shall be published around May, end of this month, for the final Federal regulations. The big things we're planning on doing, and this is some statement issues: increasing the bag limit for Canada goose in the Pacific flyway to 4 per day; open the Hammond and Rutherford tract [Phonetic] that the Department or Commission now welcomes to waterfowl hunting during those open seasons; giving more opportunity along the San Juan to waterfowl hunters. Increasing the Sandhill crane allocation, that was a Federal increase that we were able to get more allocation for our Rocky Mountain population which we are putting into the middle Rio Grande. You'll see the second, we're going to create a new hunt late in January, that season, and also move some of the hunts back later in the year hoping to get some more success because we did receive a higher allocation on the Rocky Mountain population. Opening Bernalillo and Sandoval County to dark goose; currently it's closed but this is a state regulation that we are opening on the dark goose, and reducing—this is a Federal regulation—pintail bag limit went down from 2 to 1 this season and they'll start reduction given our regulations from the Feds. Let's see here. Public comment, we received 37 public comments. We held 3 different—excuse me, 4 different public meetings. They were okay attended. All the public comments were in favor of the proposed changes from the Department in terms of goose and Sandhill crane hunts. We did get some public comment on wanting further extending duck season dates into February. That's Federal regulation at the end of January by Fed rights, and also create some higher limits on pintails was one of the big things we heard. However, again that's a Federal regulation that we must abide by. In front of you there is the proposed dates for the seasons in the central flyway. It's basically the same as last year but shifting the dates given a calendar shift to a Saturday start date and ending on Federal

regulation closure after January 28th on those. Here's the Sandhill crane hunt, proposed draw hunts for Sandhill crane. What we'll see if we look at the Middle Rio Grande Valley is moving all those hunts (Indiscernible) October start date and any of those, moving those later in the season when the birds are present and then creating a new hunt in the January time frame.

Pacific flyway is again liberal [Phonetic] season so we're going to be able to go all the way from October, mid-October to late January in the Pacific flyway. And (Indiscernible) bag limits except for one pintail in a bag [Phonetic]. And with that, I'll take any questions.

COMMISSIONER RYAN: I think there's some people happy about (Indiscernible/cough) the dark goose and there's people (Indiscernible). Thank you.

CHAIRMAN KIENZLE: Questions or comments?

COMMISSIONER: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER ESPINOZA: Just one. I've gotten really, really positive comments from the guys up north in my part of the world, as far as the season dates and higher bag limits, etc., so good job.

STEWART LILEY: Thank you. Mr. Chairman, Commissioner Espinoza, I would like to know that it did take 2 years of working with the Federal government to get the increased bag limit from 3 to 4, so if we have any ideas now for like a couple of years, (laughter) if you see some things, we will be working with them. It does take time to get through the Federal frameworks but we will insure that there are public comments and try to act on that as much as we can as long as it's biologically sustained.

COMMISSIONER RYAN: (Indiscernible) Thank you.

CHAIRMAN KIENZLE: This is an action item. Can I get a motion on this one, please?

COMMISSIONER RAMOS: Mr. Chairman, I move to repeal and replace 19.31.6 NMAC as presented by the Department and allow the Department to make minor corrections to comply with filing this rule with State Records and Archives.

COMMISSIONER ESPINOZA: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye. Number 15.

STEWART LILEY: Mr. Chairman, members of the Commission, before you, we are opening up a game rule for the 4 years, another rule that's on the 4-year rule cycle and our big game rules is staggered from the other rules so that we don't have all of them in the same year. Our proposals at this time is to adjust the season dates in accordance with the calendar shifts that we always have, trying to keep the seasons starting on Saturday for those (Indiscernible) the pheasant hunts that (Indiscernible) takes place. And then any public comment that we have received between now and the proposed final we have some calendar dates that the public really is moving.

Brantley and Seven Rivers are no longer under Commission control. They are under BOR and they're still going to be open duck hunting but we don't regulate how it works. So they will fall within the normal upland game and bird rules but it is not a regulated season like it would be, say, on Huey or Bernardo or one of those. So that's why that's in there. It's just because it's under BOR. We received the Huey in the transfer on that. Next is Eurasian collared doves, something the Commissioners noted on the rule the last time we did this. We allowed the

Eurasian collared dove hunting the year round, April 1 to March 31 (Indiscernible). However, in an omission that was, the species didn't need a license. Because by statute it is protected species, you need a license to hunt the Eurasian collared doves so you need to have a small game license at least or a game license to hunt collared doves. But that just was an omission from the previous rule that we are including in this. And then the other thing that happened is on our WMA's [Phonetic] where we allow small game hunting, we allowed it during any open season (Indiscernible) year round, we don't necessarily want year round hunting especially like on the Rio Chama where have more enclosures for deer. What we're looking for is just to make that in line more with the other small game hunts that are taking place such as squirrel or grouse on Rio Chama so you can hunt Eurasian doves during those same time frames. But after the squirrel or, say, the grouse season closed we would then close it (Indiscernible) that wouldn't be open in the middle of January (Indiscernible) in winter. That's, we have no proposed changes as of now as to the grouse and/or squirrel seasons, the standard September 1 to November 30 (Indiscernible) and also quail we're proposing to remain the same at February — excuse me — November 15th (Indiscernible). Next is, these are our special pheasant hunts that we have that are in the draw. It's just that it's the same basic weekends, but moving a one-day shift. That's because the calendars we're proposing, continuing on those youth-only, and the adult pheasant hunts, these one-day hunts that will take place. And that's the proposal. And with that I will take any questions.

(Indiscernible)

CHAIRMAN KIENZLE: How long til we see this again?

STEWART LILEY: Mr. Chairman, members of the Commission, we hope to bring it to you at the next meeting for final.

COMMISSIONER MONTOYA: What was in those — Mr. Chairman, Stewart — closing those seasons, Eurasian doves in some of those northern areas? Is that something that we particularly have a problem with or . . .

STEWART LILEY: Mr. Chairman, Commissioner Montoya, we don't even think we have anyone out there hunting the Eurasian doves right now in those off seasons. It was just an oversight. The rule that we brought caught it (Indiscernible) and in the new rule that we didn't close (Indiscernible) in accordance with the rest of the closures on the WMA's. So that the WMA's closed (Indiscernible) we had maybe one instance where a person has gone in saying that they were collared dove hunting in the middle of a rut closure or a calving closure and there's been cases where there really were collared dove hunters (Indiscernible). And so it's more of trying to get consistency of when we have those WMA's open for certain species whether it be small game, big game, etc., versus having open year-round or . . .

COMMISSIONER MONTOYA: Well, if it's necessary, I certainly agree with you. But I'm one that hates to over-regulate for something that we don't have a problem with. So, OK.

CHAIRMAN KIENZLE: Any questions? Any other questions, comments? OK, see you next month.

SPEAKER: (Indiscernible).

CHAIRMAN KIENZLE: Agenda item 14, draft rule amendments to the aquatic invasive species rule 19.30.14 NMAC. Mr. Sloane.

MICHAEL SLOANE: Mr. Chairman, Commissioners, as you know I am here to discuss the proposed amendments to the AIS rule. As sort of a (Indiscernible) review, the Department and its partners have inspected over 30,000 boats and (Indiscernible) 200 decontaminations and the Bureau recommendation is to come up with contractors that they're working in Navaho and (Indiscernible) and City of Farmington is working on their own lake. So the program is growing and it seems to be effective since we remain AIS free. The proposed rule changes are aimed largely at improving the ability to enforce the law, making clear that avoiding one of the check stations is in fact a violation and then also coming to comport more with (Indiscernible) resolution. So you have the rule in the books. The first part of it is really stating clearly that it is unlawful to avoid our check stations. We've had (Indiscernible) about 305 boats that just skipped the station altogether and there really wasn't anything that we could do assuming [Phonetic] we had an officer . . .

CHAIRMAN KIENZLE: 300?

MICHAEL SLOANE: Recently we had an officer who called and after looking at the rule close up, he didn't feel he didn't feel it would be enforced so that's why we wanted to change that language and make it more clear and more enforceable. Down below there, there's language about an accompanying seal program. Again, (Indiscernible) officers when they stop somebody on the lake, obviously, the seal won't be attached to the boat any longer so the invoice will show that they were in compliance and they don't have to worry about that. And then, at the bottom, you guys had previously approved the "pull the plug" clause. We took some language from the resolution (Indiscernible) about bilges and that kind of stuff, and also aquatic vegetation has been added in there so that this complies with the (Indiscernible) resolution and encouraging states to adopt a common (Indiscernible).

COMMISSIONER RYAN: So, Mr. Chairman, if I may just add to that a little bit, I do sit on the Conrad [Phonetic] River Compact Group and it was important for both the constituents and the states to have a consistent set of rules that boaters could understand across state lines so that when they do drive through, if they did drive across the state lines, they would have the same expectation in terms of how they were handling their boats and what was happening in terms of AIS inspections. So it's an important component, I believe, to make life simpler for our constituents and also for the states for consistency's sake.

MICHAEL SLOANE: And with that, Mr. Chairman, I stand for any questions.

CHAIRMAN KIENZLE: No? Sounds like you've tightened it up. Any questions or comments?

COMMISSIONER RYAN: I just want to comment, I think these are good changes. I think they help clarify the rules and I think they're helpful. So I appreciate the Department's work to do that.

COMMISSIONER: Chairman, Chief Sloane, how is our campaign and marketing to the public on awareness with invasive species and this program, are we — so, does every fisherman receive an email like the way the hunting people do as well?

MICHAEL SLOANE: Unfortunately, no. But we do have (Indiscernible) coordinator. He attends most if not all of the outdoor shows around the state, does presentations. Most of our contact is on the boat ramp with actual boaters, providing them information, explaining to them. And I think that over the course of the past 3 years, we really have gained a lot of traction in terms of getting people to understand the need, and the reason to comply. We have a website and a Facebook page. I think that we can do more. We've been building up. The program is

really just getting going as James [Phonetic] gets his feet on the ground and gets this really in place (Indiscernible).

COMMISSIONER RYAN: I'll be interested to hear, once the rule's in place, how many violators there are and what is happening out there.

MICHAEL SLOANE: Mr. Chairman, Commissioners, we can certainly come back up here and summarize that.

COMMISSIONER: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER RICKLEFS: What I'm hearing, and you know from my point of view from Farmington Lake, Lake Navajo, most boaters want to comply. They've had people, I've heard they have people ask what do I need to do prior to coming down. So I, just giving, and I like the idea, the officers (Indiscernible) and have somebody, have you, can you recall, I talked to James and he can't recall too many instances where we've had irate boaters that said, you know, this is ludicrous or they're not going to comply or something like that. Have you heard any instances?

MICHAEL SLOANE: Mr. Chairman, Commissioner Ricklefs, probably about 2 or 3 a year and usually yelling at our inspectors on the boat ramp. One of those will end up calling James and James will talk to them (Indiscernible) my phone number and that kind of stuff. It never raises above that. So, yes, I think we are generally (Indiscernible) understanding of why we desire to do it and are willing to take the time and want to protect our resources.

COMMISSIONER: I just want to compliment you guys again. Your efforts are obviously paying off as being proactive makes the difference and it's going to prove that New Mexico is still AIS free. So, good job.

MICHAEL SLOANE: Thank you.

CHAIRMAN KIENZLE: OK, see you again soon.

MICHAEL SLOANE: Thank you.

CHAIRMAN KIENZLE: Agenda item 15 Request to dispose of (Indiscernible/background noise)

PAUL VARELA: Mr. Chairman, Commissioners, agenda item 15, request to dispose of vehicles and other assets (Indiscernible) and with that I turn the presentation over to (Indiscernible).

GUEST SPEAKER: Thank you, Paul. Mr. Chairman and members of the Commission, this is actually an action item that you are very, very familiar with. You'll see in your packets that you have a full listing of our disposal list and this disposal list is actually in compliance with (Indiscernible) as stated there. Every year, as you know, we have capital assets such vehicles, boats, trailers, and other equipment which have reached the end of their service life or have become unneeded or are obsolete. Re-usable items will be sold at public auction and those that are obsolete or determined to be unusable and/or worn out items will not be sold at auction. However, they will be disposed of per New Mexico administrative code which references the sale of public property and requires that agency's governing body approve the disposal of the state's property prior to the disposal. Therefore, the Department is requesting the Commission approval

to dispose of the capital assets that are worn out, obsolete, or have reached the end of their service life. I stand for questions.

CHAIRMAN KIENZLE: Any questions?

COMMISSIONER ESPINOZA: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER ESPINOZA: I guess I hadn't heard that one part that's — there's some items that we don't send to auction?

GUEST SPEAKER: Right.

COMMISSIONER ESPINOZA: Could you point some of those items out on the list?

(Indiscernible).

GUEST SPEAKER: They've been determined not identifiable for disposal. Therefore, what we would do is actually donate those (Indiscernible) we can't auction them off so we donate those items.

SPEAKER: Mr. Chairman, Commissioner Espinoza, an example of that would be computer equipment. We don't actually sell those at auction any more. It's gotten to the point where you can put a whole palette of computer equipment and sell it for a dollar. (crosstalk). And so there's special disposal that's required of computer equipment. But there are some of those items that just are not worth the auctioneer's or the Department's time. We're pretty good cannibals so we'll go in and take those pieces off as we can and re-use them when appropriate. But there are some — computer equipment is the one that comes to mind, sometimes there is

some old (Indiscernible) equipment that just is not usable and we will take to the landfill or however to properly dispose of it.

COMMISSIONER: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

(Inaudible)

VICE CHAIRMAN MONTROYA: Mr. Chairman, I move to approve the Department to dispose of the list of capital assets for the fiscal year 2017, assets to be disposed are either worn out, obsolete or have reached the end of their service life. Assets will be disposed of by either by sale at public auction.

CHAIRMAN KIENZLE: Second?

COMMISSIONER RAMOS: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it.

DIRECTOR SANDOVAL: Thank you, Mr. Chairman and Commission. We'll move right along to agenda item number 16 which is the fiscal year 2019 initiation of budget development. This again, you'll find information in your packet. This is a time line that is very familiar to you with different weeks, different years. Currently we are now in May 2017 and have initiated the development and preparation of Fiscal Year 2019 operating budget and 5-year (Indiscernible) proposal and look forward to next month, June 2017, we will present the Fiscal Year 2019

capital project outlay proposal to the Commission for approval which has a due date of July 1st, 2017. Between (Indiscernible) July 2017, we'll be working together with our team to prepare the Fiscal Year 2019 operating budget based on guidance from the Governor's Office, State Game Commission, and the departmental needs. And then, in August 2017, we will again meet with the State Game Commission to review the proposed FY19 operating budget for approval. As by statute, by September 1st, 2017 is the deadline for us to submit the Fiscal Year 2019 operating budget. Therefore, we need to take agenda item 16 as the Department is seeking Commission input on the operating budget and capital project development for Fiscal Year 2019. With that, we stand for questions.

CHAIRMAN KIENZLE: When do we do our, we do a budget presentation to us (Indiscernible).

SPEAKER: (Indiscernible).

DIRECTOR SANDOVAL: Mr. Chairman, if I may, we, because of (Indiscernible) successful work in the HR Department [Phonetic] we actually now are bumping up against our 8 percent vacancy rate within our conservation services so we are actually not able to hire (Indiscernible) requests for a lower vacancy rate within conservation services and the same will be true within our field operations just because we've been able to successfully recruit to fill those. It's nice to be in that place although it's frustrating because we don't have the budget to make it happen this year. But we will be coming, that will be one of the major emphasis of the FY19 budget, allowing for smaller vacancy savings just because we've been successful in our Department.

CHAIRMAN KIENZLE: See you sooner (Indiscernible). Any other questions or comments? Thank you. Number 17, update on the construction of the Albuquerque office complex. We were in the news. (Indiscernible). I believe we (Inaudible).

(Multiple Speakers/Indiscernible)

JIM COMINS: Mr. Chairman, members of the Commission, we are here today to present a brief update progress of the Albuquerque office complex. Russ [Phonetic] will be giving that presentation today. If you have any questions, (Indiscernible/cough).

GUEST SPEAKER: So, on April 8, 2017, the Department held a second open house on the property and only had 11 people from the community that attended the open house. Overall response was very positive. Some of the topics discussed included increased traffic potential again, and state funding. On April 11, the Department met with the Bernalillo County Public Works to review the project. (Indiscernible) conducting courtesy reviews on the project including hydrology plans, driveway plans, and water and sewer plans. Dr. Steven W. Comers [Phonetic] and Associates, that's WCA, has completed the draft of the Environmental Assessment and WCA submitted the EA to the United States Fish and Wildlife for review. (Indiscernible) designed the Albuquerque office will be finalized in May.

CHAIRMAN KIENZLE: This year?

GUEST SPEAKER: Yes, sir. Now I'll stand for questions.

CHAIRMAN KIENZLE: (Indiscernible) with the neighborhood?

GUEST SPEAKER: Again, the response at the open house was very positive in the neighborhood. One of the comments that I heard was, "You know, it's nice to have you in the neighborhood." (Indiscernible) more access, actually the question of the traffic. I think it's very positive.

CHAIRMAN KIENZLE: To the extent possible, keep us informed (Indiscernible).

COMMISSIONER RYAN: (Indiscernible) in your opening statement, I apologize if I'm repeating something or asking something you've said, but when is the proposed breaking the ground on this?

GUEST SPEAKER: We're proposing, Mr. Chairman, Commissioner Ryan, proposing September to break ground on this project.

COMMISSIONER RYAN: I'm noticing on our meeting schedule that we have our meeting, our September — our August meeting rather is in Albuquerque and it would be prior to the groundbreaking. But I was just wondering if we could think about, I don't know if groundbreaking could be as early as the end of August or we could maybe just schedule a field trip in association with our Commission meeting. I would really love to go out there.

GUEST SPEAKER: Mr. Chairman, Commissioner Ryan, I will work on that (Indiscernible).

COMMISSIONER RYAN: Thank you.

CHAIRMAN KIENZLE: (Indiscernible) comments. Any questions? OK. When will we see you again?

GUEST SPEAKER: Mr. Chairman, when would you like to see us again?

(Laughter)

CHAIRMAN KIENZLE: You guys make a great team. I always enjoy (Indiscernible). We can schedule them on for the next time. I wonder what happened after our break. Something exciting going on (Indiscernible) Thank you.

(Background speakers, Indiscernible/Inaudible)

CHAIRMAN KIENZLE: Agenda item number 18. I'll get to talk to you at the chair or talking myself (Phonetic sentence). Some of you may recall that Section 17-4-16 was amended to basically clarify what was already going on in Mexico with a section added, a Section C and Section D. I will read Section C:

No person engaged in hunting, fishing, trapping, camping, hiking, sightseeing, the operation of watercraft, or any other recreation use shall walk or (Indiscernible) on the private property through non-navigable public water or access public water via private property unless private property owner, lessee, person in control of private lands expresses consent in writing.

This was enacted in 2015, and I'm proposing that we take that up at our next meeting, per discussion today that we take up at our next meeting as an action item providing signage, some sort of certification to private landowners that (Indiscernible) both this law and then we do have criminal trespass statutes and other rules and regs and we'll try to make them all consistent in the final rule that is presented. I will visit with law enforcement director to make sure that whatever action item I put up there is something that's workable for the Department because I'm not going to be the guy in front of them doing the hard work. So, essentially it's a signage, there will be a sign that's provided by the Department, probably a typical brown and white sign (Indiscernible) that would be of guidance to law enforcement that (Indiscernible) rights, would give guidance to law enforcement that this is in fact private property and has been enrolled in the Department as such, some sort of certification as I mentioned. And that would be issued by the Director and it's probably in the form that can be recorded in the County Clerk's office, further give guidance on whether land is private property or not. So that's the main gist of this. But we've got a lot of trespass issues and people are concerned about this: Can I be here, can I not be here? And I think this will help (Indiscernible) in clearing up some of those issues.

COMMISSIONER RYAN: I just want to follow that up. I appreciate the Chairman initiating this issue regarding trespass and many members of the public here are concerned about that issue. We have more recently issued in Travis County where I am from and concerned with that we have, these trespass issues seem to be at the forefront of a bunch of concerned hunters and private landowners right now. And I just want to assure the public that the Department is doing a lot right now to address this issue and some of those will be coming in front of the Commission at future meetings this year and I'm just very happy and proud of the work the Department is doing to try to address this. I want to compliment the Department and look forward to continuing to make progress on that. Thank you, Director, for all your initiative on that.

CHAIRMAN KIENZLE: Thank you. OK. Any other discussion on this one? We'll pick it up again in June. And then we have a comment from Ms. Torres.

GUEST SPEAKER: Chairman and Commissioners, I am Susan Torres, New Mexico Wildlife Federation. We just want to offer our services to help with this issue and making sure that people have their public access and the rights of private landowners are just as well. Thank you.

CHAIRMAN KIENZLE: Thank you. On number 19, it dovetails in part with number 18. So I'm going to ask for a motion to defer that to a later date.

COMMISSIONER MONTOYA: So moved, Mr. Chairman.

COMMISSIONER RAMOS: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: (Indiscernible). Let's see.

COMMISSIONER RAMOS: Mr. Chairman, I move to adjourn into Executive Session closed to the public; pursuant to Section 10-15-1(H)(2) NMSA 1978, to discuss limited personnel matters relating to complaints and discipline; Section 10-15-1(H)(8) NMSA 1978, to discuss property acquisition and issues; and Section 10-15-1(H)(7) 1978 on matters subject to the attorney-client privilege relating to threatened or pending litigation in which the Commission and/or Department is or may become a participant as listed on Agenda Item 20, subsections A, B, and C.

COMMISSIONER ESPINOZA: Second.

COMMISSIONER #2: Second.

COMMISSIONER #3: Second

DIRECTOR SANDOVAL: Commissioner Espinoza.

COMMISSIONER ESPINOZA: Yes.

DIRECTOR SANDOVAL: Commissioner Ramos.

COMMISSIONER RAMOS: Yes.

DIRECTOR SANDOVAL: Commissioner Ricklefs.

COMMISSIONER RICKLEFS: Yes.

DIRECTOR SANDOVAL: Commissioner Ryan.

COMMISSIONER RYAN: Yes.

DIRECTOR SANDOVAL:

VICE CHAIRMAN MONTROYA: Yes.

DIRECTOR SANDOVAL: Chairman Kienzle.

CHAIRMAN KIENZLE: Yes.

DIRECTOR SANDOVAL: So, we do not have another meeting room, so I would ask that you all physical be present out there in the . . .

COMMISSIONER RYAN: . . . Chairman, I do have a couple of motions I'd like to make to the Commission. During the Executive Session the Commission discussed several alternatives regarding the (Indiscernible) Dam. Alternatives range from completely restoring the dam at a cost of 8 million dollars to breaching the dam and returning water back to irrigation drainage at a cost of only possibly 1.5 million. So I make a motion for the Department to report on taking the option of breaching the dam at that 1.5 million and bringing the water back to the irrigation drainage (Indiscernible).

COMMISSIONER MONTOYA: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it.

COMMISSIONER RYAN: Chairman, also during the Executive Session, the Commission discussed entering into an agreement with the New Mexico State Parks on certain Commission-owned property (Indiscernible) Canyon. I make a motion for the Director and Chairman to negotiate the terms and to enter into a memorandum [Phonetic] agreement with New Mexico State Parks to manage these properties.

COMMISSIONER MONTOYA: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it. I think those were the only two items. Public comments. Shawn Carol [Phonetic].

GUEST SPEAKER: Good morning. Maybe I can (Indiscernible) New Mexico Conservation Officers Association. We're here today to inquire status of the physical carcass tag. Last fall we kind of left off (Indiscernible) some kind of solution regarding the Outfitter's Council's concerns they had with this carcass tagging. Our Officer's Association has been having contact with (Indiscernible) Council and talked to them and tried to work out some solutions so we both understand both sides of that. The Department had a meeting regarding these carcass tags. The Association hasn't been involved in that. I'm not sure where we're at with that or where you guys are at with that, status and meetings, trying to address these concerns. We've had 100 percent support for the physical carcass tag from officers and wildlife groups. Sportsmen are asking us (Indiscernible) we have in our system. This fall we had one of my officers dealing with this exact issue and the DA's office, they couldn't believe we had such a loophole in our system allowing them not to prosecute some of these cases based on some of these loopholes that this physical carcass tag would close. We as officers have not only recognized this issue but we have brought forth a simple solution to the Department and the Commission. This issue was not on the agenda today and we're concerned that this issue is not going to be brought up or addressed again so we want to make sure this continues to be on the agenda and start working towards a solution to this before we get to the, the next proclamation to get ahead of all the

(Indiscernible) going downhill. We have already shown, I'm not going to get into the issues we brought up concerning the electronic system, but I'm standing here today on behalf of our officers to keep this issue on your agenda and support to these concerns to allow us to effectively enforce the laws that you guys are enacting here and asking us to enforce. We just ask that you keep this on your agenda and keep us involved in that. Thank you.

CHAIRMAN KIENZLE: Have we got any information on that, where we're at electronically?

DIRECTOR SANDOVAL: Mr. Chairman, members of the Commission, the (Indiscernible) which is the voice reporting on the hunter harvest is up and running and for testing. And I think the testing will be done this next week. So, that has been developed and is in place. We're trying. We have moved on from the current vendor for the electronic harvest report on the phone. That has not worked out the way we had wanted it to so we're moving on to the new vendor. And in those discussions, we are looking at particular (Indiscernible) that will be collecting on that app. So we have made a tremendous amount of progress on the electronic side and will continue to work.

CHAIRMAN KIENZLE: Mr. (Indiscernible) is the Director and will see that this needs to go on the agenda again. I know we talked about it last fall. I don't want it to drop off (Indiscernible) the Director and we'll circle back.

DIRECTOR SANDOVAL: I would like for December [Phonetic] to give some time for the Department to engage with the various groups. I think there would be instruction at that meeting to engage and let it come up with us, something everybody's supportive of and comfortable with. So maybe by the September meeting something can be on the agenda.

CHAIRMAN KIENZLE: OK. Any other questions or comments? Can I get a motion to adjourn?

COMMISSIONER: So moved.

COMMISSIONER #2: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: (Indiscernible)

In Re:

Game Commission Hearing

C E R T I F I C A T E

I, Rose Leonard and I, Cheryl Melgarejo
DO HEREBY CERTIFY that the
above captioned transcription was prepared by me;
that the RECORDING was reduced to typewritten
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I FURTHER CERTIFY that I am neither employed
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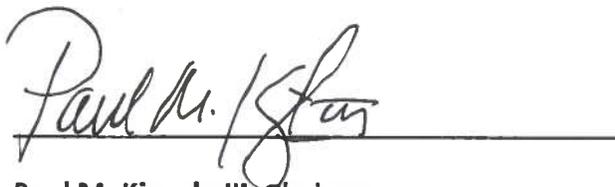
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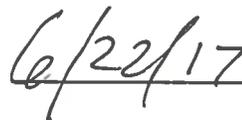
Alexandra Sandoval, Director and Secretary



Date



Paul M. Kienzle III, Chairman



Date

New Mexico State Game Commission

AS/scd