

**MEETING MINUTES**  
**NEW MEXICO STATE GAME COMMISSION**  
September 28, 2017  
Lifts West Condominiums Meeting Room  
201 W. Main Street  
Red River, NM 87558  
9:00 a.m. -5:00 p.m.

**A P P E A R A N C E S**

Game Commissioner Thomas Salopek

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**                      None

**DIRECTOR SANDOVAL:** Commissioner Espinoza.

**COMMISSIONER ESPINOZA:** Present.

**DIRECTOR SANDOVAL:** Commissioner Ramos.

**COMMISSIONER RAMOS:** Good morning. I'm here.

**DIRECTOR SANDOVAL:** Commissioner Ryan.

COMMISSIONER RYAN: Excuse me. I'm here.

DIRECTOR SANDOVAL: Commissioner Ricklefs.

COMMISSIONER RICKLEFS: Here.

DIRECTOR SANDOVAL: Commissioner Salopek.

COMMISSIONER SALOPEK: Here.

DIRECTOR SANDOVAL: Vice Chairman Montoya.

VICE CHAIRMAN MONTOYA: Here.

DIRECTOR SANDOVAL: Chairman Kienzle.

CHAIRMAN KIENZLE: Present.

DIRECTOR SANDOVAL: Mr. Chairman, I believe we have a quorum.

CHAIRMAN KIENZLE: Thank you. Do we have a flag? We have a flag. Ralph? Instead of the locker room.

COMMISSIONER RAMOS AND ATTENDEES: I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible with liberty and justice for all.

CHAIRMAN KIENZLE: Can we get a motion to approve the agenda?

COMMISSIONER SALOPEK: So moved.

COMMISSIONER ESPINOZA: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Who wants to go first? You want to introduce yourself first. We'll go around the room.

GUEST SPEAKER: Good morning, Commissioners, Director, audience. My name is Donald Jamarillo, Deputy Director, New Mexico Department of Game and Fish.

GUEST SPEAKER: Mr. Chairman, Commissioners, members of the audience. I'm Lance Cherry. I'm the Chief of Information and Education Division for New Mexico Department of Game and Fish.

GUEST SPEAKER: Good morning. I'm Robert Griego, Colonel, Field Operations (indiscernible).

GUEST SPEAKER: Good morning. I'm Chris Wiese. I'm a biologist at the Turner Endangered Species Fund.

GUEST SPEAKER: Good morning. I'm Julia Stafford from the CS Ranch in Cimarron, New Mexico.

GUEST SPEAKER: Good morning. I'm Garrett VeneKlasen. I'm the Executive Director of the New Mexico Wildlife Federation.

GUEST SPEAKER: Good morning, Chairman, Commissioners, members of the public. Stewart Liley, Chief of Wildlife, Game and Fish.

GUEST SPEAKER: Good morning. I'm Ty Jackson. I'm a Captain of Field Operations.

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

GUEST SPEAKER: Do we all do this?

DIRECTOR SANDOVAL: Yes.

GUEST SPEAKER: I'm Mike Haynes [phonetic]. I'm just a private citizen and sportsman from Los Alamos.

GUEST SPEAKER: Good morning. Ray Sanchez, Major, New Mexico Department of Game and Fish.

GUEST SPEAKER: Travis Day, Natural Resource Director for Sierra Soil and Water Conservation District.

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

GUEST SPEAKER: Good morning. Chad Nelson, Licensing Operations Manager, New Mexico Department of Game and Fish.

GUEST SPEAKER: Greg Moore [phonetic], Overland Cattle Company, Wagon Mound and Springer.

GUEST SPEAKER: Good morning. Kerri Romero, New Mexico Council of Operators and Guides.

GUEST SPEAKER: Good morning, Mr. Chairman, members of the Commission. Tanner Anderson, Regional Director, New Mexico Farm and Livestock Bureau.

GUEST SPEAKER: Good morning. Boe Lopez, Second Vice President from New Mexico Farm and Livestock Bureau.

GUEST SPEAKER: Good morning, Mr. Chairman, Commissioners. Chris Chadwick, Department of Game and Fish, Assistant Director.

GUEST SPEAKER: Good Morning, Mr. Chairman, Commissioners, members of the public. My name is Jim Comins and I'm the Assistant Director of the Resource Division, Department of Game and Fish.

GUEST SPEAKER: Good morning. I'm Herb Atkinson from Roswell, representing Safari Club International.

GUEST SPEAKER: Good morning. Susan Torres, Communications Director, New Mexico Wildlife Federation.

GUEST SPEAKER: Good morning. Rol Murrow, Director Emeritus, Recreational Aviation Foundation and champion of back-country flying.

GUEST SPEAKER: Good morning. Lee (indiscernible) New Mexico.

GUEST SPEAKER: Good morning. (Indiscernible), private citizen.

GUEST SPEAKER: Good morning. My name is (indiscernible) Gonzales. I am an avid New Mexico outdoorsman and attorney at the (indiscernible).

[Indiscernible/background interference]

GUEST SPEAKER: Good morning (indiscernible/background interference) Game and Fish.

GUEST SPEAKER: Good morning, Mr. Chairman, Commissioners, members of the public. My name is Martin Perea. I am a videographer with the Information and Education Divisions, Department of Game and Fish.

GUEST SPEAKER: Good morning. I'm Sandra DuCharme. I'm the Executive Assistant to the Director (indiscernible).

CHAIRMAN KIENZLE: All right. I think we got everybody. Thank you. Good morning. Could I get a motion to approve the minutes from our August 24, 2017 meeting?

COMMISSIONER RYAN: So moved.

COMMISSIONER RAMOS: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The Ayes have it. Agenda item number 7, the presentation by Turner Endangered Species Foundation Ladder Ranch permit extension for Mexican wolf facility and request for importation of three Mexican wolves on the Ladder Ranch Facility. Have at it.

CHRIS WIESE: Do you need me to sit here?

CHAIRMAN KIENZLE: That would be helpful. Thank you.

CHRIS WIESE: Good morning, Chairman. Good morning, Commissioners. Thank you very much for giving me the opportunity to present our requests in person. There will actually be three separate requests. Do you want me to do one after the other or I can talk about all three of them together. And I should say, my name is Chris Wiese. I'm a biologist for the Turner Endangered Species Fund. Mike Phillips, who is the Executive Director of the Turner Endangered Species Fund had a scheduling conflict, so I will be Mike today.

CHAIRMAN KIENZLE: I think we can do all three at once.

CHRIS WIESE: All right.

CHAIRMAN KIENZLE: That doesn't present a problem.

CHRIS WIESE: If you would allow me, I was hoping to give you a very brief background on the program because I don't know if anybody, if everybody here knows what we do in the Ladder Ranch with Mexican wolves. The Mexican wolf recovery started with the last five wolves that (indiscernible) through Mexico in the early 70's. Those last five wolves were trapped and were brought into captivity to start a captive breeding program with a goal of them releasing wolves back into the wild. The captive breeding program takes place mostly in zoos and wolf sanctuaries. And together these institutions number now in in the lower 50's. About two-thirds are in the United States and all over the United States, and one-third is in Mexico. And it is that group of institutions together are called the Species Survival Plan or SSP for short. We have a captive facility on the Ladder Ranch that consists of five pens that can hold one pack per pen and at a maximum 25 wolves. We are part of the SSP. But on the Ladder Ranch, we are uniquely positioned geographically mainly because we are very close to the wild population. So, and we also have a unique facility that is more removed and can serve as a transitional facility between the captive population and the wild population. This facility was built in 1997 and has been in operation since 1998. And the proposals, the requests before you this morning are for a continued permit trust [phonetic] to continue doing what we have been doing for the past 19 years, to hold wolves and be a part of the recovery team, part of the SSP as well serve the Fish and Wildlife Service by holding wolves in captivity and breeding as recommended by the Fish and Wildlife Service and the SSP. So the first request that we have is that we extend our permit for another three years. This is the permit that I believe you have seen before. We also, as recommended by the SSP, the SSP gets together once a year in July and makes recommendations

for breeding pairs for the next year, both to replace the captive population as well to potentially produce wolves for cross-fostering and other programs. And it has been recommended that we take a wolf from Kansas that -- I should back up -- Kansas had a breeding pair last year that produced two pups. One (indiscernible/coughing in background) go to a breeding facility in Colorado, I believe. The other pup is in the way, so to speak, of the new breeding season. She's now a year old and our facility has pen space and so one of the importation requests in front of you is that we get this wolf to the ladder ranch. Two other wolves, one comes from Wolf Haven International which is in Tenino, Washington, a female who is to be paired with a male wolf from the Endangered Wolf Center in St. Louis and we're requesting importation permits for both of those animals as well. The last leg of our request is a management request. As things stand right now, for us to be able to import a wolf from another state, we have to, we appear in front of you and request this in person. We would like to request that you give authorization to Director Sandoval to issue us importation permits up to five, blanket importation permits for wolves that have to be removed from the wild in Arizona so that if there is a removal order out, those wolves can come to us, our facility, without the time delay required to schedule a meeting with you. And with that, if you have any questions, I would be happy to answer them.

CHAIRMAN KIENZLE: And what you're asking for today is solely importation, not release?

CHRIS WIESE: That's correct. These, the breeding pair is recommended to breed with a potential I should say that their puppies may be used for cross-fostering.

COMMISSIONER RYAN: The five wolves coming from Arizona, would that be like a depredation situation?

CHRIS WIESE: Yes.

COMMISSIONER RYAN: Coordinating to get them out of there and put somewhere else? So those kinds of wolves, I guess, would remain in captivity for the rest of their lives in that situation, generally maybe?

CHRIS WIESE: In general, I can't speak for the rest of their lives. There have been instances where wolves that were removed from the wild in New Mexico or Arizona were released in Mexico, but not released in the U.S.

COMMISSIONER: Mr. Chairman.

CHAIRMAN KIENZLE: Yes.

COMMISSIONER: All these wolves that you're talking about for containment at Ladder Ranch, isn't that facility that we caught the wolves that went to Mexico, that overall facility is the entire wolf program that you have there at the Ladder, correct.

CHRIS WIESE: That is correct. That is correct. We do not release wolves on the Ladder Ranch --

COMMISSIONER: Understand.

CHRIS WIESE: We're just talking about the captive facility that consists of those five pens that you're familiar with.

COMMISSIONER: And that's the only facility that you all at the Ladder have?

CHRIS WIESE: That's correct.

COMMISSIONER: The facility that they have La Joya, that the Fish and Wildlife Service has?

CHRIS WIESE: Sevilleta.

COMMISSIONER: Sevilleta, I'm sorry. La Joya is just across the street. Is that operating or is it just basically sitting there?

CHRIS WIESE: That is operating today. One of the reasons why we are requesting those two wolves from Wolf Haven and the Endangered Wolf Center is because of the Sevilleta has some necessary repairs to their facility. Their facility, like ours, has been in operation since 1997 continuously and with all the wolves that move through there and being out in the middle of nowhere, they need repairs. And the best way to do the repairs is to not have wolves present as to not to --

COMMISSIONER: So at this time, there's none at Sevilleta.

CHRIS WIESE: There are, I believe, 7 or 8 wolves at the Sevilleta. But the plan is to also bring some of those to the Ladder Ranch. But that is a request we make directly to the Department of Game and Fish.

COMMISSIONER: Maybe I missed your numbers but, including Sevilleta and Ladder, how many total wolves have we got in those facilities right now?

CHRIS WIESE: Right now, we have four wolves at the Ladder Ranch and there, I believe it's either 7 or 8 at the Sevilleta. We're getting ready to move some of these wolves around. There are 3 wolves at the Sevilleta, I can't really speak for the Sevilleta because I don't oversee that facility. I believe there are 3 wolves at the Sevilleta that are destined for another facility that will be moved out within the next month. And the 4 wolves that we currently have at the Ladder will be, have plans to be moved out as well. And that will happen in the next month.

COMMISSIONER: Any idea where those 4 wolves are going?

CHRIS WIESE: We have 2 sisters that will most likely go to the El Paso Zoo. That's the recommendation by the SSP. And we have a male wolf, a 3-year-old wolf who was pulled in from the wild. He was a removal who is going to a breeding facility in New York State because he's very genetically valuable. The fourth wolf is scheduled to go to Mexico and we have, we're waiting for paperwork from the Mexican government. So currently, there's no specific date for that particular movement but that is the plan.

CHAIRMAN KIENZLE: Director Sandoval, what is the Department going to say about this particular location?

DIRECTOR SANDOVAL: So, Mr. Chairman, thank you for the question. We have reviewed the permits and with regards to the 25 holding permit, we would recommend approval. It's a continuation of the current permit that they have. In regards to the 3 importation, again we recommend approval but we will, with both the 5 and 3, we will place restrictions on those animals on those importation permits specific to not allowing a release without coming to the Department first, release of those animals or their progeny are not allowed to be released. So with all three of these, we are okay with moving forward.

COMMISSIONER RYAN: Director Sandoval, would you discuss the release restrictions that are already written. I believe it is written in the permit itself that if we approve that would issue.

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Ryan, absolutely so. On any importation of wolves into the State of New Mexico currently, we place a restriction on any of those wolves may not be released into the wild or their progeny without prior approval through the Department and discussion with the Commission.

COMMISSIONER 2: Chris, just one question. Maybe the Director can answer this, or you could. The current permit is due to expire when? Do you know?

SPEAKER: The end of December, 2017, about 2 months.

COMMISSIONER 2: A couple of months, so okay. And then, and again, I've said this more than once, you know, you guys at the Turner Endangered Species Fund does a lot of work. And you guys do a lot of work there on the Ladder as well as Armendaris, the Vermejo [phonetic], et cetera, is just, (indiscernible) understand, you guys are fully funded pretty much from that fund. Is that correct, there on the Ladder?

CHRIS WIESE: Our funding for the wolf project is through Turner Endangered Species Fund as well as we receive a small stipend from the Fish and Wildlife Service.

COMMISSIONER 2: Okay. So do you know what that number is, by any chance?

CHRIS WIESE: I do not, off the top of my head.

COMMISSIONER 2: And the fund, Turner Endangered Species Fund is what I understand from the sources, that it's continuous, it's healthy, it's going to be around for a long time, correct?

CHRIS WIESE: Correct. Absolutely. That is a philanthropic arm of the Turner Enterprises which is the for-profit part of what we term the Turnerverse. So it's administered through the Turner Foundation.

COMMISSIONER 2: Thank you.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER RICKLEFS: Could you please explain exactly what the SSP is?

CHRIS WIESE: It stands for Species Survival Plan and endangered species that are being bred in captivity often have a Species Survival Plan. It's the group of people who are holding -- there's a representative from each institution that is holding Mexican wolves in this case. We get together once a year. We have an advisor who advises on genetics and we are charged with making sure that every wolf has a place to be for the following year and that the genetics of both the captive -- the captive population remains healthy and that we also produce animals to support the wild population.

COMMISSIONER RICKLEFS: The two breeding pair that you, asked you to import, if those have pups I understand that's a (indiscernible) thing if you decide they need to be cross-fostered?

CHRIS WIESE: Uh-huh.

COMMISSIONER RICKLEFS: And that you still will come before this Commission or the Department even though it's a short time frame that needs to be delivered. Is that correct?

CHRIS WIESE: Yes, that will happen. We'll involve the Fish and Wildlife Service. I personally am not responsible for cross-fostering. That's a Fish and Wildlife Service program.

COMMISSIONER RICKLEFS: But if they do breed and have a litter in the spring, it's very time sensitive that Fish and Wildlife would want to take those pups and put them into the wild.

CHRIS WIESE: If approved, yes.

COMMISSIONER RICKLEFS: I just have a hard time seeing how that, how you would have enough time to come before the Commission and cross-foster these pups.

CHAIRMAN KIENZLE: What is that time frame that you need to release quickly? What is the -

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CHRIS WIESE: So I'm not sure about where the discussions are with Fish and Wildlife Service and cross-fostering. One thing I want to say is that this, the particular breeding pairs, if cross-fostering does not take place the puppies are also available to the captive population. So it is not cross-fostering or die. But the time frame I believe Chairman Kienzle is referring to is the time for cross-fostering itself. That needs to take place within 14 days of birth. Now we spend quite a bit of time watching the breeding pairs. We know when they tie [phonetic] so we have a pretty good idea of when they will whelp. The wild card is when a wild pack will whelp. And hopefully they whelp within 4 to 8 days of each other. So cross-fostering is a lot of -- a lot of different things have to come together to make that work.

SPEAKER: Mr. Chairman, Commissioner Ricklefs, specifically the Fish and Wildlife Service will make the request. It will not be the Ladder for the release. Fish and Wildlife Service should come up to the Commission some time in December to request any release to occur in 2018. And so what will happen is that Fish and Wildlife Service will be working with (indiscernible/static) including Arizona so these puppies might actually go to cross-fostering in Arizona. To figure out what packs should these be cross-fostered in, how many pups should be cross-fostered, part of this logistical concern like Chris said, is to have puppies close by so they're not flying (indiscernible), they're flying from Chicago into (indiscernible) to cross-foster. So again, U.S. Fish and Wildlife Service will come in front of the Commission for that request. It will not be the Ladder.

CHAIRMAN KIENZLE: And the request is made, not at the last minute, but in advance of -- it gives us enough time to consider the issue without there being time pressure?

SPEAKER: Mr. Chairman, that's correct. It should come, well, 5 months in advance of any cross-fostering to take place. So most likely it's something they'll ask for. We don't know that it

will happen for sure, but they will ask for a certain number of cross-foster events to happen in the wild.

CHAIRMAN KIENZLE: Thank you.

COMMISSIONER RYAN: Is the Ladder Ranch the only facility between Arizona and New Mexico that can hold wolves like this? Is there a facility like the Ladder located in Arizona?

CHRIS WIESE: Commissioner Ryan, what do you mean by “wolves like this”?

COMMISSIONER RYAN: I mean a facility like yours that holds wolves in captivity. Is there a facility that holds wolves in captivity such as yours located in Arizona.

CHRIS WIESE: There are several facilities in Arizona that hold wolves in captivity. What is unique and special to our facility as well as the Sevilleta facility which is directly run by Fish and Wildlife Service is that we serve as transitional facilities between the wild and the captive population. So as of today, there is no facility that could safely take in the wolf from the wild in Arizona. I believe that (indiscernible/microphone feedback).

COMMISSIONER RYAN: That’s what I was getting to, especially with the depredation wolves, that the Ladder Ranch is the only place, appropriate place, for them to go at this time.

CHRIS WIESE: Sevilleta, but Sevilleta is shut down for the necessary repairs and Ladder will be the only safe place for these wolves, yes.

CHAIRMAN KIENZLE: Any other questions or comments? Is the Department in support of this application?

DIRECTOR SANDOVAL: Mr. Chairman, yes we are.

CHAIRMAN KIENZLE: Can I get a motion on this particular item?

SPEAKER: (indiscernible)

CHAIRMAN KIENZLE: I'm sorry? Jumped the gun. Thank you for reminding me. Tanner Anderson.

TANNER ANDERSON: Good morning. Tanner Anderson on behalf of the New Mexico Farm and Livestock Bureau. The New Mexico Farm and Livestock Bureau is opposed to the use of Mexican gray wolves in the State of New Mexico. I understand that the Ladder Ranch isn't releasing wolves on their property. However, the efforts that they are making will lead to the release of Mexican gray wolves in the state and therefore we would oppose that. The release of the wolves does not help preserve the safety of wildlife, livestock and the public. So, in essence, we would oppose the import of these wolves. Thank you.

CHAIRMAN KIENZLE: Understood. Thank you. Always a difficult decision. Garret, are you here as, what?

GARRETT VENEKLASEN: Candidate in waiting, private citizen. Mr. Chairman, members of the Commission, Garrett VeneKlasen representing New Mexico Wildlife Federation. In our mind, this is pretty simple and straightforward. This is about enhancing the genetic diversity of a native New Mexican species, wildlife species. Again, it's the mandate of the Department to steward and enhance and restore native species. We support this. Thank you very much.

CHAIRMAN KIENZLE: How do you feel about leasing our hunting rights to us? I'm just kidding him. [Laughter] You can talk about that on the trail someday.

SPEAKER: Mr. Chairman.

CHAIRMAN KIENZLE: Yes.

SPEAKER: I believe we have one more?

CHAIRMAN KIENZLE: One more?

SPEAKER: Comment that (indiscernible).

CHAIRMAN KIENZLE: Chris Wiese? I think you've already had your say [laughter]. But you can keep talking if you like. Karen [phonetic].

GUEST SPEAKER: Can I speak for (indiscernible).

CHAIRMAN KIENZLE: That's fine.

GUEST SPEAKER: I just wanted to agree with Tanner. As you know, New Mexico Cattle Growers has a position of opposing Mexican wolves' release and we continue to do that. We understand things are marching forward. Thank you.

CHAIRMAN KIENZLE: Understood. Thank you. I don't have any more public comment. Any comments or questions from commissioners? Any further discussion? Can I get a motion on this one, please?

COMMISSIONER RAMOS: Mr. Chairman, I move that we give the Director the power to act on the request for a 3-year extension of our current permit to hold up to 25 Mexican gray wolves in captivity at the RWMF [phonetic] and to import 3 genetically valuable wolves from out of state captive facilities.

CHAIRMAN KIENZLE: Does that cover your request?

CHRIS WIESE: And the 5 from Arizona.

COMMISSIONER RAMOS: And we add the 5 importations from Arizona as well to that.

CHAIRMAN KIENZLE: And that motion you are making is solely for importation, not release.

COMMISSIONER RAMOS: Correct. And that's for the power to act as the Director.

CHAIRMAN KIENZLE: Can I get a second on that motion?

COMMISSIONER RYAN: Second.

CHAIRMAN KIENZLE: Any further discussion? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed? No opposed.

CHRIS WIESE: Thank you.

CHAIRMAN KIENZLE: Thank you. Say hello to Mr. Phillips for us.

CHRIS WIESE: (indiscernible).

CHAIRMAN KIENZLE: Agenda item number 8: Request from Moore Land and Cattle Company to import and possess black footed ferrets.

STEWART LILEY: Mr. Chairman, members of the Commission, I'm in front of you today as a request to import black footed ferrets and release black footed ferrets on the Moore Land and Cattle ranch. I do have Greg Moore [phonetic] sitting with me today. I wanted to recognize Greg for all his efforts on management of this ranch to get to the stage where we are maybe able to release black footed ferret. It is a unique place and I would recommend if you guys get a chance to ever make it out there, the habitat improvements that Mr. Moore has made on his ranch are quite impressive, from his controlled burn management to just a holistic management on the property itself. But we are, and what we have in front of you today and what I have here is a

quick -- it's a little bit difficult to see -- (indiscernible/background noise) view of where this would occur. Up in that top left-hand corner is city of Wagon Mound and then right down here in this lower right-hand corner is more or less where the Black Dog -- excuse me -- black tailed prairie dog [laughter] colony is. And that's where the proposed release site is. Mr. Moore has been working with the Fish and Wildlife Service and the Department over the last year to assess the size of this prairie dog colony for the potential release of black footed ferrets on that colony. We and the Service both feel it's of sufficient size to sustain a population of black footed ferrets. Vermejo Park has been the only other range in the state currently that has attempted to recover black footed ferrets in the state and Mr. Moore would be one of the second ranches that would try to do this. One of the things ((indiscernible/coughing in background) black footed ferrets compared to the other species under the ESA, there's a safe harbor agreement with the Fish and Wildlife Service that happens with black footed ferrets. Basically what this does is, it's an experimental population but it provides assurances that when Mr. Moore, it's a safe harbor agreement that's with non-federal land owners. So it provides regulatory assurances that there's no take [phonetic], basically no harm/no foul. So if Mr. Moore maintains his prairie dog colony, releases ferrets, he continues this operations and his neighbors continue their operations as well. And there's not a threat of regulatory mechanisms under the Endangered Species Act because there is this safe harbor agreement. It was really developed in 2013 to really encourage private landowner participation in recovery of the black footed ferret and it's been very successful both in Wyoming and Colorado and we hope to see the success continue into New Mexico as well. Like I said, incidental take would be allowed under the safe harbor agreement. The safe harbor agreement can be signed by Mr. Moore and any adjacent landowners that would want to participate. I would like to let the Commission know that I did go out with Mr. Moore and visit

with his adjacent landowners and we discussed the prospects and discussed the safe harbor agreements and the landowners were onboard with it. We are actually quite excited that a landowner that shared the colony with him was hoping this would happen so he could have ferrets released as well. So we have had those discussions and went out there. So, really the next steps, we're in front of you today because it does need Commission approval for an importation and release as what we have in front of you. Mr. Moore has talked with the County Commission and they are onboard with it as well. He's talked with his private landowners, surrounding landowners, and they're on board as well. What we really need to do next is tell the Service in March to breed ferrets for release in the fall of next year. So the release would occur in the fall of 18 with the breed up and preparations of ferrets coming to Moore Land and Cattle in the fall of 18. Those ferrets would get some experience. They have a facility in Colorado where they get some experience in actually killing prairie dogs before they're released. And then, one of the big things we'll work on with Mr. Moore is plague management. Plague is the big thing that's the fear with ferrets. It's not a plague necessarily on the ferrets but the potential of losing the prairie dog colony to plague and then ferrets maybe blink out [phonetic]. The release in the fall of 18 would be potentially 30 ferrets with a follow up in the fall of 2019 with an additional 30 ferrets. And with that, we'd be happy to take any questions, or if Mr. Moore has anything to add that I missed, I would be more than happy to discuss.

MR. MOORE: Well, there's two things I'm trying to do here. One, you save a species or you try. At least you try. Prairie dog density, I understand that maybe that could cause some problems so maybe the ferrets could keep them getting concentrated so much. Maybe it could make them move a little bit. What I'm seeing with mine, and we've got about 1500 acres, I'm not seeing that much damage. I know I'm not going to get a lot of people to say that, from loss of

production (indiscernible). There's about a hundred species lived in this towns, I guess that's nationwide but I know I've seen them, a lot of things I've never imagined to see maybe because I started looking more closely. And then, something that I've come up with just recently, there's no -- we're having an invasion of cholla and prickly pear. And we've got every species, many of them (indiscernible). Prairie dogs don't go into that. But with the prairie dog colony, there's no prickly pear or cholla. So they're keeping the prairie clean. They're one of the things that historically kept the prairie clean. I think pack rats do a good job and also fire. We've got species coming up of -- daggumit [phonetic] -- well I'll, how could I not -- well, you get my age, things like this happen.

[Laughter]

COMMISSIONER: Understand. We're all there.

MR. MOORE: Mesquite, my gosh. See, we haven't had mesquite. But for whatever reason, it's coming up out of the canyons and historically, well, it's documented that prairie dogs would clip that mesquite and keep the prairie clean. So there are 3 or 4 reasons, you know, the mining, fertilizing. In fact, I put a no-kill on our prairie dogs, no shooting, no poisoning. I just don't see that much damage. So, we're going to try to control them naturally with ferrets, and try to save a species. So, anybody got any questions on that I'd be glad to (inaudible/background noise).

CHAIRMAN KIENZLE: Go ahead.

COMMISSIONER: Mr. Chairman, Commissioners, I've known Mr. Moore for some time and he is a progressive rancher. He does well taking care of his country and I appreciate your efforts in this, so --

MR. MOORE: Thank you, Bob [phonetic].

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COMMISSIONER 2: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER 2: Mr. Moore, I just want to commend you for taking this on. You know, obviously there's some economic portion that's discussed on your part that's part of this and you know, like you said, saving the species. I wish more ranchers around that would kind of take that bull by the horns and do more of what you -- I've heard a lot about you, what you do. And it's good landowners like you that's the reason New Mexico thrives. So I want to thank you personally for taking this on and wish you much success in it.

MR. MOORE: Thank you.

CHAIRMAN KIENZLE: And the Department's in favor of this?

STEWART LILEY: Mr. Chairman, Commissioners, yes we are in favor of this.

CHAIRMAN KIENZLE: Let's take some public comment. Julia Stafford.

JULIA STAFFORD: Thank you, Commissioners and Directors. I am a rancher and farmer from Colfax County so I am near to Greg's ranch, and we have always had prairie dogs on our ranch and consider them to be part of a prairie ecosystem. Over the course of the drought our area -- there are concerns about booming populations, density of prairie dogs and dust cloud storms problems that came up particularly over the recent drought. So there's concerns about healthy populations and management and I'm supportive of the release of the ferret as a key predator in those populations. So I think it's a good thing and I support Greg Moore's application. Thank you.

CHAIRMAN KIENZLE: Thank you. Mr. Anderson.

TANNER ANDERSON: I'll just speak from here if that's okay.

CHAIRMAN KIENZLE: Sure.

TANNER ANDERSON: Tanner Anderson (inaudible/microphone feedback).

CHAIRMAN KIENZLE: Garrett.

GARRETT VENEKLASEN: Mr. Chairman, members of the Commission, Garrett VeneKlasen, New Mexico Wildlife Federation. Again, this is about the restoration of a native New Mexican species and it's great to see landowners taking the initiative to do this. This is pretty much a no-brainer. We very much support this. Thank you very much.

CHAIRMAN KIENZLE: Lesli Allison.

LESLI ALLISON: If I may speak from here. I'm Lesli Allison, Executive Director of the Western Landowners Alliance (indiscernible/inaudible/microphone feedback) one of the ones that re-introduced the ferrets back to their original location (inaudible/microphone feedback) very, very happy with the results of that (inaudible).

CHAIRMAN KIENZLE: Any other --

SPEAKER: Excuse me, I forgot one of the other key things that was important, I know, to a lot of our neighbors and to many members of my family is the safe harbor protection. Because you know I think there is a real wide range of acceptance and I think that one of the fears that people have on their places is that somehow they will -- there's lots of horror stories about what can happen with endangered species and I think that that was a very useful precaution to have in place and I know that brings a lot of comfort to many neighbors' parts.

COMMISSIONER RAMOS: Mr. Chairman, Director, it's nice to have a topic that we have a lot of common ground here in the room with everyone [laughter] and I would like to see possibly the trend data from throughout the state with the black footed ferret. Maybe put some marketing to really kind of share how good they're doing or where we need to support them a little bit more. It might already be happening.

STEWART LILEY: Mr. Chairman, Commissioner Ramos, unfortunately there's zero in the state right now. So (indiscernible) had a population, the prairie dog colony plagued out where they were and so Greg is really going to be held up as an example of where it can potentially happen. And so we will definitely monitor this and hope to continue part of it. New Mexico is in the recovery plan for the black footed ferret. It has a large portion of the habitat and has a large portion of the role towards eventual recovery and delisting of the species as well.

CHAIRMAN KIENZLE: Thank you, sir.

MR. MOORE: I'd like to just say the mission statement [phonetic] for that Wagon Mound Ranch is cooperating with, say, universities or other people they bring in, they want to come in and work on that with him or stuff. I mean, it's just not me, it's a public deal to learn.

CHAIRMAN KIENZLE: Sure. Thank you. Any other questions or comments? Can I get a motion on this.

COMMISSIONER ESPINOZA: Mr. Chairman.

CHAIRMAN KIENZLE: I'm sorry.

COMMISSIONER ESPINOZA: I was going to make the motion.

CHAIRMAN KIENZLE: You're going to make a motion.

COMMISSIONER ESPINOZA: Yes.

CHAIRMAN KIENZLE: Have at it.

COMMISSIONER ESPINOZA: Mr. Chairman, I move to allow Moore Land and Cattle Company to import and possess black footed ferrets.

COMMISSIONER SALOPEK: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The Ayes have it. Let's take a quick break.

SPEAKER: So the little guys will be on the way.

SPEAKER 2: That's right.

CHAIRMAN KIENZLE: Let's take a quick break.

[Return from break]

CHAIRMAN KIENZLE: So, we're going to run this a little bit different, not a ton different but enough that it's different. [Background sounds] Give me a minute to collect my thoughts here. All right. Agenda item 9 is an action item. Final rule adoption on manner and method rule amendments 19.31.10 NMAC and associated species rules, for the use of illuminated pins/reticles and magnification on bows and crossbows. I am Chairman Paul Kienzle. I'll be serving today as the hearing officer on this matter. I also have with me, from the Office of the Attorney General, Marylou Poli. Did I get that right, I hope.

MARYLOU POLI: That's correct, Mr. Chairman.

CHAIRMAN KIENZLE: Thank you. The purpose of this hearing is for the Commission to receive public comment on proposed amendments to the Commission's current rules in Title 19.31, parts 5, 6, 10, 11, 12, 13, 14, 15, 16, 17 and 21 of the New Mexico Administrative Code regarding rules on the manner and method for the use of illuminated pins/reticles and magnification on bows and crossbows. The Commission welcomes those who provided written comment and will also take public comment on this matter as well and on the proposed amendments to the Commission's current rules in Title 19 Chapter 31, Part 3, Section 11(F) -- actually that's a different agenda item, I believe, right?

MARYLOU POLI: Mr. Chairman, members of the Commission, the hearing record is encompassing the two different proposed rules on the agenda item 9 and 10. However, the hearing record, these items will be within the rules making hearing. So that's why both rules are kind of captured in the first part.

CHAIRMAN KIENZLE: In the opening statement, okay. Part 3, Section 11(F) of the New Mexico Administrative Code regarding the donation of permits and licenses. Again the Commission welcomes those who provided written comment and we will take public comment as well. This hearing is being conducted in accordance with the provisions of the Game and Fish Act and State Rules Act. The hearing is being audio tape recorded. Anyone interested in a copy of the audio tape should contact Sandra, over there, with the Game -- with the Department of Game and Fish. Public notice of this hearing was advertised in the New Mexico Register, the Albuquerque Journal, the New Mexico Sunshine Portal and on the Commission's website which is actually not our website -- I think it is the Department's website, but be that as it may. Copies of the proposed changes have been available on the Commission's website and at the Commission's office. Current copies are available at today's hearing on the table located near the

door. In the future -- I've been, on rulemaking items, I've been fairly lenient or liberal on what information goes on these cards. In the future, they're really going to have to be filled out in much more strict fashion than we have required in the past. That's on rulemaking items. On things that are not rulemaking, leniency is still sort of the order of the day. But the more information that's on here, the better. And, as I'll point out as we go through this hearing process, the rulemaking process, you have to more carefully identify who you are, who you're with, and sort of give your name, rank and serial number so the record is clear down the road should there be any issue about the rulemaking process or the rule itself.

DIRECTOR SANDOVAL: Mr. Chair, if I may, those of you who will be coming up and providing your comments, you will need to speak into a microphone because that's the only way we can record that portion of the hearing.

CHAIRMAN KIENZLE: Correct. Again that's again under the heading of being strict on these items that are rulemaking. And you will know, members of the public, when we're in rulemaking because there will be an announcement similar to what I made today. The process or procedure we're using today may not be the process or procedure for all time. We are still finding our feet in this House Bill 58 world we live in. But this is how we'll run it today. The first -- typically the way something like a judicial hearing or rulemaking hearing is run, our exhibits are entered into the record. We'll hear from the Department. We'll hear from the public. We'll have a formal vote. But the important thing is that we make a full record on this and so I will ask the Department to provide the written documentation, any exhibits that they've got. That doesn't have to be a physical transfer at the moment but there has to be a representation by the Department of what they have on hand at the time and then we'll make arrangements to get that material to the Director and it ultimately becomes part of the public record or the record for this

rulemaking. Anything that is not introduced into the record at the time or prior to a vote of the Commission is not typically considered absent some extraordinary circumstance. The record can be re-opened to allow that new material, if you will, to come in but it probably would necessitate having a new vote based on that new information that goes into the record. So the record is what the record is, and we want to make sure that we get it set prior to the time that the Commission takes a vote. This is not a whole lot different than what we've done in the past. It just is a little formal and I think it makes it more clear to the public. This is the stack of paper upon which the Department and then sort of by extension what the Commission is voting on. In terms of the public, making public comment, still limited in time. Written comments under this system are, this new system for rulemaking, they're encouraged. Again, I will tell you that a public meeting is not a great place to, for the very first time, to get your opinion out if you're trying to change hearts and minds. That's valuable. But a lot of the work that goes into rulemaking and any action by the Department or the Commission starts a long time before we ever get to a meeting. And so I encourage you to visit with the Department, visit with the Director, contact me and I can get you connected with the right people that you need to visit with. But if it were me, I would not rely solely on the comments that I made at a public meeting to carry the day. To follow up on that, written comments ahead of time are much more valuable and much more useful to the Department and to the Commission because they're not limited in time. You can lay out your thoughts in a clear and concise manner, even if they're not clear and concise you can get them all out there. And that really helps the Department and the Commission make the best decision possible and give them things to think about on the way to the meeting today. And those comments do become part of the administrative record upon whatever the rulemaking item is. And so, I encourage people, submit written comments not necessarily in lieu of whatever public

comment you might make here but get those written comments out there. They're much more valuable, I think, in the end than just public comment allowed at a meeting. Okay. With that long-winded speech, I will move on to a few more preliminary matters. I will declare that this rulemaking hearing is now open. And then I will take any exhibits on this proposed amended rule that the Department has, and I can take them generally from the public if you've got them now. If you prefer to wait, we can do that as well. Officer Jackson, do you have anything that you want to provide to the Director at this time?

TY JACKSON: Mr. Chairman. Again, my name is Ty Jackson. I am a captain of field operations. And the Department does have Exhibit A that we would like to enter into the record. Would you like for me to do that right now?

CHAIRMAN KIENZLE: Yes. That's fine. Could you just briefly describe what it is.

TY JACKSON: Yes, sir. Exhibit A is going to be essentially a copy of the presentation that you're going to see in front of you today, a Power Point presentation. That's all it is.

CHAIRMAN KIENZLE: Okay. If you have anything further to enter into the record before we close this, just let me know and I'll make sure we get that.

TY JACKSON: Yes, sir.

CHAIRMAN KIENZLE: And we'll make sure we get that --

TY JACKSON: Yes, sir.

CHAIRMAN KIENZLE: -- get that in there. Okay. With that, you can take it away.

TY JACKSON: Mr. Chairman, again agenda item number 9. This is for final action. What this, what the amendments to these rules consist of in essence is a change in the definition of what is

allowed on a bow or a crossbow. And there's a number of rules that are affected here because of all the different species that we allow bow hunting or crossbow hunting. The current rule excludes, as you can see in front of you, excludes any sort of site that projects light or magnifies. And the proposal affect all of these rules, and that's the species that you can see in front of you, essentially removes the magnification language. So in other words we would allow magnification and/or scopes on crossbows or bows for any legally licensed hunter for all of those big game species. The language is the same in all of the different species rules. It affects all of our big game species as well as our manner and method which is 31.10 and it reads the same in all of these rules, and it is what you see before you. Essentially we will now allow, if this passes, illuminated pins and/or reticles or scopes of any magnification on either a crossbow or a bow for a legally licensed hunter. We still would not allow anything that projects light, laser sights, that type of thing. In the course of our having this out for public comment, we did receive three written comments. You have copies of those. One was in favor, one was against and one was really not germane to what was going on here. And with that, I'll stand for any questions that you have at this time.

COMMISSIONER: I have a quick comment.

CHAIRMAN KIENZLE: I just want Ralph to weigh in on this. It's kind of your baby, so.

COMMISSIONER RAMOS: Absolutely. Thank you, Chairman, Director, Mr. Jackson. I do appreciate your hard work on this. I know we collaborated on this matter to get it where it's at. Looking at the global picture of hunting and ethical take and manner, I believe we're not going to be limiting anyone out there from people with disabilities to the traditional hunter wanting to hunt with a long bow and what their preference of equipment is. I think it's again the ethical take

they prefer and I think it's a great way not to limit people with technology that's coming out right now on this. And I again commend your efforts with this in putting it together.

TY JACKSON: Mr. Chairman, Commissioner Ramos, I appreciate that.

COMMISSIONER SALOPEK: (Indiscernible) you know on the comment period, that's pretty interesting. It's like a good baseball player (indiscernible) percent. But no, when you look at the ethical fair chase and being able to make a good shot, there's young hunters coming up but a lot of us are getting older and we just can't quite see as good, so helps us to find that sweet spot, but anyway, thank you.

TY JACKSON: Mr. Chairman, Commissioner Salopek, thank you.

CHAIRMAN KIENZLE: Questions or comments before I take public comments?

COMMISSIONER RYAN: Could you just, real quick, if the Department, I was just reviewing the marked up versions of the proposed rules. On the upland game section, Part 5, page 4, there's, you're striking Section, current rule, current subsection K, current subsection N and I was just wondering how that relates to the current rulemaking. I just noticed this or I would have brought it to the Department's attention sooner. But, because all the other strikes in all the other provision of our wildlife rules pertain to our rulemaking except for that page. I didn't know if that was --

TY JACKSON: Mr. Chairman --

COMMISSIONER RYAN: -- error.

TY JACKSON: Mr. Chairman, Commissioner, what you see being struck out of the upland game rule is already included in manner and method. This was basically a carryover from when

all of the species rules duplicated or had -- they duplicated each other essentially, some was illegally in each species versus manner and method. So all of the things that are being struck out of K and L --

COMMISSIONER RYAN: Yes.

TY JACKSON: -- I'm sorry, K and M are, they currently exist. They will remain either, you know, whatever they are, you know, if it's something illegal it will still be illegal. It is just under manner and method.

COMMISSIONER RYAN: Manner and method now.

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Ryan, if I may add to that. So we have had a goal since I became Director to simplify our rule process and rules in general so that when we or our officers go to magistrate court or the district court they are able to point to the one rule versus having to go through multiple rules. And that's what this is. It's a cleanup from the start of that process.

COMMISSIONER RYAN: So for our attorney, is there any issue with regard to notice to go ahead and eliminating K and M consistent with what we've been doing as far as clean up?

SPEAKER: Mr. Chairman, Madam Commissioner, the information was already noticed 30 days ago according to HB 58 and I don't see any problem with proceeding.

COMMISSIONER RYAN: Okay, great. Thank you. I'm in support of the rule change and adoption.

COMMISSIONER ESPINOZA: Go ahead. Got a quick comment. I'm in support of it, simply again I think it echoes several of the other commissioners. You know, technology is moving

forward and when we can take advantage of that technology and allow again some of us older sportsmen that may need a little extra help, if that technology helps us in an ethical take and harvest of an animal, then I'm all for it. So I want to thank the commissioners that brought this forward and your Department for collaborating and bringing this to us. Thank you.

TY JACKSON: Thank you, Mr. Chairman and Commissioner Espinoza.

CHAIRMAN KIENZLE: I will take some public comment and then circle back around with any further Commission comment. Mike Haynes [phonetic]. Well, Sir, you're my guinea pig. You are the first person to, from the public, to address the Commission under the first regime of House Bill 58. So, in keeping with that, it's name, address. Assistant Attorney General, how do you feel about telephone number? Is that required?

ASSISTANT ATTORNEY GENERAL: Mr. Chair, nobody needs to give up their phone number.

CHAIRMAN KIENZLE: But typically in administrative hearings I've attended they have given a mailing address or some address that identifies them.

ASSISTANT ATTORNEY GENERAL: Mr. Chairman, we would like proper identifiers and an address would be sufficient.

CHAIRMAN KIENZLE: Okay. So give me your name and your address including your zip code and then we will go from there.

MICHAEL S. HAYNES: My name is Michael S. Haynes. [phonetic] I'm at 11 Sumac Lane in Los Alamos, New Mexico 8-7-5-4-4.

CHAIRMAN KIENZLE: Thank you. Have at it.

MICHAEL S. HAYNES: Okay. Mr. Chairman, members of the Commission. This is my first New Mexico Commission meeting. I lived in Colorado for quite a long time although I'm a native of New Mexico. So I was gone for about 47 years. I do a lot of bow hunting. I've been bow hunting for 30-plus years. And I just feel, my big point is, we need to take a look at where are we going to limit this technology? I heard talk of technology just a minute ago. Where do we limit the technology. I hope you got my email. I don't know if that was my email that was included as one of the ones who's not in favor of doing this. But my point is, where do we limit this technology. There's lots more technology out there to help us. At least we think, help us make better shots, more ethical shots. But personally I feel like a lot of the technology that we've seen in bow hunting, rather than making more ethical shots, it encourages bow hunters to take longer shots, shots especially with magnification and lighted sight pins, taking shots when the light is more limited that may not be good shots, and taking these long shots is not a good ethical shot to kill an animal. Personally I feel like if you're having troubles seeing your sight, then you either need to get closer to the animal, figure out a better way to do it. My big concern is, where do we draw the line? I saw we had one comment about no crossbows in archery season and I would definitely vote for that. But archery season historically in all the states has been adopted due to the fact that it was more primitive, more traditional way to hunt. And so at some point we've got to draw the line, and I believe at this point, at this point we should draw the line. We don't need magnification and lighted sight pins. Thank you.

CHAIRMAN KIENZLE: Thank you. Do you have anything written you want to put into the record?

MICHAEL S. HAYNES: Well, I had my, I guess --

CHAIRMAN KIENZLE: I've got your card, okay. And that will go in the record. And then my email, the email that I sent in I assume is in the record?

TY JACKSON: That's determined, it has been. It's in the record.

MICHAEL S. HAYNES: Okay.

CHAIRMAN KIENZLE: We're squared away.

MICHAEL S. HAYNES: Thanks for your service on the Commission, too.

CHAIRMAN KIENZLE: Thank you. Garrett. Name and address, please.

GARRETT VENEKLASEN: Mr. Chairman, Garrett VeneKlasen, New Mexico Wildlife Federation, 6100 Seagull Street Northeast, Suite B105, Albuquerque, New Mexico. I would like to echo also --

CHAIRMAN KIENZLE: 8-7

GARRETT VENEKLASEN: 8-7-1-0-9.

CHAIRMAN KIENZLE: 0-9, okay. It's a test.

GARRETT VENEKLASEN: It's a test. That's our Albuquerque Office. So I'd like to tackle some of these comments again. A bow and arrow is a primitive weapon, right. And I think the idea of technology and primitive techniques should stay away from each other. It's really also important, every time I go into the woods during mushroom season, I'm finding more and more gut shot animals. I spent about 2 weeks in the woods this year, same thing. People are using lighter arrows. They're taking longer shots. Again, we're all ambassadors of our sport. There's a lot more people in the woods. We need to be really, really careful about how we, how we act in the woods. And I personally am seeing a lot more wounded animals, dead animals, lost animals.

And I think we need to take shorter shots not longer shots. My daughter just got a brand new bow. I got her one of those little (indiscernible) Diamond bows. She said, "Dad, can I shoot an elk at a hundred yards away?" And I said, "No, you can't." I said you're going to shoot an elk at 25 yards because archery is about your skill as a hunter. And that's what this is about. This is about us being more skilled as outdoors people, not about not being able to skilled and taking these long, ridiculous shots. And I think we need to be, as a community, really mindful of that. This is about skill. This about skill. This is about ethics. This is about humanely shooting an animal at close range because that's what archery is all about. That's our position. Thank you very much.

CHAIRMAN KIENZLE: Anything written other than your comment card?

GARRETT VENEKLASEN: We'll have something shortly, so --

CHAIRMAN KIENZLE: Well, shortly has got to be before the close of --

GARRETT VENEKLASEN: It'll be today. It'll be today.

DIRECTOR SANDOVAL: It's got to be --

CHAIRMAN KIENZLE: It's got to be before I close the record --

DIRECTOR SANDOVAL: -- in a few minutes.

CHAIRMAN KIENZLE: -- in a few minutes.

COMMISSIONER: He's on it. He's on it.

CHAIRMAN KIENZLE: Okay. Are you are going to address any of those points? You don't have to but --

GARRETT VENEKLASEN: I will.

COMMISSIONER: Chairman, Director, you know ethical hunting is all based on the perspective of the individual who has the luck of the draw to draw a permit. And knowing your limitations and how you're going to harvest an animal. And to me, magnification and clarification on your peep sight is not saying you're going to take longer shots. That's totally up to the individual. I do conduct hunting seminars. I do educate public to know your limitations and to me with archery you look at, you know, a 4-inch pie plate and you shoot that at 20 yards, 3 arrows at 20 yards. They're all in there. You go to 30. Once you get your area out of that 4-inch circle, you know, that's probably your maximum potential, you know, to harvest. And if there's someone with the ability to shoot out to 60 yards and has the kinetic energy to penetrate with a good fixed blade broadhead -- notice I said fixed blade, not mechanical -- you know, I'm not going to limit someone and to me, again it's about hunting. We have a quota to meet, to harvest so many animals in a unit. One of the things I do appreciate seeing more and more, you know, even on professional guided hunts from outfitters is, you know, you wound an animal, your hunt's over. You now have the objective to find that animal that's been hit. So again, it falls down to the individual knowing their limitations, knowing your equipment. I think this is such a controversial issue as far as, you know, you look at archery equipment and limiting archers, you know, so some want to be very primitive with long bows, you know, versus compound bow. But really, what are we doing with muzzleloaders with scopic sights, in-line muzzleloaders that shoot out, you know, to a thousand yards as well. You know, that's -- some people think that a thousand yard shot is unethical. And, you know, again it's the beholder, knowing your limitations and what you can do and having kinetic energy to harvest that animal with the quickest, humane manner. And to me that's what's important, is to respect these individuals.

Now the big thing is education as well. And I challenge the Wildlife Federation to do more ethical education on hunters versus just publicizing propaganda out there. But, you know, again sir, I know your first public comment. You know, go out and educate bow hunters in your community and talk to them, youth as well. I know hunter education courses talk about proper placement. That's very critical. You know, being the trend that you have a lot of youth and women elk hunters who can only pull 50 pounds of pull, that also limits your limitation. But you can have a magnification to help you place that arrow in that proper spot versus taking a long distance shot, to me a 50-pound bow is very capable of harvesting an elk out to a 25 yards with the proper placement and broadhead. But anyways, I talk about this, you know, a lot more, do your research. Again, practice and know your limitations is what I strongly recommend.

CHAIRMAN KIENZLE: Anyone else? Any further public comment? Any -- yes, sir.

SPEAKER: Mr. Chairman, can I just --

CHAIRMAN KIENZLE: Sure.

MICHAEL S. HAINES: Can I just address that one more time? I guess -- Mike Haines from Los Alamos again. My question is, where do we draw the line with this technology. There comes a point where we need to draw the line in archery season. And I feel like the, this lighted pins and the magnified sights is the place to draw the line. There's a lot of technology available for shooting bows out in the woods that could potentially help with longer shots, better shots, more ethical shots. But do they help, and where do we draw the line on that technology? Thank you.

COMMISSIONER: That's what we're here to vote on. Mr. Chairman, if I could just go ahead and add to that.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER: I totally am right there with you. Where do we draw the line. And I think we've driven the line already. I think the line is right there in that pinnacle where you stop and you look at crossbows being allowed in New Mexico. Believe me, we did our research on that and there's a trend throughout the United States where crossbows are becoming more and more popular and more and more rifle and muzzleloader hunters are getting into archery as a step into more compound bows and traditional archery equipment through crossbows. But if we look at the eastern trend of the United States, the main reason why it's getting so popular is because they do have harvesting goal objectives that are not being met, kind of like our mountain lion goals here in New Mexico. We look at the different manners to harvest and reach these goals. And to me, it's a biological, you know, way to look at how to harvest these animals. And in New Mexico, we are meeting our big game deer and elk, you know, quotas. So therefore, to me, the crossbow was probably not a good source to use during archery season unless you have limited disabilities and there's a process that we have in our state to allow that and that is through our Director. So, again, knowing your limitations, knowing your equipment and, to me, the most thing we owe the animals is to harvest them with the best manner and most ethical, quickest humane harvest. Thank you, sir.

MICHAEL S. HAINES: Thank you.

CHAIRMAN KIENZLE: Any further public comment? Any further exhibits?

SPEAKER: (Indiscernible/inaudible)

CHAIRMAN KIENZLE: Written evidence?

SPEAKER: (Indiscernible/inaudible).

SPEAKER 2: How do we want to do this?

CHAIRMAN KIENZLE: So, I will make an exception, if you want to call it that, since we're still finding our feet. But I believe the way this system is contemplated is, you show up with what you've got today. So I'm not going to do this on the fly and worry about did the email arrive, did it not arrive and as a practical matter having not seen the email, I can't make -- I'm not able to factor it into my, into my own decision making. And I'm sure no other commissioner can. So I can quote/unquote admit it with exception that no one has seen it and it may not properly be part of the record in the end.

SPEAKER: Mr. Chairman, regarding the exhibits and, as you know, we have an Exhibit A that you entered in --

CHAIRMAN KIENZLE: Yes.

SPEAKER: -- my question for you is, this speaker's card, is it your intent to have these exhibits entered?

CHAIRMAN KIENZLE: I don't know if those are strictly exhibits but I was going to admit, that those become part of our administrative record. But we'll admit those as well. It's not a problem.

SPEAKER: If we could, Mr. Chairman, just for the record, we have exhibits in addition to A. We have B and C entered in. If you could please, for the record, enter into Exhibit B and C.

CHAIRMAN KIENZLE: That's not a problem.

COMMISSIONER: That's the 2 cards.

COMMISSIONER RYAN: Do we need to enter in the red, you know, the red lined proposed revisions to the rule itself? Does that need to be an exhibit or --

SPEAKER: Mr. Chairman, Madam Commissioner, the answer is no.

CHAIRMAN KIENZLE: I don't think, that's not evidence E. Okay, hearing nothing else, I'm going to admit Exhibits A, B and C into the record. And at this point in time the record is formally closed. I guess we're now at the point where this is an action item and up for --

SPEAKER: Close the hearing. Mr. Chairman --

CHAIRMAN KIENZLE: Yes.

SPEAKER: Could we just please clarify. Obviously, it's up to you. We have a choice here. We could close the hearing record for this particular rule and take a vote or -- if we take that vote, Mr. Chairman, we would need to re-open another hearing record for the second rule. As an alternative, we could leave the hearing record open, proceed to discussion on the next rule, close the hearing record for both rules and then proceed to a vote on both rules. The choice is yours.

CHAIRMAN KIENZLE: We're closing this one now so I'm done with it so somebody can't come in in 15 minutes and say, I got something else. So, the record's closed. Can I get a motion on this particular -- no, I think I can just close --

COMMISSIONER RAMOS: Mr. Chairman, I move to adopt changes as presented by the Department to the manner and method rule 19.31.10 NMAC and the associated species rules 19.31.5, 19.31.6, 19.31.11, 19.31.12, 19.31.13, 19.31.14, 19.31.15, 19.31.16, 19.31.17, 19.31.21 NMAC to allow the use of illuminated pins and reticles and magnification clarifying devices on bows and crossbows.

COMMISSIONER SALOPEK: Second.

CHAIRMAN KIENZLE: Any further discussion? Hearing none, all in favor.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed? The Ayes have it.

SPEAKER: Thank you, Mr. Chairman.

COMMISSIONER: I have a question, which I agree with you, Mr. Chairman. As far as opening, closing, you know if we get into a meeting where we have 8 rule changes, it's going to be hard for us to remember, I think, exactly what we had our thoughts. So I just wanted to state how I felt. I don't think it's going to increase any time, (indiscernible).

CHAIRMAN KIENZLE: No.

COMMISSIONER (Indiscernible) just so it's fresh in our minds to make sure we make sure we make the correct vote decision.

CHAIRMAN KIENZLE: Okay. Number 10. Final rule adoption of hunting and fishing licenses rule, donation of permits or licenses, 19.31.3.11(F) NMAC. Please recall that I am Paul Kienzle, the chairman of the commission. The purpose of this hearing, again, is to receive public comment on the proposed amendments to the Commission's current rules in Title 19, Chapter 31, Part 3.11(F) of the New Mexico Administrative Code. Regarding the donation of permits, the Commission welcomes those who provided -- wow -- written comment and also take public comment today. This hearing is conducted in accordance of the Game and Fish Act and State Rules Act. The hearing is being audio taped, recorded. Anyone interested in a copy of the audio tape should contract Sandra with the New Mexico Department of Game and Fish. Public notice of this hearing was advertised in the New Mexico Register, the Albuquerque Journal, the New Mexico Sunshine Portal and on the Commission's website. Copies of the proposed changes have been available on the Commission's website and at the Commission's office. Printed copies are

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available at today's hearing on a table located near the door. Again, on comment cards or your desire to speak as a member of the public, please fill out that card completely so that we can consider it as an exhibit to today's hearing. Preliminary matter, I will take any exhibits that staff has got. We'll call those, in essence those are pre-filed exhibits. That's the administrative record from the Department and then once those, that exhibit or any exhibit is entered into evidence they are for review by the public as well. I'll declare this hearing now open. Do you have any exhibits on this proposed amended rule?

CHAD NELSON: Mr. Chairman, I would like to submit a copy of the presentation that I am about to give as Exhibit -- I guess I don't know whether it's Exhibit A or D but --

SPEAKER: A, an A.

CHAIRMAN KIENZLE: It's for the record. Exhibit A. Thank you. Thank you, corroborator. Paul Varela. Okay. That particular Exhibit A is admitted into the record. Any other exhibits we'll deal with in due course. You can go ahead with this proposed amended rule.

CHAD NELSON: My name is Chad Nelson. I am the license and operation manager for New Mexico Game and fish. Today, we are presenting a proposed amendment to the license donation rule which is NMAC 19.31.3, Section 11(F). So under state law, Chapter 17, the Director of the Department is authorized to transfer a hunting license to a nonprofit organization that is approved by the State Game Commission. Other conditions that apply to that are that the request must be received in writing. There are no refunds for donated licenses that are done through any approved nonprofit organizations. Under current rule, the eligible recipients for donated licenses are restricted to youths 17 or under who are qualified through a Commission-approved nonprofit organization. We currently have two approved organizations, the Donald R. Kemp Youth

Hunting Club out of Las Cruces and Sportsmen for Fish and Wildlife out of Farmington. Under current rule, transfers to eligible recipients, we were able to match approximately 61 percent. This number is up slightly and one of the reasons, as you can see in this table, we have had a fairly substantial increase in donation requests this year because of some promotional activities that we engaged in to try to encourage folks to make donations. The proposed changes to 19.31.3, we propose to expand the definition of eligible recipients for donated hunting licenses through Commission-approved nonprofit organizations to include resident veterans and first responders. Those are defined. Veterans is defined by the Department of Veteran Services. First responder is defined by state law. We will also amend the language describing the requirements for Commission-approved nonprofit organizations to accommodate the expanded definition. Essentially we're just taking the word youth out so that it's a more encompassing definition for the requirements of the nonprofit. And we are also specifying that the location of the nonprofit organization's headquarters must be within New Mexico. So the proposed amendment will allow us, we think, to be able to match more license donation requests with eligible requests. Currently we are limited only to youth hunters. Sometimes, we get a lot of requests for archery or muzzleloader which, you know, kids under 18 may or may not be familiar with. It also will provide additional hunting opportunities for resident veterans and first responders which I think we can all agree are worthy recipients, and also provide hunting opportunities that would otherwise be unused if no eligible recipient can be located which under current rule was the case approximately 39 percent of the time. [Microphone interference]. The amended rule has been posted to the Department's website for the past 30 days and we have received zero comments. And [microphone interference] that I will take any questions or discussion.

CHAIRMAN KIENZLE: Check one thing. Do we have any public comment cards?

DIRECTOR SANDOVAL: We have one.

CHAIRMAN KIENZLE: We have one? Thanks. Go ahead.

COMMISSIONER: You want to get Gary [phonetic] first?

CHAIRMAN KIENZLE: No. You have at it.

COMMISSIONER: Chad, where does it come in to play of why we have to have New Mexico headquarters for whatever association? Where did that come from? I mean, I'm looking at it as if you have a (indiscernible) foundation, the Rocky Mountain, you start looking up [phonetic] these people, they bring a lot of money into the state. If we're going to say it's limited to New Mexico headquarters, not against New Mexico because I live here. But I think we're just limiting ourselves. I have heartburn [phonetic] with that. Now that being said, on these donations, I just (indiscernible) Colorado Elk and Deer, so I was going to have to be in Colorado 10 days. So I turned in (indiscernible) points Colorado with elk. I turned that in, lost my money, and my tag went to the next 5 [phonetic] people. And I've asked some game wardens in Cruces, I guess it's a statute that would have to be changed legislatively. Nothing against the youth, nothing against the first responders, but why can't we, if we're in a unit [phonetic] that 200 people put in for 100 tags. So 100 people drew and two decided to not to donate it back, why can't we go down to the list of the public hunters that put in and draw then 101 and 102 in succession. They go hunting. So an out of state, it would be an out of state youth, state youth, rifle, bow, it would stay here, who was next in succession. I think that would simplify everything and -- excuse me -- and get rid of the -- it's almost become too political. And I'm not against first responders or youth, believe me. But it's just I think we need to make it simple. But it's not within our hands to do it.

I just don't like that it's New Mexico headquarters. I don't see the point of it. But that's my opinion.

COMMISSIONER RYAN: Mr. Nelson, can you comment on where that specific provision came from in developing this rule?

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Ryan, if I may, that was in the discussion with Commissioner Espinoza and myself. He had made that request to be added into the rule.

COMMISSIONER RYAN: Commissioner Espinoza, why did you want that in the rule?

COMMISSIONER ESPINOZA: The reason I wanted that, and it may be kind globally first on the whole rule and stuff, I know Sportsmen for Fish and Wildlife. My son, Robert Jr., Tyler [phonetic], he runs that organization. He, as you noticed, he donated this year over -- or he's matched -- over 50 licenses with kids. He carries around a stack every place he goes. He goes to home with licenses to match up because he gets calls from parents late at night type thing. And you mentioned archery. Archery was one of them that he had a tough time, but he matched all but one license and that's were the first responders and the veterans came into play because he's had a lot of requests for that. New Mexico (indiscernible), it's a lot of work for that organization to match those people. The New Mexico part of it came as simply who knows New Mexico better than a New Mexico organization. Yeah, you mentioned Rocky Mountain Elk and Deer Foundation. We have SCI [phonetic] in the room. We have other organizations that are more than qualified. But if you guys remember a while back, we changed a rule regarding donated licenses. I think it was for orex because out-of-state organizations couldn't match those licenses. And we changed it to encompass anybody that could. I just felt like New Mexico organizations

have, are closer in touch with New Mexico residents that we're matching because we're limiting the donation, the recipient to a New Mexico resident whether it's a youth, a veteran or first responder. I don't think we have a lack of New Mexico organizations and/or a lack of New Mexico resident first responders, veterans or youth to take on these tags. We, I think that adding those will match them. I think there's other organizations that have headquarters. I'm looking at Garrett right there. I mean, you talk about a lot of kids' opportunities. You know, you should jump on board, Garrett. You could match a lot of these. I don't think we'll have a lack of not matching, being able to match up. There's, not to say that the other organizations can't do that, but New Mexico's organizations are in touch with New Mexico residents. And that was the biggest reason for it. And again, somebody mentioned political. This gets the political out of it. It just leaves it to people that, matching the right person to the right tag. That's where New Mexico organizations came into play. If we're going to be in New Mexico, let's be in New Mexico. You know, there's other states that restrict stuff like this to their own residents. Why shouldn't we? I think it just makes it simpler again, simpler in doing that and we don't have a whole ton of organizations out there trying to match things. And I want to make one comment on Dicky's [phonetic] comment. I like the other states, the way they do that, going down the list. Again that's an issue that we probably, that's not relevant to this in the sense of what we're trying to do today. But I do think that's an issue we should take up in the future. But that was my reason for New Mexico.

COMMISSIONER RYAN: Thank you, Commissioner Espinoza. I respectfully disagree. And you specifically mentioned your son's organization which I know does amazing work. But I think that creates a bit of a conflict for you on this matter when there are other organizations that could qualify and do a lot. I know other organizations have previously qualified with the

Department and matched and done hunts the past several years. It appears right now, though, only a couple that are currently qualifying but I think it is limiting it too much and I just, I respectfully disagree. I am not in support of that sentence. I would propose removing the nonprofit corporate headquarters shall be located in New Mexico. I disagree with that sentence.

CHAIRMAN KIENZLE: Assistant Attorney General, I have a question. If we make any amendment, floor amendment, strike anything from this, do we have to re-publish, re-notice? Refresh my memory on the new procedure for this.

ASSISTANT ATTORNEY GENERAL: No, you do not need to repost. We can make changes to the proposed rule. So as long as they are within the scope of the proposition and so if your next question is, what is in the scope.

CHAIRMAN KIENZLE: Yes.

ASSISTANT ATTORNEY GENERAL: We'll (indiscernible) when we come to it, okay?

CHAIRMAN KIENZLE: My question is, if we strike -- we're not adding anything to it -- but if we strike something from this, does that require re --

ASSISTANT ATTORNEY GENERAL: Mr. Chairman, if you strike this, it is within the scope of the change, you may make that change. You may delete and not re-post and still vote on it today.

CHAIRMAN KIENZLE: Understood. Thank you. That was my understanding but I wanted to make sure that I'm getting it right.

COMMISSIONER: Garrett, where is your corporate headquarters located?

GARRETT VENEKLASEN: Albuquerque. It's in Albuquerque.

COMMISSIONER: Okay. I was just trying to figure out what the scope of this New Mexico corporate headquarters is, and I too feel like it does look limited and kind of put something in the face of the Elk Foundation, the Sheep Foundation, Rocky Mountain, Ducks Unlimited and so forth. So I don't particularly like that language and I think it should be stricken also.

COMMISSIONER 2: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER 2: I have a question. Go ahead.

CHAIRMAN KIENZLE: Robert, go.

COMMISSIONER ESPINOZA: I'll make one quick comment to everybody (indiscernible) and I'll go with what the Commission, what the pleasure of the Commission is as well. I think, you know, the thrust of this issue is to get first responders and veterans, to expand the opportunity. Like I said, I don't think there's a question that they're not worthy recipients of it. I guess my question would be is this rule has been open for use for, I don't know, 10, 15 years, a long time. Why haven't any other organizations applied and come forth to the Commission to be approved.

CHAIRMAN KIENZLE: That proves somebody's point that some of these nationwide organizations may not be interested in this particular issue. And I think that's an opportunity for your son's organization to keep doing what it's doing. So I don't think the past history proves that some of these larger organizations, they just, they don't want to do this. And I don't think this stops your son's organization from doing what he's already doing.

COMMISSIONER RYAN: I am aware of youth hunts that have happened by other organizations in the past few years. I don't know why someone's not qualifying right now and

maybe prior approval expired. But in the past years, decade, there have been other organizations that did youth hunts under these rules. So I'm not sure what the status is, and I think that there are other organizations that are interested in going through the approval process.

CHAIRMAN KIENZLE: (Indiscernible).

CHAD NELSON: Mr. Chairman, Commissioners, so the rule was amended in January of 2014. Prior to that time, it was restricted to wish-granting organizations. In January of 2014, that language was removed so that it was any non-profit organization that promoted youth hunting.

CHAIRMAN KIENZLE: Garrett, let's give -- Garrett, have at it. Name and address.

GARRETT VENEKLASEN: Garrett VeneKlasen, New Mexico Wildlife Federation, 6100 Seagull Street Northeast, Suite B105, Albuquerque, New Mexico 87109. I appreciate your comments about the, you know, state-based NGO's and their corporate headquarters being in New Mexico. But I don't think we should limit this just to state-based NGO's because again, RBF [phonetic] and mule deer and sheep and turkey -- I think the end goal is to get first responders, youth, people in the field. That's the goal, right? So I don't think we should limit ourselves in having NGO's who have kids and first responders and veterans. If they have a stable of those people, the end result is to get them into the field. So let's get them in the field and not limit anybody's ability to do that. And again, we appreciate this idea. This initiative is a great initiative and again it's just about getting people out there. So even though we are a state-based organization, I think we need to open it up to everybody and give them that opportunity. Thank you very much.

COMMISSIONER SALOPEK: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER SALOPEK: So, Chad, refresh my memory. We donate, when a person donates his or hers license back, in state or out of state, does out of state stay with (indiscernible) or did they all go to in-state residents on any hunting license, whatever it is.

CHAD NELSON: Mr. Chairman --

COMMISSIONER SALOPEK: And not to the youth.

CHAD NELSON: Mr. Chairman, Commissioner Salopek, currently -- I'm sorry --

SPEAKER: Need some help?

CHAD NELSON: What was that?

COMMISSIONER SALOPEK: The question is when a person donates his or her license back --

CHAD NELSON: All right, residents.

COMMISSIONER SALOPEK: -- goes to the youth. Does it only go to New Mexico residents even if it's out of state license or does out of state stay out of state? Resident or nonresident, is that right?

CHAD NELSON: Chairman, Commissioner Salopek, no. It only in practice goes to residents for youths but the rule does not restrict that. It can go to a resident or a nonresident. In practice, both of the organizations we work with are located in New Mexico.

COMMISSIONER SALOPEK: The great -- I'm just looking at it as, agreeing with what Garrett said, he said it a lot better way than I said it but any way, just wondering.

COMMISSIONER RAMOS: Mr. Chairman, Director, I believe part of the problem that we have in not distributing them all to youth out there currently with our system is that I know that the

Las Cruces chapter that's doing this, they're following a rule where they've got to have a member in their club, you know, in order to issue them out a tag versus what I think you all are doing in Farmington where they just kind of find youth out there where ever, whoever is available because of the limitations or whatever reasons. But I know that Cruces is trying to abide by that and one of the questions that they have asked is, are they limited to just membership or can they distribute them out to other youths in the area or in the state.

CHAD NELSON: Mr. Chairman, Commissioner Ramos, they are not limited to membership. The youth has to be qualified through the non-profit organization. So when we solicit the organization, if they find an eligible recipient they come back to us and say here's your eligible recipient. We consider them to be qualified.

COMMISSIONER RAMOS: Okay. I think the other thing is the public should also know that whenever someone donates the tag to the club and issues it out to a student or a youth, they do not have to pay for that permit. It's already paid for, correct?

CHAD NELSON: Mr. Chairman, Commissioner Ramos, that is correct. No refunds are offered for donated licenses. No fees are charged unless they have to buy a game hunting license and the appropriate stamps.

COMMISSIONER RAMOS: Thank you.

CHAIRMAN KIENZLE: Mr. Atkinson.

HERB ATKINSON: Mr. Chairman, I'm Herb Atkinson representing Safari Club International, 110 West Country Club Road, Suite 1, Roswell, New Mexico 88201. In the recent past, Safari Club International Foundation through our humanitarian services department has been on the list with the game department to receive tags that were turned back in like this and we have provided

youth hunters from around the United States on several occasions for when we were contacted we've always been able to find those. On top of that, we have two very large chapters in the state of New Mexico, one in Albuquerque and one in Roswell serving southeastern New Mexico and southern New Mexico where we have provided in state people before and sometimes they provided out of state people. But if for some reason our name has been removed from the list, we certainly intend to rectify that as quickly as possible and get our name back on the list. So I would stand in opposition to organizations that are only based in New Mexico. Our corporate offices are in Tucson, Arizona. And we very much desire to be on that list.

CHAIRMAN KIENZLE: And the rule, I believe, as proposed requires the organization to step up and make some demonstration to the Commission that it's qualified to receive licenses.

HERB ATKINSON: Yes, we've done that in the past and I'm not sure why our name is still not on that list. Don't know if it was scratched and started over with. But we certainly intend to rectify that and get our name back on the list to receive those donations.

CHAIRMAN KIENZLE: Sold that computer that had your name on it.

[Laughter] [Crosstalk]

COMMISSIONER ESPINOZA: Mr. Chairman, to clarify, Chad, per that rule those organizations must come in front of the Commission to be approved. Is that correct?

CHAD NELSON: Mr. Chairman, Commissioner Espinoza, that is correct.

COMMISSIONER ESPINOZA: So, if I remember right I know Sportsmen for Fish and Wildlife came in front of the Commission in Roswell and was approved at that time. And based on

memory, which is sometimes not very good, I don't remember any other organizations ever coming in front of this Commission.

CHAIRMAN KIENZLE: That's my point. If the nationwide organizations or state organizations are interested, they've got to step up and go through the process. If they're not interested or this is too small a program for them or whatever, then they're not on the approved list. So I can tell anyone who's interested, get on the list. If you're not interested or it doesn't fit within your mission or it's not something you want to take on, then don't do it. So I think past history, certainly since we changed the rule in 2014, is a good indication of who's going to participate in this and who isn't. We may get a few more people, few more organizations that participate. But it doesn't look like, even though we are opening the doors wide, like we're going to get flooded with organizations that are interested. So, anyway, Commissioner Ricklefs.

COMMISSIONER RICKLEFS: Just a question. Even though it's not in the rule, would a potential donor be able to designate that he would like his license to go to a youth or first responder, either-or.

CHAD NELSON: Mr. Chairman, Commissioner Ricklefs, our procedure generally is we ask the person if they have a preference which organization we solicit so we would add procedures to ask whether they would prefer that their license be donated to a youth or first responder or veteran.

COMMISSIONER RICKLEFS: I think that would be good. Since we're expanding the pool of possible recipients by adding first responders, etc., I would agree that we should perhaps expand the pool and organizations to include out-of-state organizations.

CHAIRMAN KIENZLE: And let me add to what you just said. If they have the option to pick a category it seems to me the fairest way to do it is kind of like what happens when you file a lawsuit they assign a judge to you. You know, you get to pick your judge. I would say you rank them alphabetically and then you just go with the next one that's on the list rather than sort of picking and choosing. So if you've got seven youth organizations, you go 1 through 7 and 1 through 7 in that fashion rather than picking one of those seven (indiscernible/coughing) so it's more random or more orderly than someone at the Department affirmatively picking the organization. Otherwise, that creates a whole host of problems that we really don't want to talk about today. Making it more orderly or in effect more random is better than picking and choosing winners and losers. Okay.

COMMISSIONER RAMOS: Just one more key point that I think is important. How do you distribute the southern -- don't you have it broken up into north and south with the two clubs being one a northern and one a southern. Could you elaborate on that please.

CHAD NELSON: Mr. Chairman, Commissioner Ramos, currently we ask whether the person donating the license has a preference, which organization we solicit. If they do not have a preference, we choose the organization that's geographically closest to the hunt location. The dividing line that we use is I40 for north and south.

CHAIRMAN KIENZLE: So, Director, it doesn't have to be at this meeting, but at our next one or the next one -- can you give us or it doesn't necessarily have to be in a meeting but -- can you give us how, you know, a formal written statement or policy on how the Department handles those requests because I do not want the Department picking winners and losers. This has to be orderly or random. Otherwise, someone's going to holler at us, sooner or later cry "foul". So I

think the more orderly, and it sounds like it's orderly so don't misunderstand me, but I think we need to see something in writing about how exactly these are handled.

DIRECTOR SANDOVAL: Mr. Chairman, will do, absolutely. I think that's a smart move based on this discussion. We will certainly line that out and present it to you.

CHAIRMAN KIENZLE: And you can just send it to the Commissioners. It doesn't sound like it's a new deal. So just tell us how you're doing it and we can go from there. But I need to see something in writing on it.

DIRECTOR SANDOVAL: Will do, Mr. Chairman.

CHAIRMAN KIENZLE: Okay. Any more public comment on this? Any further written comments? I'm going to, I've already admitted Exhibit A which is the administrative record from the Department. Going to admit cards B and C, Garrett's comment card and Mr. Atkinson's comment card. Those will be admitted into the record. Anything further in writing from anyone?

DIRECTOR SANDOVAL: Mr. Chairman, could we also have an Exhibit D of the meeting sign-in sheet, that's the hearing sign-in sheet.

CHAIRMAN KIENZLE: That's fine.

DIRECTOR SANDOVAL: I think that we just have an additional person signed in on this sheet.

CHAIRMAN KIENZLE: Mystery person? Is it a real person? It doesn't say Mickey Mouse or Donald Duck, does it.

DIRECTOR SANDOVAL: Mr. Chairman, Mr. Atkinson.

CHAIRMAN KIENZLE: Okay. But we've got his card.

COMMISSIONER: He's number D [phonetic].

CHAIRMAN KIENZLE: Exhibit D is fine. We'll admit that as well.

COMMISSIONER ESPINOZA: I just have one question regarding the motion, Mr. Chairman.

CHAIRMAN KIENZLE: We didn't make a motion yet. But we can. You have a question, go ahead.

COMMISSIONER ESPINOZA: Just if I make that motion, do I just, if choose to strike the one sentence regarding New Mexico I would just make that comment. Is that correct?

CHAIRMAN KIENZLE: You would make a motion to amend the rule as proposed with that particular sentence stricken.

COMMISSIONER ESPINOZA: Okay. Thank you.

CHAIRMAN KIENZLE: Okay. I am going to close the record and now I will entertain motion on this. Yes, sir.

COMMISSIONER ESPINOZA: Mr. Chairman, I move to amend the 19.31.3 NMAC as presented by the Department to allow the Department to add resident veterans and first responders to the list of eligible recipients for donated licenses through approved non-profit organizations and to modify the requirements for non-profit organizations to accommodate expanded eligibility with the exception of striking the one sentence that non-profit corporate headquarters shall be located in New Mexico.

COMMISSIONER RYAN: I second.

CHAIRMAN KIENZLE: Any further discussion or comments? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed? No opposed. Let's take a quick break. I would anticipate we are not going to stop for lunch today. So --

COMMISSIONER: I would hope you're right. [Background and crosstalk] We'll keep moving.

CHAIRMAN KIENZLE: We'll take a quick break.

[Return from break]

CHAIRMAN KIENZLE: Mr. Sloan.

COMMISSIONER: Where are we?

MIKE SLOAN: Mr. Chairman, Commissioners --

CHAIRMAN KIENZLE: Agenda item number 11, Discussion for potential rule changes on the fisheries rule 19.31.4 NMAC for the 2018-2021 seasons. Mr. Sloan.

MIKE SLOAN: Mr. Chairman, thank you. As you know the fisheries rule is set to expire March 31st of 2018 so we need to initiate a new rule. So the rule that we developed is based largely on management plans that you adopted last April. There's also elements in it clarifying language in rules and adding some or re-categorizing some fishing waters. The biggest change is to the special trout waters. We're proposing kind of a New Mexico (indiscernible) approach with the Red Cherry [phonetic] water which would be catch and release only on fishing flies and lures. Green Cherry [phonetic] which would be two fish on fishing flies and lures, and then Christmas waters which would be two fish on flies, no tackle restrictions. We're adding 13 new special trout waters and allowing (indiscernible) fishes in places where we have native trout and we're removing seven waters (indiscernible) special about them. And so we're going from 11 types of

regulations down to three types of regulations which I think will simplify it for anglers. It adds approximately 50 miles of special trout water in the state. We're also proposing some (indiscernible/static) at Clayton Lake, Bill Evans, and Lake Roberts. These lakes currently have the capacity to grow some very large bass but we're not seeing them in our surveys and we believe if we reduce the bag limit to two at these lakes and maintain the same statewide limit (indiscernible) we will create some terrific bass for anglers. Brantley [phonetic] Lake has had a catch and release regulation for quite a few years since, I think, 2006. We are proposing to remove that based on findings from the Environment Department. We sampled the fish and they ran the samples. We meet with the Department of Health and those results show that the fish are, do have a low enough level of PCBs, DDT kind of stuff that they can be consumed. So we are proposing to rescind that rule and allow a take and there will be some consumption advisory as well as in many waters around the state. Trout water designation changes, we're going to remove Caballo Lake and the Dry Cimarron. They're really not trout waters and going to add Aztec Pond which is just on the other side of the river from (indiscernible) to the line way back when. And there are nine new trout waters. All of these waters we treat as trout waters. They just haven't been in that category. And then we're going to remove the youth designation in the Grants Riverwalk Pond pursuant to a request from City of Grants. Big catfish waters, we have a big catfish program around the state where we have 17-plus inch catfish stocked in a variety of waters around the state. It's a 2 fish limit. Rancho Grande Pond and (indiscernible) ponds are open water, open gate ponds so we are proposing those as these special catfish waters and also Pecos River and Villanuava State Park. So public involvement, we have had eight public meetings. You can see the number of attendees at each of them. They were (indiscernible) fish meetings. We had a couple of decently attended ones but not a lot of folks. We've received 22

emails. We posted on the web. We did a news release. The comments in general are in support. Most of the ones that are not are proposing additional restrictions, for example catch and release on the lower Red River, below red River Hatcheries close by or catch and release below Abiquiu Dam. We've evaluated these and feel like we're not quite ready to go to more restrictions at this point. And with that I will stand for any questions.

CHAIRMAN KIENZLE: Commissioners, any questions.

COMMISSIONER RAMOS: Chairman, Director, Mike, I do have a question. My questions is more for trying to promote fishing in New Mexico with youth and let's say, like a middle school or elementary group of science classes that wanted to go out and fish, you know, learn how to fish at the Aggie [phonetic] Pond in Las Cruces for example, being a principal there. Is there any way, or is there a system already in place to allow them to do that on, you know, a one-shot deal, field trip day?

MIKE SLOAN: I believe the director has the authority to make that if the request is made. There is a process for that, yes.

DIRECTOR SANDOVAL: Mr. Chairman, if I may, we do have that. I have the authority to do that and we do take advantage of that regularly. We have a number of schools that we work with similar to our fishing clinics. We love to do it, and we do take advantage of it.

COMMISSIONER RAMOS: Okay. Thank you. I guess I need to find out what the process is.

COMMISSIONER: Mr. Chairman.

CHAIRMAN KIENZLE: Yes.

COMMISSIONER: I have just one question. Now, Mike, the Aztec Pond, is that Tiger pond?

MIKE SLOAN: Yes.

CHAIRMAN KIENZLE: Now I will take some public comment. Art Mormer [phonetic].

GUEST SPEAKER: Art Mormer. I'm the chairman of New Mexico Council of Trout Unlimited. I want to thank the Director and Mr. Sloan and his staff for all the work they've done in the last six months or so to reach out to the fisheries community, fishing community and solicit input on these regulations. We submitted detailed comments back in June. It's the first time I've seen a markup where things have gotten, some of the things have gotten in here, so I haven't had a chance to review that. In general, we are very supportive of some of the changes that have been made especially to the special trout waters, all the (indiscernible) regulations where they are designed to encourage native trout and reduce competition by non-native trout, to enhance those populations where it is feasible and the water is of sufficient quality. So we appreciate that. We'd like to continue working with the Department on, you know as this rule is finalized in NMAC. This will give us a chance to review what's, the markup that's here and discuss some more with, see if we can do some arm twisting, get a few changes in there. But generally I'd say they're certainly heading in the right direction. Leave it at that.

CHAIRMAN KIENZLE: Thank you. Garrett.

GARRETT VENEKLASEN: Mr. Chairman, members of the Commission, Garrett VeneKlasen, New Mexico Wildlife Federation. We're very excited about all the changes you are making and as we see more pressure on our public fisheries I think this really makes sense. And it makes fiscal sense for the Department, less stocking. And so we just wanted to give you a pat on the back. Pursuant to your comment, the New Mexico Wildlife Federation will eagerly help volunteer to host youth fishing events. The Department's really been great issuing youth licenses

and again wherever you all want to do an event, whenever you want to do an event, we'd be happy to help. And you guys were great on our Valle Calderas events and Tingley [phonetic] Beach. And again, we just want to get kids outdoors. So we're happy to help with any of those events. Thank you very much.

CHAIRMAN KIENZLE: Any further public comment on agenda item number 11?

Commissioners, any further questions or comments? Okay. This is a discussion item. We'll, I think, see you when? Next month, or November?

MIKE SLOAN: November, Mr. Chairman.

DIRECTOR SANDOVAL: Mr. Chairman, I would request to have a point of personal privilege, please.

CHAIRMAN KIENZLE: Have at it.

DIRECTOR SANDOVAL: Good morning, Commissioners and members of the public, if I can figure out how to work this. As you know, the New Mexico Game and Fish Department is a member of the Western Association of Fish and Wildlife Agencies. There are 19 western states and 4 community and provinces that make up WAFWA. And every year, we have an awards recognition for the work done by individuals across the western United and in Canada, including recognition of the Game Commission of the Year. And this last year, in 2017, I am very proud to announce to the crowd that the New Mexico State Game Commission received that award. And that award is in recognition of the very progressive management of the Commission. You all have allowed the Department to go forth and implement many new programs that, in my opinion, were sorely needed and you've given us the ability and the structure to make that happen.

Examples of that is setting free our Hunter Education Program. It's no longer a (indiscernible)

point for youth in the State of New Mexico. We're also taking a hard look at hatchery operations. You have supported us going in and doing pay reviews for all of the staff across the agency. And the list goes on and on. As your executive secretary and as the director, I'm immensely proud to serve this Commission as Director because of all the things you have allowed us to go do and provide us that policy direction. So, on behalf of everybody in the Department, congratulations on your award for Commission of the Year.

[Applause]

DIRECTOR SANDOVAL: I do think you all are going to have a picture. So if you want to --

CHAIRMAN KIENZLE: We can do it now or do you want to do it later? We can do it at the end.

SPEAKER: If I had to choose, I would say we do it all in the end.

DIRECTOR SANDOVAL: Okay. Well then we'll wait for at the end. So please don't run away at the end of the Commission meeting.

CHAIRMAN KIENZLE: Let me just say it was a team effort. So it's always Commissioners, other Commissioners that aren't here and it's the Director and it's the whole department. So while we may be the pretty or lumpy faces that get the award, it is a team effort at the end of the day. So a big thank you to everybody.

COMMISSIONER RYAN: I'd just like to add that it was my first time to attend the Wafwa Conference and it was so awesome to see how New Mexico shined the whole way. The whole time. Everywhere we went. Every meeting I went New Mexico was at the lead on every issue and gosh, dozens and dozens of compliments on our department, on our personnel, on our

biologist, on our law enforcement, on our director and our commission. So it was really good. I just want to put that out to the crowd that, you just, I didn't even know how you all liked and I mean I knew we were amazing but it was nice to it from another state. So they would say we wish we had a director like you. We wish we had a commission like you. We wish we had personnel like you, law enforcement, biologist, so it was cool. Thank you.

CHAIRMAN KIENZLE: The grass is not greener on the other side.

DIRECTOR SANDOVAL: No, it's not.

COMMISSIONER RYAN: No, we have the green grass.

CHAIRMAN KIENZLE: We have the green grass. That's right. Thanks again, thank you to everybody. Okay, Agenda Item Number 12: Discussion on potential rule changes to Manner and Method Rule 19.31.10 NMAC on certification of properties regarding trespass. I'm going to introduce this today with the expectation that in November there will be formal text to the rule. I've touched on this briefly in past meetings but there was a statutory codification of what we would call stream access or private property that underlies stream beds and that was the 17-4-6 and I am proposing to put together some rules and regulations with regard to that codification of existing law and essentially the, the rule or regulation as I conceive of it would be a certification process where the landowner who has a streambed that is non-navigable which is a term of art, has the ability to apply to the department or to the commission to have that particular property certified and with that certification would come any number of signs that would be posted on the waterways of the boundaries or borders of the property. That does a couple of things.

One, with that certification would come, let's just call it a piece of paper that recognizes that, that is non-navigable as a property right and then also it gives some confidence to law enforcement

that this has been run through a process at the department or the Commission and therefore, when there is interaction in the field, law enforcement doesn't have to guess is this private property, is it not private property? Has it been certified? Has it not been certified? So all of this is designed to give more clarity on the ground and then also in the public record as to just what is private property and what isn't under this particular statute and then again, under the rules and regulations. And so this will entail providing deeds. Probably some sort of survey of the property affected and other, what we call prima facie evidence that this is what the landowner claims that it is. And so that's kind of the broad overview. We're going to hang some bones on that in the form of series and maybe one written rule, maybe amendment to existing rules but that will be something that we'll pick up again in November and we should have this public release, the publication date.

DIRECTOR SANDOVAL: No, Mr. Chairman, it will be published on our website no later than October 14<sup>th</sup>.

CHAIRMAN KIENZLE: Okay. So there will be something published by that date for the public to weigh in on. I have one, I don't have any questions from any Commissioners but I have one public comment from Garrett.

GARRETT VENEKLASEN: Mr. Chairman, Members of the Commission, Garrett VeneKlasen, New Mexico Wildlife federation. First and foremost, we continue to see a lack of transparency in how the Commission and the Department handles publication, to talk about a stream access when you look at Agenda Item Number 12, it says discussion of potential rule changes to Manner and Method on properties regarding trespass. This is a stream access trespass issue. If I were the general public, I would not know what this Agenda Item is really about and I think in all fairness, you're a civil servant. You must serve the greater (Indiscernible-voice muffled)

greater community of New Mexico and I, we would really appreciate that if you're going to talk about stream access that the public knows that that's what you are talking about and so the Commission continues to be opaque about this process and what you're talking about it. I would appreciate you guys to be a little bit more transparent on this. We still believe that there are anti donation issues with creating signage for landowners on this issue and we will continue to encourage you all to (Indiscernible) hopefully consider that and also we also want to acknowledge the fact that our State Constitution in our mind very clearly, cites that the citizen really does have access on the easement in certain circumstances and we continue all to be open about that and not only serve the interest of the private landowners but of the greater citizens that you all represent. So we continue (indiscernible) keep an open mind about all these issues. Thank you very much.

CHAIRMAN KIENZLE: Any further public comment? Any questions from Commissioners?

COMMISSIONER RICKLEFS: Mr. Chairman?

CHAIRMAN KIENZLE: Yes, sir?

COMMISSIONER RICKLEFS: As far as private landowners submitting deeds and records and so forth. I know there are landowners that have difficulty say in the A- PLUS System with submitting their deeds and records to the department. I believe this is in relation to of course, the recently passed legislation and I feel that legislation is very clear that posted property which is defined in other statutes is very clear that people cannot trespass across that posted property and this, I just feel this is maybe another added baby to the landowners when they already have the right to deny access by following the streambed which is non-navigable. I would also comment that the State Constitution, their days of turning that constitution that seems to be often ignored,

perhaps by our Attorney Generals who passed that it is unappropriated waters that is public water and there is no unappropriated water in New Mexico. It is all appropriated now and my stream sits through Sue River is over appropriated. So I at least have felt it. That has been ignored. That simple term, unappropriated waters and that is in the constitution, I agree but the constitution was written over 100 years ago and since that time all waters in New Mexico are appropriated. Just comments. Thank you.

CHAIRMAN KIENZLE: And I would say Commissioner Ricklefs as to the, what you characterized as an additional burden. In fact, this is a benefit to the landowner who now makes the telephone call and says I have someone trespassing on my property and it's left to a law enforcement office in the field to make the decision, is it? Isn't it? What is this? And so this is designed to make that interaction more clear. So law enforcement has confidence that what they're doing has been run through a department or a commission process and so they don't have to guess. Now certainly, under the current system there is a posting and there is that process currently in place and that's why I said that rule it's self may very well be amended too but this is designed to work to the benefit of both, the public law enforcement and the landowners so there's more clarity in what's going on because currently and I know Commissioner Ryan and a number of other Commissioners are dealing with these trespass issues on a fairly regular basis and it's a problem and so this is designed hopefully, to add some clarity to that.

COMMISSIONER RICKLEFS: Thank you.

CHAIRMAN KIENZLE: That process. Any other questions or comments at this point in time? All right. We'll take this up again in November. Number 13. Discussion for potential rule changes to Manner and Method 19.31.10 NMAC on the collection of shed antlers.

COLONEL GRIEGO: Mr. Chairman, Commissioners I'm here to discuss the collection of shed antlers. As I'm sure you are aware, shed antler hunting or collecting over the last several years is gaining in popularity and we're starting to see the last few years where prices are exceeding \$15 a pound for the shed antlers and that's created a few issues for us in the law enforcement now where we have ranches that are private and posted where individuals are sneaking into them to collect the shed antlers and we're also having issues on our wildlife areas and in areas that are closed by the U.S. Forest Service to protect our calving elk. We've got these closures for a certain period of time and a lot of those closures are going on after our elk or bull elk have shed their antlers. So the dilemma we're having is the individuals sneaking into these closures or on to this private property to collect these large amounts of shed antlers before the next person can get to them. With the price, there's a significant amount of money that can be made but at \$15 a pound, a decent size one side of an elk antler, you're looking at about \$200 to \$300 per antler. So it's pretty easy to see how an individual can make several thousand dollars and that incentive to do so to cross that fence or violate that closure is pretty significant. We wanted to discuss adding some language where on law enforcement and currently under rule we have a possession of game antelope parts found in the field. Where it should say, as you know, it's unlawful to pick up any heads that are attached to the skull without invoice or permit in the field. It's to protect those dead heads. In years past, we used to have it used to be a bonus to find those large heads out in the field while you were shed hunting and to combat some of the issues that came with that. What we were having was individuals were often times poaching these animals, cutting the heads off and putting them in a tree and then coming back in the spring and saying look what I found. So we adopted this rule to combat that. So with the sheds, what we're wanting to do is add some language in there because per rule, shed antlers are not required to have an invoice or

permit but they are part of that protected wildlife. Is that just to make it clear that if an individual is in violation of criminal trespass or in violation of the closure or violating any of our Chapter 17 Rules like driving off road or driving on closed road, that those sheds remain the property of the state and are subject to seizure. With what I did to seize those shed antlers, we can take that incentive away of violating those closures or criminal trespass because they know if they're caught, we're going to seize them and may get more monetary benefit. So the slide in front of you is the language that we've added to it. Like I just said, if they're in violation of a closure or criminal trespass or any violation over any of the provisions Chapter 17, that those sheds remain the property of the state and are subject to seizure. We did try to address the use of vehicles off established roads. If we had some areas where these individuals were maybe shed hunting and taking ATV's wherever they can get on a ridge and then they hunt from there. So there is some significant resource damage in certain areas. So we got rules, that rule to address that and then driving on closed roads. We have many areas around the forest where we have old logging roads that are closed and that was the exception. If they weren't turkey hunting that time of year, the turkey hunter could not go on that road but a shed hunter who is not a licensed hunter could go up those roads. So this was just an idea to address that concern also. So with that I will take questions.

CHAIRMAN KIENZLE: Ralph?

COMMISSIONER RAMOS: Chairman, Director, Colonel Griego thank you for getting this Agenda Item on the Agenda. I have some other key points I would like to address with this. Number one, New Mexico kind of has a tendency to give everything away, our national resource sits right there in front of us and what I would like to see is some change in language as far as maybe even a proposed shed season where I would limit nonresidents to just come in or anyone

looking for sheds starting early February where we start disrupting the, you know these herds and not only the birds but cows and stuff you know with that but I know as far as nonresidents coming, they come from Utah, Colorado. It's like a big old craze right now that's happening and I think we need to kind of get our hands around it. You know and I know that proposing like a license or something. My goal would be to have like a shed habitat stamp you know type of program but I know that would have to go through legislative but what I would like to see is where maybe the Commission could put something in place where in order to collect sheds during this season of starting let's say, April 15<sup>th</sup> through you know, whatever. You would have to purchase a general hunting and fishing license or you would have to have drawn let's say an elk tag during that hunting season or have you know, a small game animal license. Something of purchase in our state. I think these nonresidents are just coming in. Some of them purchase their gas outside of our state. They camp you know and then they collect and the sad part about it is, is the value. I mean I'm talking tens of thousands of dollars are being converted into cash outside of New Mexico and to me if we kind of protect our New Mexico Residents to be the ones that can do that. They're the ones that are going to get that money in the end. Again, turn it back into our economy here in our state but I just think we give things away and I would like to see a lot more of that. Now here's the Catch 22 on that, is that if there's a kid that's out there fishing and he goes, oh man, I just found this shed antler and that. So to me I would hate to limit out of the season an eight you know, let's say 17 or youth or you know something like that. A New Mexico Resident from taking home a nice shed. So if we can kind of look at some options with that and some language with that and I don't know what the thoughts of the Commission are on what I just said.

COLONEL GRIEGO: Mr. Chairman, Commissioner Ramos I can definitely write down some ideas and do some research as far as what could be done. You know as far as the seasons go and biologically, I think we have our closures specific to protect our calving elk or our calving mule deer in those areas. A lot of the northern states have those closures based on migratory herds but it will be up to you all whatever direction you all want to give on that I think.

COMMISSIONER RAMOS: The only reason I proposed that April 15<sup>th</sup> like a start of a shed season. That's kind of opening season for turkey hunting as well but you all are the experts on that and kind of looking at the trend pattern of people out in the field. You know if we could look at that I would appreciate it.

COMMISSIONER RYAN: Colonel Griego, thank you for trying to address trespass and of you know, keeping that in mind, our Commission and dealing with that policy issue, you know on a policy level in a lot of different areas. So we certainly appreciate the fact that you guys are looking at trespass from these people coming to pick up sheds. How are other states addressing these shed hunters?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan, like I mentioned earlier, a lot of the northern states have closures based on migratory elk herds and or calving, elk calving grounds. So they have those closures based on that. So they do limit the amount of when an individual can get into certain areas. Certain areas they only allow specific people based on a bid like I believe its Montana or Wyoming that has the Boy Scouts come in. So a lot of them do that. One thing, talking to a lot of the chiefs at these, like the Wafwa's and the Afwas is what we're recognizing is that when we're dealing with these rules on something like this, we can affect other states pretty easily by enacting closures or sanctions that pushes these individuals to another state and they saw that in Utah when they did some closures and they just pushed them down into Arizona

and Colorado and then I think we even get some of those individuals because of that but it's very similar in that they may have closures with specific dates but they will seize those, those shed antlers to combat that incentive to simply, if I get caught I'll just sell one of these antlers and pay the fine.

COMMISSIONER RYAN: So these are people coming onto property that aren't, they're with like a hunting but you know they're not there deer hunting and meanwhile, while they're hunting they see a shed and pick it up. These are people coming in without any license to be on State Federal or Game Commission owned land otherwise. That's the scenario we're talking about?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan, I think that that is the case. I think often times our shed hunters are sportsmen that hunt, fish, trap, do whatever. It's often of the same vein but yes. These individuals are specifically out there to be shed hunting and it's a race to see, to get to that antler before the next guy. In New Mexico, I have seen over the years our wintering bulls that winter on mountain ranges that are visible from the highway. I've seen individuals sit there for two weeks with spotting scopes waiting for those antlers to fall off of those big bulls and inevitably, somebody will try and get up there a little early and bust them out. So we do have similar issues other than, we don't necessarily have migratory herds in Southern New Mexico. You just push them off that mountain onto the next but without a doubt, it is, it's costing them body condition. They're pretty weak at that time.

COMMISSIONER RYAN: I mean to me, if you don't have a valid hunting, fishing license with you to be in that specific game management unit to do whatever it is you're doing, then you shouldn't be there picking up sheds either. So I mean I think the process of possibly, I'm kind of thinking out loud here but we already have a permit system. You know, license system in place that there might could be language just coordinating. I mean if you don't have a license to

already be there to hunt, fish, trap, do whatever it is you're doing and in that scenario your picking up a shed that's okay but if you're not in that scenario then you know, you're in violation of something and certainly that – I don't know. I'm thinking more in that vein might be the best way to, as far as deal with proposed language in our rule might be the best way to go about it. I mean I hate, I would hate for the department to have to start issuing additional licenses and additional permits to go have a shed. So it might be where you know, if you don't have this on you then you're in violation. So the departments already issuing licenses for people to be there and do what they're legally able to do. So if you don't have that with you, then you're in violation of something. Just to not add additional administrative burden and additional, you know too many additional onerous rules. I'm trying to think of a way to work with in the structure that we already have and make it in violation, you know if your just there and you know you're caught with sheds, you're in violation of our rule.

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan, just to address it. It would take some significant thought as we're drafting it out because we will be dealing often times with, with public land that they do have a right to be there. It's just they would not have a right to be shed hunting without their license.

COMMISSIONER RYAN: Right. So they can be there but if they have a shed with them and they don't have hunting, fishing, trapping license on them, then that would be in violation. I'm just for discussion purposes I'm throwing that out.

COMMISSIONER RAMOS: If I could interject, I mean the basically requirement of purchasing the Habitat Improvement Stamp. Here's your truck that has three, four sheds. Your obviously shed hunting and that could be where we can maybe put that in there but you know, just here brainstorming again, I think that's a basic requirement. I know at the last Commission meeting

when we were talking to a lot of the non-hunting people that were at that meeting. They talked about, what do you mean you have a Habitat Improvement Stamp? I think the department should market that to non-hunters as well because I think a lot of them were willing to purchase that and give back to habitat improvements.

DIRECTOR SANDOVAL: Mr. Chairman, if I may?

CHAIRMAN KIENZLE: Yes.

DIRECTOR SANDOVAL: At the (Indiscernible) of this whole discussion is how we define a shed antler and what and how we license people in the State of New Mexico to hold wildlife in their possession. We would need to go back and take a look at that specifically because that's at the core of what we would be able to license for or not. I think what we need to do as a department is go back and bring that definition forward for you all to have that discussion because I think that that forms the basis of any potential rule that would have to move forward. From my perspective, it would be a legislative change to make such a license available. So if you would allow us please the opportunity to go back and take a thorough look at how we define sheds and how we define licensing and put that information together for you.

COMMISSIONER RYAN: I think Director also information on potential, what the department thinks on how effective certain closures would be on this issue as of the price of New Mexico I would like to hear from the department on what you guys think if that would be helpful or in addressing it in that fashion.

DIRECTOR SANDOVAL: Mr. Chair, Commissioner Ryan, we can absolutely add that to the analysis.

CHAIRMAN KIENZLE: Garrett?

GARRETT VENEKLASEN: Mr. Chairman, Members of the Commission, Garrett VeneKlasen, New Mexico Wildlife Federation. It's great to see the department taking this initiative. I think this is a much bigger problem than you realize. I would want to reiterate that this is where the elk and deer are at their most vulnerable. They have very low body fat. There are instances and I think it's more common than we know but they're bullying their fawns and their calves. Due to stress, we've heard of incidents where people are running deer and elk herds on their ATV's. A lot of harassment is going on and Utah has banned it in 11 counties. The other thing we need to ask doing is there's a mandatory online course required for anyone gathering sheds and I think that might be a really great initial first step for the department and I think that the general public doesn't understand the implications of bad behavior during this time of year so and we would encourage Commissioner Ramos, you know this is a resource. This is a valuable resource that maybe that could be where the department could make some money on it. So other states are doing and thinking this way and it's really good to see you all doing some steps to change this so we don't have a real big problem. Thank you guys very much.

CHAIRMAN KIENZLE: Any other questions or comments? I'm not sensing yet any consensus on this. I mean we're still kind of in the development phase of this. I would entertain a procedural motion to table this for a while until you can circle Commissioner Ramos and any other interested Commissioners can circle back around with the department to get a better handle on this. Anyway, I would entertain a motion to, a procedural motion to that effect.

COMMISSIONER RYAN: Mr. Chairman, I make a motion to table Agenda Item Number 13 to allow time for the department to develop proposed rule of policy changes with the respect to shed antlers.

COMMISSIONER SALOPEK: Second.

CHAIRMAN KIENZLE: Any discussion? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed? Okay. So give me some sense of what your timeframe to get the, you know. Are we looking at a week, a month, three months? I mean what's your, I know you've got a pretty full plate so what's your sense of ?

COLONEL GRIEGO: Mr. Chairman it depends on, if we're going to go down the road of simply requiring a general hunting license versus a specific license to shed hunt or a shed season. I think that's very significant. I agree with the Director if we're going to have specific licenses, that's going to take legislative action but developing some rules I think towards that, you know early next year.

CHAIRMAN KIENZLE: Let's not -- in an ordinary course, visit with the director and I'll visit with the Director and we'll see about putting this back on the Agenda. It's probably something we need to address but I want to make sure that whatever pops out has got, you know you don't have to have buy in from the Commission because that's not the way we operate but I want to have, you know be able to talk through these issues and make sure that we're all kind of on the same page.

COLONEL GRIEGO: Mr. Chairman, I would add though that as far as the law enforcement concern as it currently is, just to address the seizure of these. I think we're in a good spot right now with that language. It's just depending on seasons. That's what would throw the wrinkle in it and so.

CHAIRMAN KIENZLE: Commissioner Ramos, will you stay looped in on this?

COMMISSIONER RAMOS: It would be my honor, sir. Thank you.

CHAIRMAN KIENZLE: Okay.

COMMISSIONER SALOPEK: Is it any of best interest to move it like to April 15<sup>th</sup> and leave January, February and March alone? I mean is that? That would be better for the animals. Is that correct?

COLONEL GRIER: Mr. Chairman, Commissioner Salopek, we would have to also keep in mind that the Youth Turkey Season starts around April 10<sup>th</sup>. Some of that's going to be some biological in the north, not so much in the south. It's going to differentiate slightly but often times the snow in the north and even in the Gila at times is the factor that they're waiting on.

COMMISSIONER SALOPEK: Well (Indiscernible). Isn't calving season during June right? First of June, end of May. So but if you were to set a date, putting you on the spot. What date would you like to see shed horn gathering happen? I understand none at all but if you wanted a date. Just wondering myself.

COLONEL GRIEGO: Mr. Chairman, Commissioner Salopek, if I had to pull a date off the top of my head, it would probably be probably no later than April 1<sup>st</sup>. Just, that's an easy number. It's the beginning of the license year but I have no idea really on that.

COLONEL SALOPEK: Just wandering what you thought.

CHAIRMAN KIENZLE: So in the ordinary course, visit with the Director and then I'm sure there will be further discussion with the, I know with Commissioner Ramos and then I'll check in with the Director and we'll get this back on an Agenda but it does sound like we've got more homework to do on it. Thank you. Okay. Agenda Item Number 14: Discussion for potential rule

changes to Manner and Method Rule Amendments 19.31.10 NMAC to prohibit the use of aircraft for locating protected wildlife for hunting purposes.

COLONEL GRIEGO: Mr. Chairman, Commissioners I was tasked with during some research on issues in New Mexico with regards to the use of aircraft to locate game for hunting purposes -

CHAIRMAN KIENZLE: Sorry to interrupt you.

COLONEL GRIEGO: All right. We here to continue?

CHAIRMAN KIENZLE: We're good. I was just waiting for comment cards. Thank you.

COLONEL GRIEGO: So what I did is met with all the western state chiefs and to discuss this issue of the use of aircraft while hunting. What you have in front of you is our current rule and basically, as you all know, you can't use information gained from hunting or from flying for 48 hours. Really, across the west there's three standards that is pretty consistent. There are a few states that are similar to New Mexico in that they have the 48 Hour Rule but you can't hunt or use that information within 48 hours of flying. There's the second version of similar to Arizona that says 48 hours prior to the opening of any big game season in a game management unit, you can no longer fly from then until all the big game hunts in that game management unit have closed. So it's that 48 hours prior to until the last hunt in that game management unit is closed and then the third variant is similar to that except instead of 48 hours they have a definite period of time. Nevada's is July 1 through the end of February. Under certain states they're August 1<sup>st</sup> through January 31<sup>st</sup> but it's a definitive period of time but that's really the variation that you see across the west as far as using aircraft to gain information for hunting. So with that I will take

any questions. I sent you the documents from the western states on what their laws exactly say but those three are the gist of what's across the west.

COMMISSIONER RAMOS: Mr. Chairman, Director, Colonel, I did review those documents and thanks for gathering all this trend information for us. One of the things that I saw with that was the seasons. Of course you just covered those right now and as far as violators and catching these violators and I think. I think their all pretty much the same. You know it's hard to justify and to prove some of those cases but I think it definitely keeps the honest person you know, honest when they're supposed to be flying and for what reasons. I know there's a lot of real estate you know, flying that 'it's just happening during hunting season. That's not going to be impacted if there was a season you know, for this hunting. I don't think it's going to really stop anybody other than just for the purpose of wildlife and that's kind of what we're kind of looking at here, right?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ramos there is a lot of that and it is a difficult to make it rule. I think we can strengthen our rule to assist law enforcement and a little easier, making it a little easier to make a case. With our current rule where it says, you have to prove that they used information gained. That's a very difficult burden to prove that even though that I know that you were in the plane, I've got to prove that you told this other individual who is now your guide and that's a hunter. I've got to prove that element where with variations of these others, you know, if you can't fly for hunting purposes, what we've got at that point is we got to prove are they a hunter? Are they in the hunt area? Do they have a GPS? Is there waypoints specific to these hunt locations, the pattern in which they were flying. It would be a totality of it but it would be a little more beneficial to us in the field to be able to prove those cases. Still significant case. Still, we're pretty high burden. Across the west there's only a handful of cases

made every year but with a lot of these states it has kept the honest guy a little more honest where they're not having as significant of these violations as they did prior to but like you saw, most of these states are just really making two to five cases a year out of their multiple investigations that they do. I know in the south in the Gila, the Sacramento's, the Carson National Forest into the San Mateo's and the Madeleine's, you know we probably have 30 plus reports a year of investigations that where we're working on these cases. We had one in (Indiscernible) just recently. We were able to find out who was in the plane but could not, they didn't have hunters coming in for a week. So was there legal activity and that was all based on the investigation.

COMMISSIONER RAMOS: I think my biggest concern with this whole thing is fair chase. It goes back to you know, trophy hunting and it seems like those are the people that are trying to benefit from this flying during these hunting seasons and whatnot and I'm all about fair chase and I think if we could limit that. You know, with a season. I like the Arizona model and that's kind of what I favor but I guess that's what the Commission is for. To kind of dissect it and do what's best for New Mexico.

CHAIRMAN KIENZLE: Let's take some public comment here. Larry Forner [Phonetic].

LARRY FINER: Commissioners, Director Sandoval, my name is Larry Finer [Phonetic]. I'm a pilot. I'm a board member of the New Mexico Pilots Association. A couple things just real quickly and I know I don't have much time but just last weekend there was a fly-in in reserve and that wasn't a fly-in that was in any way related to hunting or fishing. It was just us getting together in Missouri. We do that every year and usually in Negrito [Phonetic] and this year we decided to change to reserve. One of our concerns is just making sure that people that are out there flying together, enjoying the outdoors and all this wonderful scenery we have in New

Mexico, are not being mistaken for people that are doing illegal activity. I suspect the year before when we were based at Negrito there were some complaints from hunters because one of your, Colonel one of your enforcement folks showed up at our gathering and said, well I've been getting some phone calls and I think he was sufficiently, there was no problems. He just showed up and we talked and --

CHAIRMAN KIENZLE: Was that call though on spotting or was it on hunter harassment? Those are two different things or do you not know?

LARRY: I do not know the answer to that. I suspect spotting but I don't know because in that kind of gathering, you know we're landing and taking off right there at Negrito and there's a lot of hunters in that area. It's near a reserve. So number one, is just not making rule making. We'd like to have a (Indiscernible-static) table and make sure that the rule making that takes is not restricting or infringing on activity that has nothing to do with hunting or fishing, That's number one and number two, we'd love to have a dialog with Game and Fish because as I mentioned to the Colonel at the last meeting, you know one of the things that you should, I believe you should consider with this issue is having public information disseminated. We've got fly-in's going on like at Devil Reho [Phonetic] every year. When I do a presentation about country flying we could easily wedge in any enforcement officers and let them give information about what is allowed and liable and more importantly because I think your best chance of really getting effective on this is having a lot public participation and explain to the public that you got a bunch of bad actors out there. They're making you all look bad and we all need to keep a --

CHAIRMAN KIENZLE: My concern is that the guy on the ground is -- I worry less about spotting because that just doesn't even occur to me but I'm the guy that's in the woods and when I get buzzed overhead by a plane, to me it's no different than the discussion we had about drones

and other things or the chucklehead in an ATV that drives along and wrecks my hunt and so that's of more concern to me than the spotting of game. So the spotting of game is important to all of us but as an individual hunter, you're wrecking my hunt when there may be a fly-in or fly-out. I am no expert yet but I suppose I wouldn't have to become one maybe on what FAA Rules are, Federal Laws and such versus whatever we might try to do at state level because I'm somewhat certain that we can't prohibit all flying in and out of certain places. That doesn't strike me as something that state necessarily has the power to do but there's a number of issues that go into this, not just the spotting of game. So I'm more concerned about the hunter on the ground than spotting of game. Now I profess some ignorance and I'm not sure the department law enforcement wise really knows how much of that is going on. It's hard to catch people. So on the spotting aspect of this, it still feels like a solution in search of a problem. I think anecdotally, we believe that there's that going on but it's hard to catch people and so it's chicken or the egg sort of but I do know that if people are flying in and out, that certainly has an impact on the individual hunter. So the question is how do you make out a case on that and (Indiscernible) and so you get the tail numbers or you get identifying information and then the pilot would say, well I had no intent to ruin that person's hunt but intent, depending upon how the rule is written or the law's interpreted. If you know that you have to decide whether it's specific intent or general intent. So if you know when you're flying over that you may disrupt somebody's hunt that may be sufficient to make out a case. Now I haven't analyzed that to the end of the earth but it may not be I have the specific intent to ruin that person, that hunter's hunt if you will. So it's a question of general intent versus specific intent but there's a number of issues that go into this particular rule change. I want to make sure that we consider all of them before we do anything.

So none of that is a question for you. I understand we could talk for three weeks and not get a resolution to it but –

LARRY: Well if I could add just one quick comment though? I think –

CHAIRMAN KIENZLE: You have one quick comment and that's it.

LARRY: Okay. Thanks. So to your point, again one of the reasons we moved from the Negrito Airstrip to Reserve is to put less pressure on the hunters and so I think this is also an issue of communication, coordination and public discussion. Thank you.

CHAIRMAN KIENZLE: I sympathize with you but I can tell you that man or woman on the grounds pretty hacked off if their hunts ruined. So I'm not sure where the scale of justice comes down or the policy is made but that's a tough call for the person that's planned a long time for a five day hunt and ends up with perhaps a hunt that's ruined. Steve Summers.

STEVE SUMMERS: Mr. Chairman, Commissioners, Director, how you doing? I'll bet your limp when you first started. I'm Steve Summers. I've been in the aviation for over 30 some years. 18 years as Clovis's Airport Manager. Of last five and a half years I was the Director of the New Mexico Department of Transportation and Aviation Division. Five and a half years ago I went to (Indiscernible) I was told by State Statute to increase and promote aviation within New Mexico. My first look at it was the number of aircraft being declined, the number of paths being declined. I looked at what can we do to bring those up? Recreation Aviation is the fastest growing part of general aviation in the country right now and it has been. I looked for guidance from New Mexico Pilot Association. They were looking at recreational flying and we decided to get up together and do up (Indiscernible). We looked at all the different options. We looked up Utah and we looked at Idaho. Utah didn't have anything at the time. Idaho just passed or started

initiated an Idaho Airstrip Network. That was done by the Director of Aviation in Idaho in Idaho for many reasons. Number one, they we're having issues with other federal agencies. With the Forest Service, BLM, etc. They were having trouble with organizations on flying, their ability to increase the number of pilots getting licensed in their airstrips. We looked at it and we decided that's the best thing we could do for New Mexico so we patterned it. It's basically the same thing they did. We got BLM, Forest Service, Department of Game and Fish (Indiscernible-static) which is the airport(Indiscernible) House Association. The national groups like Recreational Aviation Foundation (Indiscernible-static). We got it all together and we used this platform as a (Indiscernible) to talk and promote aviation, economic development because it's not just about flying. We just talked about what airstrip (Indiscernible). This is a nation state wide, Negrito and some of the strips up in the Gila are very important. There's nothing like flying out there on a weekend and taking the kids or grandkids and having a picnic and then flying home. When I started flying in the late 70s, 80s, we used to go get a hamburger at (Indiscernible-mic distortion). Anybody remember that place (Indiscernible)? It's the best hamburger in the state. We would fly there. It cost us \$25. It would cost us about \$150 now to fly there. So now we fly places where it's fun and we can go do something recreational. (Indiscernible-mic cutting out). We're looking at (Indiscernible). It's paved but it is a perfect airport that we can fly people in. We're already talking to a group out of Alaska that (Indiscernible-mic static). Also, we'd come up here and –

CHAIRMAN KIENZLE: I don't want to cut you off but I'm going to cut you off. We're talking about and I understand where you're going with it but this is more directed at rules and regulations, not so much on tourism.

STEVE SUMMERS: Well I understand that but what I'm getting to is that we (Indiscernible) an overture of Game and Fish to join us. I'll give you a (Indiscernible) paper and I'm not going to go over all the purposes for it. It does explain this to you. It also has a picture of a press release where we have all the agencies involved. It works good in Idaho. We've offered contact information to Game and Fish for the Idaho contacts so you can talk to their Game and Fish and we would be more than glad to do the presentations to you or any party in your department. We think it's beneficial for your department if you let us show you what it can do. It can increase revenue for you. It can give you marketing exposure. It can resolve the issues that you're having right now. You haven't even touched stuff where you start to get into air space. The FAA is going to get involved if you start telling them you can't fly in it August. I can guarantee you.

CHAIRMAN KIENZLE: I got it. I understand the issues. Thank you.

STEVE SUMMERS: You bet.

CHAIRMAN KIENZLE: Mr. Rol Murrow. Roll? Poll? Rolling?

ROL MUUROW. Rol. Rhymes with Paul.

CHAIRMAN KIENZLE: Got it.

ROL MURROW: Good morning Commissioner, Team Seven Members of the Commission. My name is Rol Murrow and I am Director Emeritus of the Recreational Aviation Foundation. I enjoyed our discussion about this issue during the last Commission meeting and appreciate the opportunity to comment further today. First, a quick observation. Aviation appears to be deemed singled out to special treatment different from some of the other modes of access. As I understand it, hunters and outfitters are not prohibited from driving their trucks or ATV's while hiking around in their perspective hunting areas a way prior to their scheduled hunts and you

previously mentioned that they can be just as disruptive and unwelcome as anyone flying planes and one of the things you might, we might talk later about, how we can resolve this.

CHAIRMAN KIENZLE: Finish your point because we typically limit this and I know I've heard from you before on this.

ROL MURROW: And I ran too long. Aviation should be treated no differently. The current 48 Hour Rule should be enough to go after (Indiscernible). If anything it's possible or even needed in the way of enforcement. (Indiscernible-voice muffled) should consider this a sleeping dog issue and leave it alone until you figure out what is really needed. Expanding the time period is going to be (Indiscernible) regulations. Simply increases the likelihood that innocent aviators will receive citations and that would (Indiscernible-static) to blame and unnecessary confrontations and hassle. I must say that I am very pleased the department is permitting and encouraging our comments and more recent to the legitimate concerns of the aviation community and related agencies and organizations. However, (Indiscernible-mic static) have not received an invitation to come in for a meeting. Perhaps we need to take the initiative on this. I suggest with an informal meeting we schedule with your Director, (Indiscernible-mic static) as was mentioned in the documented portion for this Agenda Item. We should invite that (Indiscernible) the aviation community with all the concerns and appropriate (Indiscernible-mic static).

Representatives of the New Mexico Pilots Association, Recreational Aviation Foundation, New Mexico BLT Aviation Division, the Federal Aviation Administration and others. Working together, we can come to (Indiscernible-static) real and solvable problems that need to be addressed. (Indiscernible-static). For instance, that's just one example we can work with our various contingencies to encourage recreational promotion pilots to (Indiscernible-static).

CHAIRMAN KIENZLE: I got that. If you've got and it appears you've got written comments. I will encourage people again, in advance of these meetings submit your written comments so we've got them and can consider them. It's difficult to consider them under these circumstances. So I'm going to cut you off at this point in time. So I think I've heard, I understand what you're trying to say.

ROL MURROW: Yeah. We would just like to work and collaborate with you, with your staff.

CHAIRMAN KIENZLE: And I'm going to tell everyone for the fifteenth time, maybe the hundredth time. The Director's door virtually, is always open. So you can always send an email. You can always email me. I can always put together meetings whether they're formal or informal. Those things can be done. This is not the best forum to say all right I want a meeting. In the really real world, the way things work, send an email. Commissioner Kienzle, Chairman Kienzle, I'd like to get a meeting on this and I can set that into motion. It is extraordinary difficult on the fly at a public meeting to get these things done the way that you suggest. So do it my way and I don't frequently say this, or you run the risk of not getting the result that you want and so email me or email the Director and we'll get everybody looped in to the extent that we have meetings on these issues but it's not practical to come meeting after meeting and say well we want a meeting and then you didn't have a meeting with me. So I've given everyone the mechanism to get a meeting. Do it the way that I suggest so you get the result that you want.

ROL MURROW: Much appreciated. We'll do that. Thank you.

CHAIRMAN KIENZLE: Lee Shauls [Phonetic].

LEE SHAULS: Good afternoon Chairman, Commissioners. I will be very brief. Hopefully, I'll be before your timing. First point, the department after the last, well actually two meetings ago,

Chairman suggested that we should know how many enforcement actions have been taken against aviation issues and Jennifer Montoya was nice enough to send me a letter confirming that in recent time there have been none. So that's just a fact. The second point –

CHAIRMAN KIENZLE: Doesn't.

LEE SHAULS: Really?

CHAIRMAN KIENZLE: Never mind. I'll hold my comments for now. Go ahead.

LEE SHAULS: Okay. I'm sorry, Chairman. I just was quoting. She said after a thorough search we've determined to have not have any records for which you requested and request of citations or enforcement actions. So there have been I guess?

CHAIRMAN KIENZLE: I can't answer that question but that doesn't prove the point or it proves the opposite point perhaps it's trying to make but anyway.

LEE SHAUL: Okay. Well I just, sorry. Second point, as far as flying because again, I'm not concerned necessarily with the hunting part of flying but Title 49 US Code (indiscernible) public way to transit. Citizens of the United States has a public right to transit through a navigable airspace period. It's a right. Then the other question is, at what altitude? Title 14 Code federal Regulation, any altitude for which emergency landing can be made without undo hazard to people who might be on the ground. And I have a number of attachments and things for you to look at and that's the end of my comments.

CHAIRMAN KIENZLE: Perfect.

LEE SHAUL: Thank you.

CHAIRMAN KIENZLE: Dan Daugherty. Man with the blue eyes.

DAN DAUGHERTY: Good afternoon Commissioner and Commissioners. I'm going to take a different tact this time since (Indiscernible-static) and their due process didn't work the last time.

My background –

CHAIRMAN KIENZLE: That's not fair to say.

DAN DAUGHERTY: Well we're here again.

CHAIRMAN KIENZLE: Do not, don't put words in my mouth or actions in this Commissions mouth either. I don't appreciate it.

DAN DAUGHERTY: (Indiscernible) background. I was one of those 19 year-old (Indiscernible) for aviators in Vietnam flying helicopters. After that I got into the Air Force flew over hurricanes and then I was at Kirtland and I would fly a C-130 on 300 feet (Indiscernible) all through the Gila and New Mexico. I'm sure I disturbed people. Later I retired and then I went to law school. My practice has been in criminal prosecution. I always would come down on the side of the Colonel. In what I'm looking at here is we have an issue where we can't get enforcement, then what we have to do is look at how we're doing our enforcement and make that better. My prosecution was in the area of drugs, gangs and violent crimes and murders and there were lots of times that a police officer stopped a car when (Indiscernible) were suspicion and consent a search, found drugs in the console and the person said, hey I loaned the car to somebody earlier. He's lying. We know he's lying. But there's no way you're going to prove that case. I have two rules in the prosecuting. One is I didn't believe they were guilty (Indiscernible). I didn't prosecute. Two, if the cops broke the constitution, I wouldn't prosecute. So we have to find other ways and I've been toying with this ever since it came up. The possibility okay, well I got a tail number. Well I can't write it a citation. That's where we step over due process. That's when the

innocent person is forced to proving themselves innocent. He's guilty until proven innocent. He has a citation. Perhaps there are other ways we can find – thank you.

CHAIRMAN KIENZLE: With all due respect to the public comment I'm hearing. I'm getting the impression that the department is just in this to make criminals out of aviators and that's not the case. And so I understand your concern but I don't believe that's fair to the department or to the Commission to keep making that eager accusation directly or sort of below the surface.

LEE SHAUL: No, you misunderstood my response.

CHAIRMAN KIENZLE: No. This is a discussion item and I understand what you all are concerned about but quit trying to find boogeymen where they don't exist and so we're talking through this issue but nothing's been decided and so I understand your concern but I tire of the implication that there's some bad motive on the part of the Commissioner or the department to knock down private aviation or recreational aviation. I don't think that's the case. Thank you. Garrett.

GARRETT VENEKLASEN: (Inaudible).

CHAIRMAN KIENZLE: You sure?

[Laughter]

CHAIRMAN KIENZLE: You don't want to get in the meat grinder? All right. I am sensing just about zero consensuses on this. So I would entertain a motion, procedural motion to table this until we've talked it through some more and come to a little bit better consensus on this. My concern is just about everything I've said today. I don't want to make private aviators criminals. I don't want to ruin the private hunters hunt and there's a whole host of issues that need to be

talked through a little bit more and you know, this isn't a directive to go out and make cases but if there's a possibility to make a case based on the way the rule is now, make a case. If its law enforcements feeling you know, hey we can't and it's just impossible under the rule that we've got today. You know we need to have a serious discussion about that internally before we come to you know, a more formal rule making part of this. Again, with fly-in and fly-out, every right that is granted either by the state, the feds, is always subject to restrictions. You don't have any absolute right in this country I believe to do just about anything that you want and so if you got a hunter who's affected on the ground by these fly ins and fly outs, I want to know about that because that's just as important to me as spotting good game. So spotting good game or spotting anything is important to the system that we've got but to the private hunter on the ground, the guy on the ground, the woman on the ground. That five day hunt means everything to them. So they could probably care less about perhaps the spotting aspect of it. So I want to explore that a little bit more because if we do have fly ins and fly outs and the public hunter nor the hunter that's affected by this may not know that they've got perhaps not the right but they can make an issue out of that if it truly is a problem. Now how do you make out that case? I don't know. It's no, perhaps no different than the, as I recall, the disgruntled gentleman that was around the watering hole you know, (Indiscernible) and wrecking somebody else's hunt. They're perhas not the same but I will say again that there's question of general intent versus specific intent and I don't necessarily believe that the rules, the regs, the laws written with specific intent in mind. I'm going to wreck that hunters hunt but if you know its hunting season and you're coming in too low and there's hunters on the ground, it may very well be that general intent is enough to get the job done. I'm not going to you know, formally say that's the policy. The Commission or even my policy but you need to look at that law enforcement aspect of it and figure out what is this?

What is the law that's written right now means and how has it been prosecuted and enforced before? But I would entertain a procedural motion to table this until we've talked through some of these issues. Despite my obvious demeanor today with regard to the pilots, I'm not insensitive to what you're concerned about. I've heard it through for two or meetings in a row and I don't necessarily need to not hear it again but your concerns are noted and it's clear to me again that there's no consensus and we need to talk this through some more.

COMMISSIONER RYAN: Chairman, I'll be happy to make that motion. I will say this right before I make that motion that I thought the discussion was helpful. Colonel Griego from all the information you submitted to us from all of various states, reading what their rules were and then the dialog from the various law enforcement department saying we've had this many cases, we've been able to prosecute this many and hey, we're having an issue too and one of the things that I saw (Indiscernible) whether the state had the you know, block off from August 1 to January 1 or however they did it or 72 hours or 48 hours, they all had trouble prosecuting because they were trying to show you know, that communication between the guy in the air and the guy on the ground or that you know, intent to locate problem. So you know, I think that's the issue right now and that you doing all this research and getting that to the Commission I thought was very helpful because to me I heard one thing across all of these states that you gathered for us was that, no matter what kind of rule they had, they're having the same issue that we're having here and so which means that they're having trouble prosecuting it no matter how we write the rule. So I thought that the discussion is helpful. I appreciate the Agenda Item because we're able to see from my perspective that every state is having the same issue. Law enforcement is and that maybe it's not worth pursuing because whether its 72 hours or block-off dates, there's still this hump that law enforcement has to overcome and putting their case

together. So I appreciate the Agenda Item because of that and we're not here to go after the you know, aircraft industry and sport. The purpose was to look at could we do something to enable law enforcement to take these you know, do better at prosecuting these cases, absent, taking out the internet and you know, we can't make this a (Indiscernible) liability offense. So that's my comment and then I will move to table this item for further development discussion.

COMMISSIONER ESPINOZA: Second it.

CHAIRMAN KIENZLE: Any further discussion or questions by the Commission? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Ayes have it. Discussion of potential rule changes, Agenda Item Number 15: Discussion on potential rule changes to Manner and Method 19.31.10 and associated rules regarding carcass tagging.

DIRECTOR SANDOVAL: Good afternoon Mr. Chairman, Members of the Commission –

CHAIRMAN KIENZLE: (Indiscernible) trenches?

DIRECTOR SANDOVAL: I know, I'm in the trenches so I'm a little rusty. So we have had over the last probably year and a half many discussions around carcass tagging and what that means to the agency and how we'll go about moving forward. Currently, just as a reminder. I think everybody knows this. We have a printable license. You go into your account, you print it out. There's a requirement for you to go and fill in the bubble once you harvest your animal and go from there. You have to have it within the proximity of the animal which is something similar that has come, that carried over the previous tagging. This change happened probably five years ago and when we initiated the change, we listed that as we move forward we'd have to examine

the pros and cons of it and we've done that and what we've done is gone in and accessed the issue with people being able to go out and print multiple licenses. So in other words, enabling themselves to go out and take more than one animal during that season. So to resolve that issue, the department is actually coming in front of you today to propose a hybrid from what you've heard over the previous presentations. We will be recommending that we go back to a carcass tag. It would be what I consider an enhanced carcass tag from what's been in the past. We will now add an antler tag to it which actually was done at the request of most of our constituents because you know, where carcass goes to your meat processing and your head goes to the taxidermist and they wanted to be able sufficiently provide evidence that that was happening. So we have enhanced the tag in that manner. It will be a sticky tag. So you'll be able to peel it. Our recommendation is that it's a sticky tag. You'll be able to peel it and put it on to the hock in the animal and then onto the antlers. For the ones, the animals that are not antlered be assured that to not have that part of the tag as being viable. The other part of this is and I'm not going to steal Lance Cherry's thunder, we have just initiated and got up running on the Department Smartphone App. We've gotten lots of kudos. Sorry, I just have to say that Lance. They've worked really hard to get up and running, so the hybrid part of what I'm talking to you about today is initiating the pilot program for electronic tagging. This will, what the app will do and we'll get into it further but it will allow for individuals to submit their harvest information at the time of kill. We're not, it will (Indiscernible-mic static) the photos yet just because of I dated these (Indiscernible). Commissioner Ramos, I know that will be a question. But that's the hybrids. So we will be going back to having a paper carcass tag issued by the agencies so that's the control. they will also be issued prior than those and we'll get into that. We also will be updating all of our rules to allow for both paper and the electronic versions of licenses. So you

don't have to carry your license, paper license. You can have it on your phone because it will only be a license at that point.

CHAIRMAN KIENZLE: So on electronic tagging, if I were to tag with paper I'm okay. If I electronically tag I'm okay too?

DIRECTOR SANDOVAL: Mr. Chairman, at this point for this year, it would be a requirement still to use a paper tag while they're running the pilot program to see how it's going to work.

CHAIRMAN KIENZLE: But under the new, under the proposal you get (Indiscernible-audio) or you have electronic. Either one is sufficient.

DIRECTOR SANDOVAL: No. Mr. Chairman, for this year it would be everybody puts a paper tag on.

CHAIRMAN KIENZLE: Under this proposal, if it's approved down the road, totally different year, you can use – 2020 we can use, you have a sticky tag and then you have an electronic tag. Either one is sufficient.

DIRECTOR SANDOVAL: Mr. Chairman, that is correct. At some point you will be able to identify whether you want to go electronically tag or paper tag, the carcass.

CHAIRMAN KIENZLE: Okay.

DIRECTOR SANDOVAL: That will be up to you.

CHAIRMAN KIENZLE: You have the option to do for both or just one?

DIRECTOR SANDOVAL: Mr. Chairman, it will be only one and it will have to be prior to or at the time of purchase of the license.

CHAIRMAN KIENZLE: Perfect.

COMMISSIONER RYAN: Cool.

DIRECTOR SANDOVAL: That will –

COMMISSIONER: Not for this next year?

CHAIRMAN KIENZLE: Just go forward basis. Someday when this gets approved, if it gets approved and then the same thing would go with your license. You got a piece of paper and you have electronic version too.

DIRECTOR SANDOVAL: Mr. Chairman, that'll be effective April 1<sup>st</sup>. You can either carry or and so it will be April 1<sup>st</sup> at 2018. So this should look familiar. I don't know that our, a particular vendor will be able to do this exact thing but this is what the carcass tag in January will be looking like. It will be distributed by the department for the special hunt draw and also if you purchase your license online, you'll have a carcass tag shipped to you and you still, in any instance we'll have to go to your account and either print your license or have it on your phone. So that will still be the responsibility of the hunter. And then vendors will be able to distribute these carcass tags like they've done in the past. We will be enhancing the vendor license program where they can actually go in and sell A Plus and E plus licenses so that will not be a restriction just to the agency offices. It will also be available for those folks who are coming in at midnight and want to go hunt A Plus or E plus the following day. So that's in general with, the carcass tag will be issued to all the vendors as well. We will go back. There's a point of clarification because we will be issuing carcass tags to the vendors, we will be changing the vendor rule. If they lose or cannot track their carcass tags they will, we will propose in rule that

for every lost carcass tag they will owe the agency \$125. That's consistent with what it used to be before we went to our current system.

CHAIRMAN KIENZLE: Who would owe? The hunter or the vendor?

DIRECTOR SANDOVAL: Mr. Chairman, the vendor. They are responsible for holding onto those tags because those tags do have a value at some point. You know, if you can give them away to your buddy and sell them for \$50 but this is some, we have our monitoring system put in place or I should say, our IT people are working on it right now. So again, we'll go back to the way it used to be. You will apply that tag before you leave, make sure it's not just been tagged. So back to the good old days in terms of putting on the paper. Again, there's a whole host of rules that we will be amending. So it will be on Manner and Method. That's just in general. How to go and tag your animal. We will be taking out as our prior discussion earlier today. We are trying to simplify all of our rules. So tagging will only live in Manner and Method and we're going to take it out of all of the species rules. Sometimes we forget and we are our worst enemies when we do that. So that's why we're only going to be leaving tagging in one place. Wildlife Administration is the rule that I just spoke to you about. Vendors being responsible for accounting for their carcass tags. We will be getting that. They'll get first violation, second violation and third violation through the license year, subsequently getting (Indiscernible) on their fines and then all the specie rules. So the electronic system, recording system just to go over briefly what we currently have right now. You can call the Department Information Center from 8 to 5 Monday through Friday. Those hours of operations as you all know, expand during the application cycle. They are there until 8pm. We now have just initiated within the last month, an automated voice reporting system. So you can call in and if you don't want to do it on your smartphone or do it on the computer, you can actually call in. It's called AVR. You'll able to call

in your hunter harvest as well. So it's not just doing it by computer. You can do it by voice if you're not comfortable with your computers. Of course, we always do it through the website like we do right now or you can get another department office. So what was huge about this is that we will have a new game check function on our new smartphone app. That will be where the electronic tagging will take place. The incentive of course, is that your hunter harvest is immediately submitted. So you don't have to worry about that in the future before you submit your application. So this will be a pilot program. I'm actually working with the State of Utah. We're bouncing ideas off of each other because we're in the same process. They have the paper tag and they're also looking to do an electronic tagging pilot program same as us. So it's been really nice to be able to work with a western state who is trying to resolve very similar issues as us and so we've been working with them. We're very excited that we have the new app. Again, I'm trying not to steal Lance's thunder but that game check will be up and running by April 1, 2018. So with that, I would stand for any questions.

[Audio break]

CHAIRMAN KIENZLE: Your basic millennial and I never want to touch a piece of paper and I'm not a millennial by the way. I never want to touch a piece of paper. I can all electronic if I want?

DIRECTOR SANDOVAL: Mr. Chairman, at some point, yes. Absolutely. This year as a pilot, not necessarily.

CHAIRMAN KIENZLE: Right. I'm only looking forward.

[Laughter]

CHAIRMAN KIENZLE: This rule or some version of it is approved. I can go all electronic if I want?

DIRECTOR SANDOVAL: At some point in the future, yes.

CHAIRMAN KIENZLE: Okay. And then if I'm old school and I want to do all paper I can do all paper?

DIRECTOR SANDOVAL: Absolutely.

CHAIRMAN KIENZLE: You perhaps have successfully split the baby. I'm so bad. That may very well, involve a bunch of problems.

COMMISSIONER RAMOS: In the future, so I print out my hunting license although I have it on my phone and I agree to do the electronic although this tangible license and my battery went down and dead. I killed an animal. What do I do now? Do I mark my license? Is there an option?

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Ramos, I appreciate that notion. We've actually had that discussion but if you're making the option to submit electronically, then it will be the obligation just like any other regulatory obligation. You will have to have your phone up and running.

COMMISSIONER: Be prepared.

COMMISSIONER 2: You get a ticket.

COMMISSIONER RYAN: Turn off (Indiscernible).

COMMISSIONER RAMOS: Send me a tag.

CHAIRMAN KIENZLE: Any public comment other than Garrett?

GARRETT VENEKLASEN: I support it and thank you.

COMMISSIONER RYAN: I'm so happy. Can I just say great job. Great job pulling in. Keeping us moving forward for the future. Addressing sportsmen concerns of interest, state law enforcement concerns. So it's just a wonderful package. Thank you for all your hard work. I'm excited about it.

CHAIRMAN KIENZLE: So when do we see this again? In a more –

DIRECTOR SANDOVAL: Mr. Chairman, it will be in front of you in November to formalize the paper carcass and then the, excuse me, paper tagging of carcass and then also allowing for the electronic format of license to be acceptable. Wait, we've never really formalized it. Our officers do allow that but we want to make sure that we have that covered.

CHAIRMAN KIENZLE: Okay.

COMMISSIONER SALOPEK: You have to have it ready for next year.

DIRECTOR SANDOVAL: Mr. chairman, Commissioner Salopek absolutely and Chad is running as hard as can to make it happen.

CHAIRMAN KIENZLE: Broadly speaking, this is a reasonable resolution on a difficult issue.

So –

COMMISSIONER ESPINOZA: Mr. Chairman?

CHAIRMAN KIENZLE: yes, sir.

COMMISSIONER ESPINOZA: I want to make clear with Commission, other Commissioners on that. You know I think the chairman put it very eloquently. You found a way to split the baby. I think it was equally both sides and so I think you've done a wonderful job. I think this is a great

move . I think we're going to get there finally. So one question I had came up when you were doing your presentation on the 125 vendors because obviously you know, we know that those old tags used to be I don't know. Colonel Griego has mentioned it that he found folders of tags I think. Is there a provision in there that after one or two (Indiscernible) does it always stay at 125 or does it go up?

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Espinoza, as we had in our old rule, there was an escalation of fines that would, if first it was 125 and I'm sorry. It's been a few years but I think we ended up at about 375 for each license that was missing. The particular case that you're talking about is where we found folders. That was other hunters that were giving a particular person all of those to go forward. That will still be a law enforcement issue no matter what we do on that piece. that will always be something we have to work through.

COMMISSIONER ESPINOZA: So you – is there something that will eventually – the department will have the ability to cancel that vendor's ability to do that?

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Espinoza, we have that authority right now. We can turn them off.

COMMISSIONER ESPINOZA: Perfect. Thank you.

CHAIRMAN KIENZLE: Any other questions or comments? We'll see this again in November. Let's take a quick break and then we'll march through these last few. Before the break, general public comment. So if there any is any general public comment I'll do a motion to move that up. The Agenda Item up when we come back but that's my intention.

[Meeting Break]

CHAIRMAN KIENZLE: I said at the break or before the break that I was interested in moving up general public comment from Agenda Item 19 to current location. Can I get a motion to move Agenda item 19, General public comment?

COMMISSIONER SALOPEK: So moved.

VICE CHAIRMAN MONTROYA: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Ate.

CHAIRMAN KIENZLE: Ayes have it. Is there any general public comment? Anything from Outfitters and Guides? Nothing? Wildlife federation? Nothing? Okay, hearing none, we will move on to Agenda Item Number 16: Fort Lightning Range Shooting Preserve Application.

CLYDE MASON: thank you Commissioner, Members of the Commission, Director Sandoval. I'm Clyde Mason. I'm the Northeast captain out of (Indiscernible). I after 22 years working with the department this is my first commission presentation so I want to apologize beforehand.

[Cross-talk]

CLYDE MASON: (Indiscernible) under Commissioner Montoya and Director Sandoval (Indiscernible). I needed to bring before the Commission the Agenda Item 16, the proposed shooting preserve, Fork Lightning Range. You are well aware of this, the State Game Commission may issue licenses authorizing the establishment and operation of regulating propagated game birds, shooting preserves on private land when in the judgement and the commission such areas will not (Indiscernible) with any reason to prior interest. Owner operator Kenneth Young plans on releasing approximately 100 pheasants under this application. Game

species occur naturally. There are mule deer, elk, small game, bear, and cougars. Fork lightening Ranch is located south of Pecos in San Miguel County. The proposed shooting preserve would consist of approximately 300 continuous and continuous deeded acres within the proximately 2,200 acres of the entire property. Our Conservation Officers have inspected and determined the property be suitable for temporary (Indiscernible) habitat for propagated game birds and any questions?

COMMISSIONER: Mr. Chairman?

CHAIRMAN KIENZLE: Go ahead.

COMMISSIONER: what kind of critters are they open on there?

CLYDE MASON: Excuse me?

VICE CHAIRMAN MONTOYA: What kind of game birds?

CLYDE MASON: That they would be Commissioner – Chairman, Commissioner Montoya that they would be releasing?

VICE CHAIRMAN MONTOYA: Yeah.

CLYDE MASON: The application only states pheasants.

CHAIRMAN KIENZLE: Is this a new application or had they done this before?

CLYDE MASON: This is a new application Mr. Chairman.

CHAIRMAN KIENZLE: Refresh my memory. What's the – we go out and take a look at what they've got going on, right?

CLYDE MASON: yeah, correct. The (Indiscernible) is our bird biologist. She is (Indiscernible) the property for Wild Management Division and then our officers Tommy (Indiscernible) visited the area and investigated it for any number of safety concerns.

CHAIRMAN KIENZLE: Any other questions or comments?

COMMISSIONER ESPINOZA: One quick, Clint you said 100 per year? Is that right? Or about 100 at a time or any time? So it could be multiples of 100?

CLYDE MASON: yes, correct.

COMMISSIONER ESPINOZA: Does it have to come in front of you and request each time they're going to release?

CLYDE MASON: Chairman, Commissioner Espinoza, I'm not sure of that. I would have to defer a permitting section. I'm not sure how they do that.

DIRECTOR SANDOVAL: Mr. Chairman, if I may? They do not have to do that. Once you approve this than they are good to go.

CHAIRMAN KIENZLE: Okay. Thank you.

COMMISSIONER ESPINOZA: And a quick comment. I thought you did a great job presenting.

[Laughter]

COMMISSIONER: Well we need to bring more of you back because they're the sporting sweet guys [Phonetic].

COMMISSIONER 2: I recommend the Director give you a permanent position here.

COMMISSIONER ESPINOZA: Where do they get the birds? Do they propagate them or are those imported?

CLYDE MASON: The way I understand it, they need to be purchased out of state with a permit or a lot of them come from in state. If they're brought from out of state there are some disease issue. You know they test for diseases. For in state it's basically that we haven't had disease issues with those and they're free to purchase them in state.

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

VICE CHAIRMAN MONTROYA: Mr. Chairman, I move to approve the shooting for (Indiscernible) for the Fork Lightening Ranch in San Miguil County as presented by the department.

COMMISSIONER: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Ayes have it.

CLYDE MASON: Thank you.

CHAIRMAN KIENZLE: Mr. Chery, Agenda Item Number 17: Update on the departments new mobile app.

COMMISSIONER: Too bad that the Director took half your presentation away, Lance.

DIRECTOR SANDOVAL: It was a little hard so I apologize.

LANCE CHERRY: Just allow me just a moment here.

DIRECTOR SANDOVAL: Mr. Chairman, Members of the Commission I think what he is trying to do is bring the app live. Kind of like that Memorex.

CHAIRMAN KIENZLE: Stewart, how did you get out of presenting anything today?

COMMISSIONER RYAN: yeah, let's talk about that. Let him off the hook.

CHAIRMAN KIENZLE: Did he give Number Eight?

COMMISSIONER: That was about 10 hours ago.

CHAIRMAN KIENZLE: You didn't do a whole lot on that one. You didn't earn your pay today.

COMMISSIONER RYAN: He had double duty last month's meeting.

COMMISSIONER: I'm glad they're picking on Stewart. They usually pick on me.

CHAIRMAN KIENZLE: This is not a Power Point?

LANCE CHERRY: This is not a Power Point.

CHAIRMAN KIENZLE: This is different.

LANCE CHERRY: You know it's always interesting when you do these kinds of things because generally speaking, we'll work with (Indiscernible) when you're testing and then they have a couple technical glitches.

COMMISSIONER: There we go.

LANCE CHERRY: it just wants to adjust it and make it pretty for you. Mr. Chairman, Commissioners I was (Indiscernible) that Director Sandoval would attempt to steal my spotlight

for this mobile app and I hope you all had a chance to see these lovely table tents that I slipped in first thing this morning for the meeting.

CHAIRMAN KIENZLE: I pulled it up on my phone.

LANCE CHERRY: You're all right. You are able with those cue codes on there to download that app from either the Google Store or the Apple Store. It operates on both Android and IOS Devices. To begin with this mobile app was a free app that we provided to the public. It was done as a collaborative effort between the New Mexico Department of Game and Fish and Parks by Nature Network. It was absolutely free to the state. I think that's important to know, that we have bought a really quality partnership that we were able to produce an app and again, provide that free to our public. One of the greatest features that this app has is this advanced GPS mapping that's loaded to it. What you'll notice with our maps is that it has a toolbar down the right hand side of these maps. If you down something through the top of it, you're able to switch and move this thing even into satellite use. It has buddy tracking so that you enter a buddy and be able to find out exactly where they are, where they're hunting. It works real simple user. Your able to mark low points, take photo of low points, track your tracks. It has a handy dandy compass in the top corner, In addition to that, we've broken this app up and stuffed it full of information from the department. So what's really cool is in the two sections where we may want to hunt or may want to fish, within our hunting section we actually have a hunting map there and the hunting map aside from zeroing it in, if you'll notice has unit boundaries. I'm going to bounce back over here real quick because this makes it nice and clean and so your able to see where you're at within the units. Each of the units also have information tabs on them that show you the complete boundary description. In addition to that, as you zoom in to lower levels you notice here that you have land status. I think that's a really important feature for our hunters out

there. Something that they've always asked for and so this gives you a pretty good time location to where they're at. You (Indiscernible) this in the top there you have a little GPS accuracy. It can tell you right now it's within 50 meters of where we're standing right now. Again, all those other great same features are available both within that map system. I'm going to bounce out here real quick because I want to show you on the fishing side for the fishing waters map. Something that our customers have long wanted is access points. We have complete access points all throughout the State of New Mexico to all of our fishable waters.

COMMISSIONER: Where's Garrett?

[Laughter]

LANCE CHERRY: Again, the same types of things –

CHAIRMAN KIENZLE: So is that on the GPS map function of this?

LANCE CHERRY: It is on the GPS map function. So you know again, it's just chalked full of detail and it's got lots of information where you can go to find those access points. I'm going to bounce back on you again to jump back into the hunting side. So within the hunting side of this, you are able to access your license and permit information right off of our website. It fills it in, it fills the information in. This is one of those areas that we will enhance as we move forward. You're able to access all the rules and information books that you need for your hunts. You're able to report your harvest. You're able to find your sunrise and sunset and perhaps one of the most exciting things for me as an I & E Chief is that you are also able to access your home line hunter education opportunity to get yourself certified. You can work through that all the way through this app. In addition to that, we have a whole bunch of buddy information that we provided. We have a big news feed. It will connect you to all of our social media along with this

RSS Feed for those of you who may or may not be used to – my hands are (Indiscernible) so sorry about that. So RSS Feed, what it actually does is that the latest thing that we have posted within our website will feed into that feed and so you can get the latest information as we post it within our department website. In addition to that, again we also have operation game feed contact information. The types of rewards that you can earn. How you can support the program and also the ability to report a violation right there.

CHAIRMAN KIENZLE: Oh, September 23 is National Hunting and Fishing Day in New Mexico.

COMMISSIONER: That is correct.

CHAIRMAN KIENZLE: How can it be national though if it's in New Mexico?

[Laughter]

DIRECTOR SANDOVAL: We're a part of that union.

CHAIRMAN KIENZLE: We are a part of that union. Yeah, there is a state between Arizona and Texas.

LANCE CHERRY: And so the other thing that we have on here too is for many people who don't know, William (Indiscernible) our Wildlife Magazine. You actually are able to get on to the mobile based version of that magazine. It's really cool. It's photo rich.

COMMISSIONER: Can you go back to that screen before? Where's Bobby at?

LANCE CHERRY: Is it this one or back to operation game and fish?

COMMISSIONER: No, the one you had just before. It had something about horn sheds.

DIRECTOR SANDOVAL: Oh, wildlife. It was the main feed –

LANCE CHERRY: Oh, the Wildlife Magazine.

COMMISSIONER: Wonder how it sheds. There's Bobby's problem. Right there. Raccoon bottom left. Time to hunt sheds.

[Laughter]

LANCE CHERRY: So the app allows you to get back and forth, all the way around. Things are really simple to get back to your home screen. (Indiscernible-static) promo things that are important that are going on with the department. Again, you're able to do any of the types of information that are most crucial for you. Our app guide up here in the corner, all the information about what each of those functions do, including a guide right there so that you can tell what each of the points and pieces (Indiscernible) within your map. I think one of the things that folks really will appreciate in here too is that within that additional water section, there's about the department. You can find out you know, exactly how to contact the department. We also have a R, every office information so that they can get a hold of them easy. And the last thing that this mobile app does and I can step out of that. the last thing that it does is that we have the live time ability to make updates and corrections to this on a (Indiscernible) user system. We're also able to push out notifications to our hunters using this app. So say we have a lake closure or a fire closure or something happens and we're able to get that information in to the hands of our customers. This is yet another tool that we will be able to that.

CHAIRMAN KIENZLE: What's the plan to give notice to the public and get them hooked up?

LANCE CHERRY: Chairman Kienzle, we actually started doing that right away. As soon as the app is posted, first thing we would do is hit social media really heavy. We have since reached out

to all of our customer based which was about 235,000 current customers and substantially more that we reached out to and were able to send the message directly to them. In just the first couple days alone, our numbers from our vendor have showed that we've had about 4,000 line loads on our website, 2,000 on the (Indiscernible) but our vendor (Indiscernible-static) system when we put that last out showed us that we had an additional 6,000 downloads.

CHAIRMAN KIENZLE: So Outfitters and Guides, Wildlife Federation will you tell the, kind enough to tell your members that this exists? That would be helpful.

LANCE CHERRY: And then we've been very pleased with our response on social media. Our customers of, have been absolutely excited and thrilled about this. With that, I'll stand for any questions.

COMMISSIONER: Good job.

COMMISSIONER RYAN: This is cool.

COMMISSIONER RAMOS: I do have a question. Future goal hopefully, to have the unit wide versus ranch only layers in here as well?

LANCE CHERRY: Chairman, Commissioner Ramos there are lots of pieces that we are looking at. We are looking and our customers, we will be actively asking them to provide some of the things they would like to see enhanced but one of things that I think was important and I think as Director Sandoval pointed out in the last presentation, we are looking at bringing on with that electronic game check. That's huge. That's going to be a really major enhancement to this and then you know, there are things in there like fish species. Lots of information about that. My staff is currently doing work on getting game species as well. I particularly see this as a valuable tool

for folks like the water fowlers [Phonetic] who will be able to add water fowl (Indiscernible-static) and so there are a lot of things that we will look at and consider as we look at those maps.

CHAIRMAN KIENZLE: It's a work in progress. All right. Any other questions or comments?

COMMISSIONER: I think it's well done.

DIRECTOR SANDOVAL: Mr. Chairman if I may, Commissioners this has been a project of love because there's been a lot of effort put in by a core group within the agency and I would like to recognize Lance Cherry, Chris Chadwick, (Indiscernible-whistling) Parson. Who else am I missing?

LANCE CHERRY: Erin Lighly [Phonetic].

DIRECTOR SANDOVAL: Erin Lighly, so –

CHAIRMAN KIENZLE: Is this the app for the electronic tagging through the –

DIRECTOR SANDOVAL: Mr., Chairman that is correct.

CHAIRMAN KIENZLE: Okay. Well keep at it. Keep at it. Always a work in progress with these deals. Any other questions or comments? Okay. Can I get a motion to adjourn and do Executive Session?

DIRECTOR SANDOVAL: Commissioner Espinoza?

COMMISSIONER ESPINOZA: Yes.

DIRECTOR SANDOVAL: Commissioner Ramos?

DIRECTOR SANDOVAL: We need to read the, sorry.

CHAIRMAN KIENZLE: We do need to read this. Now give me the motion.

[Cross talk]

DIRECTOR SANDOVAL: My apologies.

CHAIRMAN KIENZLE: that's okay. Somebody read me the motion?

COMMISSIONER RAMOS: 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 in Section 10-15-1(H)(7) NMSA 1978 on matters subject to attorney-client privilege relating to threatened or pending litigation in which the Commission under department is or may become a participant as listed on Agenda Item 18; Subsection A, B and C.

CHAIRMAN KIENZLE: Roll call.

DIRECTOR SANDOVAL: Commissioner Espinoza.

CHAIRMAN KIENZLE: Wait. We've got to get a second.

COMMISSIONER: Second.

CHAIRMAN KIENZLE: Roll call.

DIRECTOR SANDOVAL: Commissioner Espinoza.

COMMISSIONER ESPINOZA: Yes.

DIRECTOR SANDOVAL: Commissioner Ramos.

COMMISSIONER RAMOS: Yes.

DIRECTOR SANDOVAL: Commissioner Ryan.

COMMISSIONER RYAN: Yes.

DIRECTOR SANDOVAL: Commissioner Ricklefs.

COMMISSIONER RICKLEFS: Yes.

DIRECTOR SANDOVAL: Commissioner Salopek.

COMMISSIONER SALOPEK: Yes.

DIRECTOR SANDOVAL: Vice Chairman Montoya.

VICE CHAIRMAN MONTOYA: Yes.

DIRECTOR SANDOVAL: Chairman Kienzle.

CHAIRMAN KIENZLE: yes.

DIRECTOR SANDOVAL: So we are sitting in the room which Executive will occur.

[Cross talk]

DIRECTOR SANDOVAL: Is the recording on?

COMMISSIONER: Yeah, but the boss needs to come back.

DIRECTOR SANDOVAL: Okay, go ahead.

COMMISSIONER ESPINOZA: Does the Chairman have to read it or –

DIRECTOR SANDOVAL: No. Anybody can read it.

VICE CHAIRMAN MONTOYA: This Commission had adjourned into Executive Session closed to the public and during the Executive Session the Commission discussed only those matters specified in this motion to adjourn and took no action as to any matter.

DIRECTOR SANDOVAL: Nope. Now we need a motion to adjourn the meeting.

COMMISSIONER ESPINOZA: So moved.

COMMISSIONER RAMOS: Second.

VICE CHAIRMAN MONTOYA: All those in favor?

COMMISSIONERS: Aye.

VICE CHAIRMAN MONTOYA: Opposed? Motion carried.

DIRECTOR SANDOVAL: All right we are adjourned.

Re:

Game Commission Hearing

C E R T I F I C A T E

I, Cheryl Melgarejo and Rose Leonard,  
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  
by nor related to nor contracted with (unless  
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Cheryl Melgarejo/Rose Leonard

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APPROVAL OF MEETING MINUTES  
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Red River, NM 87558

September 28, 2017

  
\_\_\_\_\_  
Alexandra Sandoval, Director and Secretary

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Paul M. Kienzle III, Chairman  
New Mexico State Game Commission

  
\_\_\_\_\_  
Date

AS/scd