

**MEETING MINUTES
NEW MEXICO STATE GAME COMMISSION
Special Meeting and Rule Making Hearing
Wednesday, December 20, 2017
Albuquerque Marriott Pyramid North
5151 San Francisco Road NE
Albuquerque, NM 87109
9:00 a.m. –12:00 p.m.**

A P P E A R A N C E S

Chairman Paul Kienzle

Vice Chairman Bill Montoya

Game Commissioner Craig Peterson

Game Commissioner Ralph Ramos

Game Commissioner Bob Ricklefs

Game Commissioner Thomas Salopek

Game Commissioner Elizabeth Ryan (participated remotely via
telephone)

A B S E N T

None

DIRECTOR SANDOVAL: Good morning. Commissioner Peterson.

COMMISSIONER PETERSON: Present.

DIRECTOR SANDOVAL: Commissioner Ramos.

COMMISSIONER RAMOS: Present.

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DIRECTOR SANDOVAL: Commissioner Ryan.

COMMISSIONER RYAN: Present.

DIRECTOR SANDOVAL: Commissioner Ricklefs.

COMMISSIONER RICKLEFS: Present.

DIRECTOR SANDOVAL: Commissioner Salopek.

COMMISSIONER SALOPEK: Present.

DIRECTOR SANDOVAL: Vice Chairman Montoya.

VICE CHAIRMAN MONTOYA: Here.

DIRECTOR SANDOVAL: Chairman Kienzle.

CHAIRMAN KIENZLE: Present.

CHAIRMAN KIENZLE: Can I get an approval of the Agenda?

COMMISSIONER RAMOS: So moved.

VICE CHAIRMAN MONTOYA: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Ayes have it. You want to lead us in the Pledge, Ralph?

COMMISSIONER RAMOS: Yes, sir.

ALL MEMBERS: 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.

DIRECTOR SANDOVAL: Mr. Chairman, if I may for the record. Commissioner Beth Ryan is joining us at this Commission Meeting via the telephone.

CHAIRMAN KIENZLE: Thank you. Let's go around the room and introduce ourselves.

GUEST SPEAKER: Commissioners, Director, my name is Donald Jaramillo. I'm the Deputy Director for the Department of Game and Fish.

GUEST SPEAKER: Good morning Mr. Chairman, Commissioners, members of the public. My name is Jim Comins.

GUEST SPEAKER: Mr. Chairman, Commissioners, public. My name is Jacob Payne. I am General Council for (Indiscernible).

GUEST SPEAKER: Mr. Chairman, Commissioners, members of the audience. My name is Chris Chadwick (Inaudible).

GUEST SPEAKER: Commissioners, Director Sandoval, members of the public. My name is Craig Sanchez.

GUEST SPEAKER: Mr. Chairman, Commissioners, members of the public. My name is Lance Cherry. I'm the Chief of Information and Education Division for the Department of Game and Fish.

GUEST SPEAKER: Good morning. I'm Robert Griego. I'm Colonel of Field Operations for the Department of Game and Fish.

GUEST SPEAKER: (Inaudible).

GUEST SPEAKER: (Indiscernible).

GUEST SPEAKER: Good morning. I'm (Inaudible).

GUEST SPEAKER: Good morning. I'm Peter (Indiscernible) Las Cruces.

GUEST SPEAKER: Good morning, Sherry Barrett, Mexican Wolf Recovery Coordinator Fish and Wildlife Reserve.

GUEST SPEAKER: Good morning everybody. I'm Maggie Dwyer. The (Indiscernible) and Recovery Coordinator.

GUEST SPEAKER: Good morning. I'm John (Indiscernible), the field Project Coordinator for Game and Fish Wildlife.

GUEST SPEAKER: Good morning. I'm John Beradley. I'm an External Affairs Officer with U.S. Fish and Wildlife.

GUEST SPEAKER: Good morning. I'm John (Indiscernible). President of New Mexico Cattle Growers,.

GUEST SPEAKER: I'm Amy Luder (Indiscernible) Director off U.S. Fish and Wildlife.

GUEST SPEAKER: (Indiscernible). Assistant Regional Director of (Indiscernible).

GUEST SPEAKER: (Inaudible).

GUEST SPEAKER: (Inaudible).

GUEST SPEAKER: (Inaudible).

GUEST SPEAKER: Good morning. I'm Joel Gay. I'm here today with the New Mexico Chapter of Back Country Hunters and Anglers.

GUEST SPEAKER: Mr. Chairman, Director (Indiscernible).

GUEST SPEAKER: (Indiscernible).

GUEST SPEAKER: (Indiscernible).

GUEST SPEAKER: (Inaudible).

GUEST SPEAKER: John Morrison from Albuquerque.

GUEST SPEAKER: Dion Redman, Rocky Mountain Elk Foundation.

GUEST SPEAKER: Brent (Indiscernible), New Mexico Association (Indiscernible).

GUEST SPEAKER: (Inaudible).

GUEST SPEAKER: Good morning Mr. Chairman, Commissioners, Stewart Liley, New Mexico Game and Fish Chief of Wildlife.

GUEST SPEAKER: Christopher Smith. I'm here with (Indiscernible) Guardian and (Inaudible).

GUEST SPEAKER: Oscar Simpson representing New Mexico Sportsmen, Albuquerque, New Mexico.

GUEST SPEAKER: (Inaudible).

GUEST SPEAKER: (Indiscernible).

CHAIRMAN KIENZLE: All right. Thank you and good morning to everyone. New Business, Agenda Item Number Four, U.S. Fish and Wildlife Final Recovery Plan for Mexican Wolves. Mr. Liley.

STEWART LILEY: Good morning Mr. Chairman, members of the Commission. Before you today, I'm just here to update you on what the final plan on the Wolf Recovery Plan, the first revision said compared to the draft that was updated to you in the August Commission Meeting.

So a little bit of brief background on this plan's revisions. There were workshops held throughout 20015 through 2017. I think there was six workshops held throughout both Mexico and the United States to discuss this plan revision including all the biological data that went behind the plan and to help finalize or formalize with the service this plan. That draft recovery plan that you guys, the Commission saw and were updated on at the August meeting was released on June 29th of this year for public comment. Public comment closed at the end of August with the final plan signed and released. It was signed on November 28th and released for the public. The biggest thing in the plan is the criteria, the measureable criteria that the plan states fir delisting is a minimum of two populations that have met abundance in genetic criteria. The U.S. population being in the (indiscernible-coughing) south of I-40 from California to Texas, is a population equal to or greater than 320 animals over eight consecutive years. An average of 320 over eight consecutive years and that has not changed from the draft that you all saw back in August. The service did clarify what the average of 320 meant. It doesn't mean that it has to be over 320 for all eight years. There could be years where it's below 320. It could be 200. It could be above 320 but really it comes down to, the average has to equal 320 over an eight year period. The other thing of the plan that's different from the plan you saw in August was the last three years that population has to be above. The abundance has to be above 320 and overall, the growth rate of the population has to be stable or increasing throughout that eight year period. The genetic diversity criteria where it releases from the captive population in to the wild has the equivalent of 22 wolves is the same as what you saw back in August. So no change in the genetic criteria as it pertains to releases. In Mexico, it has both abundance criteria and also a genetic criteria. The abundance criteria states an abundance greater than or equal to 200 over an average of eight years. That is different than what you saw in the August Plan. The August Plan

was 170 animals. Between August and when the plan was finalized in November, the service, along with the contractor that was running the model, the Vortex Population Viability Model, reran the numbers and looked at what that population was doing towards about year 50 or later at the abundance 170, the population actually started to decline and so in order to maintain a population that wasn't declining or stabilized at or above a population threshold, they found it had to be 200. Mexico was in part of the decision on moving that or integral part of that decision of moving that population up 200 for the criteria. They feel that that is a position that they can handle and the habitat within Mexico can handle that population criteria as well. The genetic criteria was not changed from the August Draft to what you saw there. So really, the major changes from what you have seen in August to now is again, that Mexican criteria, the abundance criteria moving from 170 to 200. The language on the regulatory mechanisms post a listing also changed. The department actually had a comment on that, on the draft. The previous language said it must maintain a viable population. That the department really was asking what, define what a viable population is rather than an arbitrary viable and the new language basically says regulatory mechanism are in place post delisting that the population will stay above 320. So it says that the criteria is met and the population won't go below what the criteria is. So the service took heed to our comments and put that into the second criteria on that. A clarification on the abundance criteria, like I stated, they explicitly stated what the population had to be over the last three years of recovery. That it's an abundance that could be that's the average of 320 over an eight year. So again, it could be below and above that 320 and the population has to be stable or growing over the eight year period. One of the other things that was changed from the draft to what you saw in the final revision was in the previous draft, the U.S. Population would have been able it to be down listed from endangered to threatened if the Mexican Population had met

its criteria. So there is, because endangered species that has regulatory over U.S. Populations, not Mexico, they felt like a down-listing from endangered to threatened in the U. S. can't happen unless that U. S. Population is doing well enough. So that was removed from the draft plan to the final. And then lastly and importantly for this, is clarification on the release language and I'll get to that here in a second. It's a little weary on the slides. I wanted you guys to be able to actually see what it said but they did clarify in our comments from the department to the service. We asked for clarification on exactly what they were meaning by the language. Previously in the draft, the language read to the point of, the state will determine the time and location and circumstances of releases of wolves into the wild within their respective states in Mexico from the captive population with the service providing collaborative support and facilitation of those resources. We really wanted to get more detail of what that really meant. The service went forward and they changed the language and the language in this final plan states in order to achieve the genetic criteria for down-listing and delisting the Mexican Wolf in this plan, decisions regarding the time and location and circumstances of wolves or releases of wolves will be based on impute from the inner agency field team. Now the inter agency field team or the biologist working on the ground made up of collaborating agencies such as Arizona Game and Fish and some of the other entities that are on the ground releasing wolves and will be made cooperatively by the service with the State of New Mexico with respects to releases in New Mexico. And additionally, this is big I think, additionally prior to inner releases occurring the service will comply with state permitting requirements. And so that is a clarification in what the language is as it pertains to releases of wolves into the wild in New Mexico and Arizona to meet the genetic criteria as set forth in the plan. Unlike the previous plan that was finalized in 1982, this plan does have objective and measurable criteria. So there are indices to meet that would

meet the plans objectives that they think the population at that time could go (Indiscernible-coughing). There are sites specific management actions in this plan as well and they have estimate time and cost on that. The estimated time to recovery on this plan is 25 to 30 years to delisting. If that population continues to grow, at least the U. S. population at the rate it has and in recent history, that may happen sooner than the 25 to 35 years and then also an estimated cost, both the cost in Mexico and U.S. accrued over the course of recovery is estimated at about \$178,000,000,000. So that is the plan from the standpoint of what you saw and what was presented from August to now. Very few changes were made. Those few were. One other thing I wanted to discuss real quick today. Outside of the plan is the 2018 release plan for the service. Release of wolves from captivity in accordance with what the goals of the plan are. The service has released its translocation plan for 2018 and that consist of cross-fostering the puppies only. It consists of cross-fostering up to 12 puppies across New Mexico and Arizona into the wild. Again, that would just be taking captive born puppies and putting those into wild born dens. There is the potential with this translocation plan to remove puppies that are genetically redundant in the wild and put those into captivity to better benefit the genetics in the wild. One of the plans the service would potentially like to have available is to remove wild born puppies in Arizona and put them in captivity potentially in the Ladder Ranch. That action would require Commission action and we would like to seek that. The department recommends that would be a good viable option removing those genetically redundant puppies from the wild, putting genetically unrepresented puppies from the captivity into Arizona but taking those out and allowing the Ladder to hold those puppies at the Ladder Ranch with the captive board then with the restriction that those puppies that were put into the Ladder wouldn't be released without prior approval. So the department would recommend the Commission taking action potentially on that

today to that affect for the 2018 translocation. One of the other things the translocation plan has in it this year is there's a brother-sister pair going on in Arizona. They want to break that brother-sister pair so they don't breed, bring the female into captivity into a federal facility at Sevilleta and potentially artificially inseminate her and then put her back out in the wild so she doesn't breed with her brother again. So with that I would take any questions, both on the recovery plan and then also like on the translocation plan as well and also probably ask for a motion on acceptance of allowing wild born puppies in Arizona to be brought to the Ladder Ranch to a den in the Ladder and again, additionally prior approval for release for any of those puppies out of the Ladder Ranch.

CHAIRMAN KIENZLE: Questions?

COMMISSIONER RAMOS: Chairman, Stewart, probably one of my questions is the translocation. Once we reach that 320 you know, average of let's say in the U. S. Are we going to be translocating wolves to Mexico to help them reach their 170 to 200 goal as well?

STEWART LILEY: Mr. Chairman, Commissioner Ramos so there's the potential to actually remove some animals from the wild in the United States to Mexico before the 320 is even met. So there is in the recovery plan, some of the goals do state that to benefit the population in Mexico, translocation out of the U. S. Population can help to benefit that. Once 320 is met, there are also some triggers in the plan that would say that we try to keep that population around 320 or the potential to. Whether that be translocation into Mexico, putting them into captivity or potentially removal of animals out of the wild. That also is a potential in the recovery plan.

COMMISSIONER RAMOS: Chairman and Stewart, also you know, my biggest concern with that is our elk population as well. With 320 wolves on the ground, you're looking at between 85

to 18,000 elk being taken you knows, per year. You know with the Greater Gila only having 18,000. Of course, this is in New Mexico only. You know, that's one of my biggest concerns and I would hope that this plan would allow us to manage these wolves, keep them at that number you know and allow the state to manage that population to sustain our population of elk as well and that is a huge concern of mine and I hope that there's open mindedness to manage them at that level.

STEWART LILEY: Mr. Chairman, Commissioner Ramos in the plan itself it doesn't address it but more importantly, in the rules that govern the wolves on the ground in the United States, the 10(J) Rules as they're referred to, there's a clause in that rule that discusses an unacceptable impact to ungulates in the respective state agencies. If we can demonstrate an unacceptable impact to that population, we will be able to petition the service through a scientific review to remove wolves, either to captivity to Mexico or lethal removal. It doesn't have a population threshold at which that could occur. The department is working with Arizona Game and Fish right now to determine a study plan to really start scientifically looking at potential impacts of wolves, the elk populations across both states. So we're in the process of doing that right now.

COMMISSIONER RAMOS: Right. One of my things is I'm all totally all for the science based research and the process that we're going through and I think that's a good thing and again, I understand the brother-sister pairs being broke up. You know with all the genetics and all that that's going on and I just you know hope that you know, my biggest concern is that we don't reach the 6-700 number of wolves and Mexico still be in the 90 or 80 population. So I just hope that we work internationally with them and really support these goals to get them from, removed off the Endangered Species List.

CHAIRMAN KIENZLE: Let me speak on the Mexican portion of this. I had an occasion last week to visit with one of the gentlemen who's running the program in Mexico. They're ready to go. They're motivated but they have an election coming up in a year. Things may change. The resources they're able to dedicate to this issue are a whole lot smaller than what we're able to dedicate to this issue here in this country. So we're going to have to cooperate pretty heavily with them and assist them in every way possible with people and resources to get their portion of this done but they are motivated. They know what they're doing. It's just a matter of time and resources to get the job done. So if you recall when we visited on the proposed plan, I was concerned about the Mexican component of this. Were they ready to go? Having done some due diligence since that time, I'm satisfied that our neighbors to the south are ready to go and with our help, I think they'll get the job done. Yes, sir

COMMISSIONER SALOPEK: Good morning, Stewart. You said at the last meeting on the recovery plan, did you look at, was there any discussion on the compensation to landowners and or ranchers for depredations of cattle?

STEWART LILEY: Mr. Chairman, Commissioner Salopek, so under the recovery plan it doesn't address specific compensation. It does address concerns about as the population grows there probably is going to be a need for more removals out of the population just as it was found in the Northern Rockies, etc. The service does have compensation programs that are available right now that they are running and they've been helping with Defenders of Wildlife, etc., but the plan itself does not address compensation.

COMMISSIONER SALOPEK: I was just wondering. Thank you.

VICE CHAIR MONTOYA: Mr. Chairman?

CHAIRMAN KIENZLE: Yes, sir.

VICE CHAIR MONTOYA: Stewart, looking at the 12 pups that we're looking at for exchange and manipulating from one population to the other. Is there any other wolves that will be released during the 2018 that we know of in New Mexico and if you know about in California? What will the total release of wolves' and pups and adults in both areas next year in 18 to your guesstimation [Phonetic]?

STEWART LILEY: Mr. Chairman, Commissioner Montoya, so the plan calls for release of up to 12 puppies in Arizona and New Mexico. 12 I think would be very great if they could get to that to where they could have enough packs that lineup both, in the wild and the captive to where the timing of the puppies born are the same so hopefully the service can get 12 puppies released both in Arizona and in New Mexico to try to get towards the genetic recovery criteria sooner. As far as adults only. Adult translocation that would happen would be that female in Arizona coming into captivity, being breed for either artificially inseminated. If she takes the artificial insemination great. If not, breed with a captive male and then be brought back to Arizona. Outside of that, no adult translocations are in the 2018 plan as it stands right now.

VICE CHAIR MONTOYA: So obviously, the plan that we're looking at now is Arizona and New Mexico in total and when you talk about pups being released, then it could be along the border of both sides or whatever in the wolf population that we're talking about?

STEWART LILEY: Mr. Chairman, Commissioner Montoya, so if I'm understanding you correctly, yes in the U.S. only it would be the 12 puppies.

VICE CHAIR MONTOYA: Okay.

STEWART LILEY: Mexico itself may try to translocate more adults. The plan from the Mexican Government yet I don't think is solidified. It sometimes changes depending on safety concerns and the release location just because of the drug trafficking that does occur in some of those areas. But for the U.S. itself, the plan for the 2018 is just those 12 puppies and that one female that they're going to remove for temporarily and put back in.

VICE CHAIR MONTOYA: Okay.

CHAIRMAN KIENZLE: Following up on what Commissioner Ramos said, if our ungulate herds are being hurt. What was it? Unacceptable—

STEWART LILEY: Mr. Chairman, an unacceptable impact.

CHAIRMAN KIENZLE: Right, unacceptable impact. Again, this goes back to one of my favorite concepts is federalism. You know, all of this is why you have a recovery plan, we've got state permitting requirements. A lot of this is done on a handshake and if we have a problem, I hope Fish and Wildlife Service respects that but I think it's people working together to get this resolved and so I'm hoping that over time there's a level of trust that's built up from today forward. From June forward and then if we are having a problem we can get that addressed and get it addressed quickly because you can obviously lose an elk herd pretty quick. You can lose a hunting season. You can lose those opportunities. So I know that Stewart and your team will keep close tabs on that and if there is a problem somebody needs to shoot a flare up and say we've got a problem and then hopefully we can get it addressed but we've got to build those bridges I think to accomplish that.

COMMISSIONER RAMOS: Absolutely and I'm very transparent in wanting just to ask a little deeper question because there's still a lot of if's out there if Mexico government leadership is

elected and doesn't want to support this. Let's say Mexico was to be out of the picture, we can only control what we have in the U. S. So therefore, you were saying south of 40 to California into where?

STEWART LILEY: Mr. Chairman, Commissioner Ramos it's Arizona and New Mexico south of I-40.

COMMISSIONER RAMOS: Okay. So with that being said, we've already expanded the original historic range of the Mexican Wolf population. So with that being said, let's say Mexico was again a huge if out of the picture. What number would be to target towards delisting at that point if that was to happen?

STEWART LILEY: Mr. Chairman, Commissioner Ramos, in the recovery plan there's two provisions basically to say, is the populations performing as they thought they would and has the status stayed the same and it's called a Five Year Review and a Ten Year Review. The service at five years into the plan will review to see what's happening both in the U. S. and Mexico to make sure that it's tracking along as planned and if not, at that time they might have to make a revision to the recovery plan. What that revision might look like may be different recovery criteria because one population is doing better or worse than they thought or one or governments in Mexico changed decisions. So at that time of the five year and the ten year reviews, the service could make recommendations in cooperation with their partners to change the trajectory of what the recovery plan would look like.

COMMISSIONER RAMOS: And that Five Year Review is going to happen regardless?

STEWART LILEY: Mr. Chairman, Commissioner Ramos, yes. That will happen regardless.

COMMISSIONER RAMOS: That way we don't repeat history again and have a plan that's been really not looked at for so long. So I think that's great. I can live with that.

VICE CHAIR MONTOYA: One other question Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

VICE CHAIR MONTOYA: Stewart, you've been working with the recovery group and the plan all along. Pretty comfortable with what we've got going? Live with it? Impute wise, are we comfortable with that?

STEWART LILEY: Mr. Chairman, Commissioner Montoya yes. I think this is. I think it was done by a lot of good scientists. The science behind this plan I think is robust. I think as Commissioner and Chairman Kienzle stated, Mexico is on board, wants to work towards recovery of this species. I think that we could recover the species within historic range and I think these numbers and what the plan says will recover this population within the United States and Mexico within historic range.

VICE CHAIR MONTOYA: As you know, I've been a big critic on saying hey, we've got to have something that we can look at and something that's going to tell us at what point do we do what and then looking at the, at least the second draft I guess or the first revision. Looks like we got what we wanted and it's reasonable so I'm fine with it.

CHAIRMAN KIENZLE: Commissioner Ryan, do you have any questions or comments?

COMMISSIONER RYAN: I don't. I'm supportive of the current (Indiscernible).

CHAIRMAN KIENZLE: Do you have a motion or do you have a suggested--I'm sorry.

COMMISSIONER RICKLEFS: Questions. Stewart, in the 25 or 30 years of foreseeing in this plan. Right now wolves north of I-40 are captured and returned to the experimental population area. Do you foresee, according to this plan, down the road if there's a lot of population and then they're trying to get north of IO-40 in which case they will not be under the experimental population. They will be fully protected under the Endangered Species Act. Do you foresee that that's a possibility? That they'll allow them north of I-40?

STEWART LILEY: Mr. Chairman, Commissioner Ricklefs under their 10(a)(1)(A) Permit, there's a permit that allows a management of wolves on the ground. It states that any animal north of I-40 will be captured and returned into what was formally; they just called it the (MWEPA) of Mexican Wolf Experimental Population Area. I do not see this plan changing that permit. The permit should stay the same. That any wolves that venture north of established, north of I-40 will be returned south of I-40 as well as the rules governing the experimental population states that they shall put them back south of I-40. So I don't see any changes that this plan would. This plan only analyzed populations establishing south of that I-40 and also show that recovery can occur with just population south of I-40 and in Mexico.

COMMISSIONER RICKLEFS: But with your five and ten year review, that could change do you think?

STEWART LILEY: Mr. Chairman, Commissioner Ricklefs if the populations are not performing, the potentially could change. All likelihood would be from what we've seen from the current trajectories of the population in the U. S. and Mexico staying on board. I would not foresee that changing under the five and ten year reviews.

COMMISSIONER RICKLEFS: With the 2018 plan, if according to your scenario they remove pups from Arizona and bring them to Mexico, will you be coming to the Commission post-action asking permission for that importation?

STEWART LILEY: Mr. Chairman, Commissioner Ricklefs we would actually, the department's preference would be to actually get approval from the Commission today for that action and so those puppies—because it happens on a quick notice. Once those wild litters whelp puppies they really have to move fast. We'd rather have the Commission give approval for importation of wild born puppies in Arizona to be imported to the Ladder Ranch. Again, conditional upon any, those puppies cannot be released without prior approval but we had asked for action today for just the 2018 translocation or of cross-fostering events, those puppies be allowed to come to the Ladder if need be.

CHAIRMAN KIENZLE: So that's for importation only?

STEWART LILEY: Mr. Chairman, that is correct.

DIRECTOR SANDOVAL: Mr. Chairman, I think under consideration too would be release into the wild of those pups.

CHAIRMAN KIENZLE: And what was the top number on release? Was it 12 or was it six? I don't recall.

STEWART LILEY: Mr. Chairman, it is 12 in totality across both states. Arizona has a restriction of no more than six in their state. So theoretically, it would be six and six if they did the max in Arizona but it could potentially be all 12 here if it was better for the wild population to put puppies here.

CHAIRMAN KIENZLE: Understood.

COMMISSIONER RICKLEFS: I would hope that since Arizona has a limit on six that New Mexico could have the same limit. For instance, if only two go to Arizona there would be ten in New Mexico. Also, this year they removed puppies from dens when there were too many. Is there any agreement that that might happen?

STEWART LILEY: Mr. Chairman, Commissioner Ricklefs, so previously, in their standard operating procedures for cross-fostering, I believe and the service can correct me if I'm wrong. They do not want to make up a wild litter greater than, I believe it's eight. So let's say there is seven puppies in the wild litter, they would need to remove some (Indiscernible) if they were going to try cross-foster in two so that wild litter did not consist of eight. Also, I think if its beneficial to the wild population to remove some genetically redundant puppies out of the wild, I think it would be beneficial for the service to attempt to remove those puppies and put them into captivity. Some of the puppies in the wild right now, given the pairings could potentially be better for the genetics in the wild depending on who the pair is but I think the focus from, what my focus would be if I was out there would be to focus cross-foster events on those where it's genetically most beneficial for the wild population.

COMMISSIONER RICKLEFS: Just one more question just about the cost. I believe the draft that we saw in August, the cost was \$262,000,000. Now I notice its \$178,000,000. Have you reviewed how the service saved the \$80,000,000.00?

STEWART LILEY: Mr. Chairman, Commissioner Ricklefs, yes. After the August meeting they call it the middle management team of the wolf release met in Arizona to discuss that exact thing. That the cost table and we went through it and through all different participating agencies

went through and looked at what was reasonable. What wasn't reasonable in that? So as more work done post the release of the draft and prior to the draft. I think in the draft they were really trying to get the main sustenance, the biological report out and also the actual recovery criteria and not as much focus on the economics of it. Whereas, post the first draft, they really worked hard on that including working with Mexico. So as for the exact savings where it came in, I couldn't really speak that. The service would be better but it was looked at by all entities in between the draft and the final revision.

COMMISSIONER RICKLEFS: Thank you.

COMMISSIONER: Stewart, what's the definition of redundant?

STEWART LILEY: So basically if you have, and this is my own term. It's not the services. I'm putting this in for the service but my opinion is if you have genetics that aren't going to benefit you. If it's over represented in the wild population. Let's say your families are representing the wild population. If it's beneficial to bring some other family lineage in to that, the wild population. That's when I think the service should really, should look at doing something to that extent.

COMMISSIONER: Thank you.

CHAIRMAN KIENZLE: Yes, sir?

COMMISSIONER RAMOS: Just a quick question. I know that we're presented targeted locations where release would be happening and whatnot. My question is, how has the communication in the past been and how is the communication currently and what are our goals with that as far as knowing when it's going to happen and communicating with people in those areas or how is that going to happen?

STEWART LILEY: Mr. Chairman, Commissioner Ramos, so the service has already reached out to the local area on their 2018 translocation plan. They're taking public comments currently right now. This part of it as well. Coming in front of the Commission so you're well versed and aware of what their plan is. So I would say the communication has improved in recent history in the last five years and I think it will continue to be so now that we all know what the plan is.

What recovery requires. You know, we now know how many releases need to happen out of captivity to meet the genetic criteria and I think now we can work towards some kind of a goal and people now understand what that goal potentially is. So I think it will only help to communicate that now. Better rather than releasing animals not knowing what the final goal is.

COMMISSIONER RAMOS: And I ask that question because as a Commissioner and with our constituents those are the rumors that are out there that we get targeted to address and I just wanted that to be stated on record. That way we can address it accordingly the way it's happening. Thank you.

CHAIRMAN KIENZLE: I'm going to take public comment here in a second but what is your suggested motion or motions that you would like the Commission to consider?

STEWART LILEY: Mr. Chairman, as far as the plan, you know the department is in support of the plan. The department thinks it's a science based plan that will recover the Mexican Wolf within historic range. As far as the translocation, I think it is beneficial to the service to move wild born puppies out of Arizona and import into the U. S. or excuse me, into the Ladder Ranch if necessary to help improve the genetics on the landscape and reach the genetic criteria faster. The cross-fostering I think is a much better management tool than release of naïve adults. So the department's in support of cross-fostering as a way to meet the genetic criteria as well. So I guess I would say in support of those issues.

CHAIRMAN KIENZLE: Okay. So I'm going to ask you while I take public comment to confer with the Director and come up with something that you want us to specifically consider.

COMMISSIONER: (Indiscernible).

CHAIRMAN KIENZLE: We're going to get there one second. But anyway, if you'll work something up so we have something to work off of after I'm done with the public comment.

STEWART LILEY: Yes, sir.

CHAIRMAN KIENZLE: Did you have a comment Commissioner Peterson?

COMMISSIONER PETERSON: No, I didn't.

CHAIRMAN KIENZLE: Okay. And we'll wrap up again with Commission comments after public comment. Tom Sidwell?

TOM SIDWELL: Thank you Mr. Chairman and Commissioners. My name is Tom Sidwell. I'm President of the New Mexico Cattle Growers Association and the one item I want to bring up and we've brought it up before, is the lack of compensation or adequate compensation for livestock losses. Society pays for the Endangered Species Act. We pay for it through our taxes but the landowners and these owners of livestock are paying more than their share. They're paying a heavy burden for the wolf and so I just bring that up. I don't know what we can do about it. It's not addressed in this plan but --

CHAIRMAN KIENZLE: Would you describe for me the process you go through when you have a wolf kill or you think you have a wolf kill?

TOM SIDWELL: Well myself, I'm not in the wolf area or where the wolves are currently located but if there is a livestock owner suspects a kill then he contacts the Wildlife Services for

verification. There's a lot of problems with verifying whether it's a wolf kill or not I believe and a lot of our members believe that there are more kills than what are actually verified as being wolf kills. These suspected kills are difficult to find in rough mountaineers areas and so it may be a few days and so other predators may eat on them. It's a difficult task I understand but I think any rancher that in previous times new what his death loss was and now is having a higher death loss than the common denominator is the wolf and so we just feel that there needs to be some effort made to fairly compensate.

CHAIRMAN KIENZLE: Do you know what the going rate is for –

TOM SIDWELL: I'm sorry Mr. Chairman, I do not.

CHAIRMAN KIENZLE: Tanner [Phonetic], do you know? Market rate?

TOM SIDWELL: So that's all I've got to say. Thank you.

CHAIRMAN KIENZLE: Thank you. I appreciate your comments. Oscar Simpson? Nice to see you again, Oscar.

COMMISSIONER: You usually pass Oscar.

CHAIRMAN KIENZLE: Yeah. You're not going to pass today? Okay.

OSCAR SIMPSON: I am Oscar Simpson. I'm the State Chair of the Mexico Sportsmen. Thank you very much Mr. Chairman and members of the Commission. I've been monitoring this for quite a while. I've supported in the past. I supported wolf reintroduction. Finally, there is some agreeable terms that we seem like to be all there but what I think is lacking other than the cross-fostering. The population hasn't gained much in umpteen years and we've got a long ways to go to reach over 300 based on the limited range that they established. The department and the Fish

and Wildlife Service need to evaluate genetically what naturally occurring wolf reintroductions need to be put into the wild. In other words, from the captive population they have now. So I know the politics or I believe the politics in the past have only limited to cross-fostering. So I think that is a limiting factor. It's very costly. I understand the genetics and the science of trying to increase the genetic diversity but it seems like we have a huge problem with increasing the population of the wolves that'll let be genetically viable. Also, the key factor I would like to state is, we need to do something about the illegal kills. So that is something I think that's really hindering the viability for future growth and development. Thank you.

CHAIRMAN KIENZLE: Thank you. Jan Cohen?

JAN COHEN: I'm a New Mexico State Educator and I have a question about education. I'm glad there are a lot of information specialists here and educators also from the department. That's a good sign. In the future, will New Mexico Game and Fish Department take actions to educate hunters on how to accurately identify a Mexican Wolf versus a coyote in order to avoid further accidental shootings and this is specifically reference from the New Mckittrick Ruling that is currently in place? Additionally, will the department take actions either through hunting rules, brochures or other measures to educate trappers on what to do if they find a wolf in a trap? Hikers and campers should also be educated on what to do if they find a wolf or their dog for that matter in a trap. Are there any plans for this kind of education? This would be greatly appreciated. Preemptive action to education is always the way to go. So can anybody address my question?

CHAIRMAN KIENZLE: Well typically the way I handle those kinds of questions, it's something that I would visit with the director about to see if it's something that's appropriate for the department to work up a proposal on or not. In the past, the thing is you pointed out, we

haven't aggressively done that. It's not to say we won't do it in the future but we can put it on our To Do List I think.

JAN COHEN: And I'd be glad to offer my help. I've taught for 30 years in the state. So I have a strong background.

CHAIRMAN KIENZLE: And what I tell people, the Director, at least your email is always open. So the best way to start the process on almost any, whether its rule development, questions, is to send an email to the Director and then she is able to get it to the person best able to either answer your question or to start that dialog. So I would start with emails to her and we can take it from there.

JAN COHEN: Thank you and I will do that. Thank you.

CHAIRMAN KIENZLE: Thank you. Double shot of O'Sorio [Phonetic]. Jean and Peter. I'll have a single shot of O'Sorio.

PETER O'SORIO: Good morning Mr. Chair, Commissioners. I'm Peter O'Sorio. First of all, although I very much disagree with the substance of this recovery plan, I think you have been presented with a very accurate summary of the changes between the draft and the final. I think it fairly states what's in there and my quarrel is with the content of the plan, not how it's been presented which I think gives you a very clear picture. One of my concerns is the genetics and the need to get good genes out there quickly. Sooner rather than later. Right now, the only plans apparently are for cross-fostering and it's going to be a good trick and my hats going to be off to the IFT if they able to cross-foster 12 wolves. And therefore, I think the Commission should be very open to the service as you say, working back and forth. That if it's not feasible on a given year, such as 2018, to achieve all 12 cross-foster's, that other measures be looked at to make up

that genetic deficit quickly. Sooner rather than later because that's how we get to down listing, delisting and eventually complete management by the Commission --

CHAIRMAN KIENZLE: So I got a question for you. So is--

PETER O'SORIO: I usually refer these to the Director but I --

CHAIRMAN KIENZLE: I understand and I know her email is always open. So I'm familiar with that process but a question for you as a member of the public. How do you keep track of the issue that you just mentioned in terms of genetic diversity? I mean how are you able to stay on top of that to figure out whether you've got the diversity you want or not?

PETER O'SORIO: I look to the scientists. I look to the biologists who study this. I look to the service. I think the service is doing quite a bit of research on this.

CHAIRMAN KIENZLE: So my question is, are you able to get that information to your satisfaction to make a determination on the issues that you raised?

PETER O'SORIO: At this point, I think so because the goal is to retain 90% of the diversity in the wild population of that in the captive population and I think the service is constantly trying to monitor that when they do the genetic testing and identify the wolves and their parents when they capture and collar them.

CHAIRMAN KIENZLE: So as I've told everyone and I'll say it again. This is a team effort. So if you're not getting what you want or you think it can be done better, let the Director know. Let Stewart know. Let the service know and you know, it's one more piece of information we can factor into getting this animal recovery.

PETER O’SORIO: Since I did answer some questions, if I may have just a little bit of time to make one suggestion that actually cost nothing and would go directly to the heart. That is the greatest threat to the wolf in the recovery plan is human cause mortality and corollary of that is if we can reduce human cause mortality, recovery may come quicker which is I think something that the Commission would like to see also. There was a mention. I want to put a plug in further, the regulations.

CHAIRMAN KIENZLE: It’s Shakespeare. It’s pure Shakespeare of that.

PETER O’SORIO: People actually read these things, sir. And page 127 is a marvel and it tells what to do if you find a wolf. The problem is it’s under trappers. Five words will greatly improve this. Important reminder, wolves dead or found in traps. The cross reference is on important reminders. Really, very useful and if we added that to the next set oil regulations then not just trappers but anybody who bothers to read the rules. Outdoors people like us would know what to do.

CHAIRMAN KIENZLE: Will you email that suggestion to the Director? The rule book--

PETER O’SORIO: I’ll be happy to do that.

CHAIRMAN KIENZLE: The rule book is simple enough to change as long as it’s not --

PETER O’SORIO: And I may ask for autographed copies of the revision.

CHAIRMAN KIENZLE: Well I believe the Director’s autograph is in there already.

DIRECTOR SANDOVAL: A few times.

CHAIRMAN KIENZLE: Mine is not worth anything.

PETER O’SORIO: Thank you.

CHAIRMAN KIENZLE: Mya Monwata [Phonetic]? I get that right? No. Which part did I get wrong?

MYA RUMWAT: Mya Rumwat [Phonetic]. I'm here with (Indiscernible) of the Southwest. As someone trained in biology, including genetics, I'm very concerned that all parties here reliance on the cross-fostering (Indiscernible-coughing) will not allow the Mexican Wolf to rapidly recover. Now I do believe that we would all like to see recovery happen sooner than later for various reasons. So I would like to echo Peter O'Sorio and urge the Commission to consider releasing adult wolves this year rather in 2018, this coming year if 12 cross-fosters are not achieved in Spring of 2018. I'd also like to further echo some others and urge you to work on stemming illegal killings which is another huge threat to recovery. Thank you.

CHAIRMAN KIENZLE: I thought somebody said Chairman. Did you say Chairman? I'm hearing things now. Adrienne Sites [Phonetic].

ADRIANNE SITES: Good morning Mr. Chairman, Commission, everybody here (Indiscernible) but that's okay. That's all right. I'm probably going to echo other people. One of my huge concerns is the mortality issue that we've had. Everybody agrees. All of us that that has been the biggest impediment to this and I also think a lot about education and I'm wondering if the Commission might be open to you know, either as the gal before was mentioning, coming up with your own brochures and things but also working in conjunction with fish and Wildlife just on education. I think, don't we have like Hunter education things going on already? So if there could be some kind of PR and public education to try to help people understand the whole process. What we're trying to do. This animal is precious. It should be a precious thing for us here. It's one of the most endangered animals in the world actually and we should encourage people to—it's hard to get everybody on board but if there would be ways to work with you

know, not only hunters and outdoors people who worry about, for instance the ungulate populations and I think and correct me if I'm wrong. I have to refer to game and Fish. I think one wolf is responsible for five or six? Is that right? Elk a year?

COMMISSIONER: 2.3 per month.

ADRIANNE SITES: Okay. So that's going to be like 4,000 not 10,000. So you know, we have to keep a little rationality with that stuff but those are my concerns. Just if you guys are going to be cooperative also with the Federal and Game or fish and Wildlife in prosecuting illegal kills but also maybe trying to help prevent them by opening people's minds and getting maybe some public education out there. Thank you.

CHAIRMAN KIENZLE: Thank you. Christopher Smith?

CHRISTOPHER SMITH: Mr. O'Sorio stole my thunder so (Indiscernible).

CHAIRMAN KIENZLE: Dude. Stealing another man's thunder.

CHRISTOPHER SMITH: (Indiscernible).

CHAIRMAN KIENZLE: All right. We'll put you down for a ditto. Jan Ravenwolf?

JAN RAVENWOLF: Hi. Good morning Commissioners and everybody. Mexican Wolf Recovery Plan received over 99,000 comments supporting wolves in an expanded range larger than this plan allows. These additional areas where wolves to be released are Federal Public Lands enjoyed and valued by New Mexicans from all over the state and shared with every U. S. Citizen. The overwhelming majority values and wants a recovered population and our biological species name for ourselves, Homo Sapiens, mean wise human beings. I'd like to think that the New Mexico game and Fish Commission has the wisdom to employ their intelligence to save

this highly intelligent endangered species that carries the wisdom in their DNA to bring back Southwestern Grassland Echo Systems. If given half a chance and some cooperation from us. So 99,000 comments, it can't be all wrong and f all those, one of the most threatened as someone else has already said, in the world and a member of state endangered species list, the Lobo which really is used a lot by UNM and other businesses in this state for gain and we never give back to them. Their right to have a chance to live. Thank you.

CHAIRMAN KIENZLE: Thank you. Sue Small?

SUE SMALL: Good morning Commissioners and Commission Members. I'm interested in the continuation of the Mexican Wolf in New Mexico, Arizona and other places, its historic range. I'd support a larger area for its release. Cross-fostering is a viable option as is the release of adult wolves if in case in the next immediate year for the next five years we don't reach the desired population. So again, cross-fostering is positive as is release of adult wolves. One of the issues that the wolf can help us with is something that Wyoming is facing with the chronic wasting disease that's affecting the ungulates. That is also in New Mexico. The Spongiform Encephalopathy is a prion cause of disease and so wolves can help us with that issue. We do have that in Alamogordo area and in White sands area and we don't want to have to look at Wyoming and the forest closing of their feeding stations where it causes the elk to congregate and of course they don't have the wolf as the predator to help moderate that disease spread. So wolves can help us not only aesthetically, environmentally but as humans to keep the ecosystem healthy. One thing I would encourage the services to do and the Game Commission to consider is educating people about distinguishing between coyotes and wolves and then also to have a plan to actively prosecute those who actually illegally kill the wolf. Thank you, Commissioners.

CHAIRMAN KIENZLE: Thank you. Bryan Byrd. You look like you were ready.

BRIAN BYRD: Chairman Kienzle, Members of the Commission, I'm Brian Byrd. I work for Defenders of Wildlife and we have a very active program in the field where we are a member of the Vascini Wolf Livestock Coexistence Council and we are actively out there working with people that live in the wolf recovery area every day helping them to coexist with Mexican Gray Wolves. I'm not going to repeat a lot of what's said here although I support most of what's been said today. What I do want to encourage you all as a Commission to do is obviously to support this new recovery plan, the final recovery plan. To support the cross-fostering that's been proposed by the Fish and Wildlife service but also I think that it would be wise if the Commission recommended that the state rejoin the recovery program. As you know, the state left the program and is not a partner currently. If you all rejoined that, the department could become the main partner and currently the New Mexico Department of Agriculture is administering all of the compensation funds from the federal government and so if you all rejoined the program, that responsibility would come back to the department which we think is important and Defenders of Wildlife could then partner with you all in the department on all of our coexisting compensation work. So I really encourage you all to perhaps, if not today, in the future meeting consider rejoining the recovery program and I thank you all for your careful consideration of Mexican Wolf Recovery and I thank the Fish and Wildlife service for all the hard work they've done to come up with this final recovery plan. Thank you.

CHAIRMAN KIENZLE: So is the recovery program, no, I'm asking Stewart. Is the recovery program, that group, is it still, is the band still together or is it disbanded or has it changed names and tell me a little bit more about it?

STEWART LILEY: Sure. Mr. Chairman, so the on the ground management is kind of the inner agency field team. So they're signing a cooperative agreement more or less with the fish and

Wildlife service to help manage the wolves on the ground. Day to day management is more of what was referred to by Mr. Byrd. It still exists. Arizona is a field team member and it is correct, we are no longer on the field team but yes, it still is in existence.

CHAIRMAN KIENZLE: So the IFT that's identified in the current recovery plan. Are we part of that team?

STEWART LILEY: Mr. Kienzle, currently no and that's more of the team that is on the ground. There is the Inner Agency Field Team. That's the Field Team. Then there's the Management Team which oversees kind of the field team and then there's the Executive Team which is more of like the Regional director.

CHAIRMAN KIENZLE: All right. So tell me which team we're on.

STEWART LILEY: So we're currently sitting in on, we are not signatory to the Cooperative Agreement right now. With the MOU, it's not a cooperative agreement with the service and the rest of those partners. We have in recent and when I say recent, in the last six to eight months, sat in on meetings with the management Team and with the Executive Team. We do not have any current members on the Field Team working on the ground management.

CHAIRMAN KIENZLE: And that's because why? What Mr. Byrd said or is that a different?

STEWART LILEY: Mr. Chairman, that is correct. That is when we pulled out in 2013.

DIRECTOR SANDOVAL: Mr. Chairman, that decision was made back in 2011. The governor withdrew our participation which included not having any staff time or budget authority to move forward with that program.

CHAIRMAN KIENZLE: Understood. Okay. Tanner Anderson.

TANNER ANDERSON: Mr. Chairman, Members of the Commission, on behalf of New Mexico Farm and Livestock Bureau and its almost 19,000 member families, I want to thank you all for allowing me to speak today. I'd like to echo some of what Mr. Sidwell said earlier. I think this plan causes some significant economical and safety concerns for ranchers and landowners living in the area and so for those reasons, we do not support this plan. Thank you.

CHAIRMAN KIENZLE: Thank you. That's it for public comment. I saw Caren Cowen come in. Caren, do you have any comments? Okay. What about Keri Romero? Is she here? No comments. Okay. Commissioners, any further questions or comments before I check in with Mr. Liley?

COMMISSIONER RICKLEFS: Mr. Chairman?

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER RICKLEFS: Back to the question just a moment ago. It has seen to me that through this process, you have had some influence even though we're not signatories on the MOU. Is that fair that you still have some influence since you sit in meetings?

STEWART LILEY: Mr. Chairman, Commissioner Ricklefs, yes. I would feel that the department and the service has been receptive to us as a cooperator, a state agency even though we're not formal signatory to the MOU, MOA, we have had some coordination and cooperation with guiding some of the documents, yes.

COMMISSIONER RICKLEFS: Thank you.

CHAIRMAN KIENZLE: Commissioner Peterson, anything? Commissioner Ramos? Montoya? Commissioner Ricklefs, anything further? Commissioner Ryan, any questions or comments?

COMMISSIONER RYAN: No, Chairman.

CHAIRMAN KIENZLE: Hearing none. So what is your proposed? What is the department asking us to do today, if anything?

STEWART LILEY: Mr. Chairman, we would propose, the department would propose four different motions. The first and foremost being moving to approve the final Mexican Wolf Recovery Plan first revision as written would be the first one. Would you like me to go through each one individually?

CHAIRMAN KIENZLE: That would be helpful, yes.

STEWART LILEY: Okay. The next would be to move to allow the, direct the Director to allow for the importation of one female wolf in the wild in Arizona into captive facility for artificial insemination or breeding and then release back into Arizona, not to New Mexico. The third would be move to allow the service or direct the Director to allow the service to import Mexican Wolf puppies born in the wild in Arizona to the Ladder Ranch in coordination with the 2018 cross-fostering events. In addition, no wolves shall be released from the Ladder without prior approval and fourth, move to direct the director to allow for the release of up to 12 puppies into the wild in New Mexico for the 2018 cross-fostering events. All right?

CHAIRMAN KIENZLE: That's a boatload. So let's talk about the first one. So the Final Recovery Plan November 28, 2017. We made a number of comments on the record. Was it our August meeting when we took up the draft plan?

STEWART LILEY: Mr. Chairman, that's correct.

CHAIRMAN KIENZLE: And so I know everyone said on the Commission, 99.9% of what was of concern to them at that point in time. Is there any additional concerns with this revision and

we talked. I know Commissioner Ramos had some concerns, comments on the record. Are there any additional comments that you want to make on the record because I would probably propose a motion or entertain a motion similar to what Mr. Liley just said. Subject to whatever comments we put on the record. So if you have anything further to say in that regard, I think now is the time to put it on the record so we got it. Anything further from anyone? So I would entertain a motion. Could you read that to me one more time?

STEWART LILEY: Move to approve the final Mexican Wolf Recovery Plan First Revision as written and maybe including onto yours any comments.

CHAIRMAN KIENZLE: I would say subject to the comments on the record at the August, what was the date of that meeting? 19?

DIRECTOR SANDOVAL: 28th I believe Mr. Chairman.

CHAIRMAN KIENZLE: Somebody make sure we get the right date. I'm all in favor at questing at yardage but beyond that not so comfortable.

COMMISSIONER RAMOS: 24th.

CHAIRMAN KIENZLE: How quickly we forget.

COMMISSIONER RAMNOS: It was on a Thursday. I believe it was the 24th.

DIRECTOR SANDOVAL: Mr. Chairman, that is correct. It was Thursday, August 24th.

CHAIRMAN KIENZLE: Okay. Subject to the comments on the record August 24, 2017 and subject to the comments on the record today. I would entertain a motion to that effect.

COMMISSIONER RAMOS: Well get it a try. Mr. Chairman, I move that we approve the final Mexican Wolf Recovery Plan as presented in the August 24th meeting as we've discussed today.

CHAIRMAN KIENZLE: Why don't you read yours? He can --

COMMISSIONER RICKLEFS: Hand it to him.

CHAIRMAN KIENZLE: Yes, we'll do that. Provided we can read your handwriting. Bailiff, could you hand that up?

COMMISSIONER RAMOS: Mr. Chairman, I move to approve the Final Mexican Wolf Recovery Plan as written including comments as discussed at the August 24, 2017 and today's Commission Meeting.

CHAIRMAN KIENZLE: And that final plan is dated November 28, 2017.

COMMISSIONER RAMOS: The final plan was dated on November 28, 2017.

CHAIRMAN KIENZLE: 17, okay. Any, can we get a second on that?

VICE CHAIR MONTOYA: Second.

CHAIRMAN KIENZLE: Any further discussion on either the recovery plan or the motion that's on the table? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed?

COMMISSIONER: No.

CHAIRMAN KIENZLE: One no. Okay. So tell me the next one.

STEWART LILEY: Mr. Chairman, the next one would be move to direct the Director to allow for the importation of one female adult wolf in Arizona into captivity for artificial, for breeding and then released back into the wild in Arizona.

CHAIRMAN KIENZLE: So he can just adopt that as a motion, correct? You can just—

COMMISSIONER RAMOS: So moved.

COMMISSIONER SALOPEK: Second.

CHAIRMAN KIENZLE: Any discussion on this item? On this motion on the table? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Okay. That one passes. Then the next two are a little more complicated.

COMMISSIONER RICKLEFS: Can we say so moved?

CHAIRMAN KIENZLE: We can but let me hear. There was in these two I heard something I didn't like. So let's give me another one here.

STEWART LILEY: Move to allow the service to import Mexican Wolf Puppies born in the wild in Arizona to the Ladder Ranch in coordination with the 2018 cross-fostering events. In addition, no wolves shall be released from the Ladder Ranch into the wild without prior approval.

CHAIRMAN KIENZLE: Commission approval.

STEWART LILEY: Commission approval.

CHAIRMAN KIENZLE: Okay. So that's for importation only. Can I get a motion on this particular item?

COMMISSIONER MONTOYA: Mr. Chairman, I would move that we accept the motion with the added word Commission before the approval.

CHAIRMAN KIENZLE: Can I get a second?

COMMISSIONER SALOPEK: Second.

CHAIRMAN KIENZLE: Any discussion? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The Ayes have it. Okay. One more. Last one.

COMMISSIONER MONTOYA: Move to direct the Director to allow for the release of up to 12 puppies into the wild in New Mexico for the 2018 cross-fostering events.

CHAIRMAN KIENZLE: So this would be without further input from the Commission. This is just the Director when the Service says, we're ready to go. She takes care of that?

STEWART LILEY: Mr. Chairman, that's correct. The Service would submit permits to the Director and that would give, authorize the approval for the Director to sign those permits for release.

COMMISSIONER SALOPEK: Is this the same as what Arizona said, no more than 6?

STEWART LILEY: Mr. Chairman, Commissioner Salopek, no. That would allow, if for some reason it was beneficial for all 12 to be in, let's say, in New Mexico because of timing from captive or, or genetically more valuable in New Mexico, that would be that [brief break in audio] and I might add, too, Mr. Chairman and Commissioner Salopek, that the 12, the no more than 12, this Service in their own release plan says directed, no more than 12 of these be released in totality across both states.

CHAIRMAN KIENZLE: So when animals are released in Arizona, where are they typically released at?

STEWART LILEY: Mr. Chairman, so again, these are just cross-sponsor events. So they'll be wherever the den of that female is. So there's a lot of females that were denning right on the New Mexico-Arizona line. It just depends on when you have the timing of puppies born in captivity aligning with the timing of puppies born in the wild. Then they're going to for –

CHAIRMAN KIENZLE: Range is usually along, is around the state border, right?

STEWART LILEY: Mr. Chairman, that is correct. It is typically right there on the state border.

CHAIRMAN KIENZLE: Six to one, half dozen to the other to use a really apt (indiscernible) [laughter].

COMMISSIONER RAMOS: Chairman, Stewart, a lot of those locations are already on that list, right, that was given to us?

STEWART LILEY: Mr. Chairman, Commissioner Ramos, that is correct. So they're in the list that was on the translocation plan and it kind of discussed the priority packs that they'll try to target.

COMMISSIONER RAMOS: And those were broken down by state as well as in New Mexico, the targeted areas, correct? That's what I read.

STEWART LILEY: Mr. Chairman, Commissioner, that is correct.

CHAIRMAN KIENZLE: So, let me make a suggestion. This issue comes up where you get the Director signing off on something and then the Chairman and the Commission also signs off on it just so there's kind of a check and balance on that. I would propose that, in addition to Director

approval on release, that the Chairman have approval on that, has to sign off on that release as well just so there is some Commission oversight and if there is a problem or a perceived problem, then we can have a quick special meeting or something if it proves to be a major issue. But I'm, on this particular issue I just think there needs to be continuing Commission oversight in some fashion when it comes to releases. Does that present a problem for the Department?

SPEAKER: Mr. Chairman, I just conferred with your General Counsel. The current rule gives the Director the authorization to do so but it's absolutely within the purview of the Commission to add that additional piece of oversight for the approval of the release.

CHAIRMAN KIENZLE: So I would propose that we accept the motion or amend the motion, proposed motion, to (indiscernible) or add the approval of the Chairman of the Commission. Now on the number, again if most of these releases are in no-man's land between New Mexico and Arizona, I'm not sure it makes all that much difference. What was Arizona's rationale for knocking it down to six other than just being ornery?

[Laughter]

STEWART LILEY: Mr. Chairman, I would probably defer that question to the Service. They might have a little more background on this six more so than I. That's a long-standing, and I don't know how long, more than a couple of years, that Arizona has had that restriction on it. So that was not specific to this —

CHAIRMAN KIENZLE: Okay.

STEWART LILEY: — translocation.

COMMISSIONER: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER: I believe Arizona's in the same spot we are with the border and the ax [phonetic] being on one side or the other. And I would prefer to limit New Mexico to six also. So that's my preference.

CHAIRMAN KIENZLE: Is that going to present a problem for the Service?

[Indiscernible] 12.

CHAIRMAN KIENZLE: Or is it a distinction without difference that we're in?

SHERRY BARRETT: Mr. Chairman, members of the Commission, Sherry Barrett, Fish and Wildlife Service. We would request that we have the maximum flexibility possible. As you've heard even from the members of the public today and from Mr. Liley that genetics are one of the major issues that we are trying to address to recover the Mexican wolf. And the more wolves that we can get from captivity into the wild will allow us to achieve that recovery faster. And there are targets that we have to actually hit to make those five- and ten-year reviews. And so I would request the maximum flexibility possible. And we've also noted that the cross fostering of pups is the mechanism that has the most minimal impact on the public out there and so we recognize that there are benefits to releasing adults that we don't have with pups but in this regard with this 2018 plan we have proposed that mechanism that we think has the most minimal impact while trying to do the maximum we can to address the genetics of the wild population.

CHAIRMAN KIENZLE: I can live with it. Again, this to me feels like no-man's land. And it's kind of like hunting. You just don't know where the animals are going to end up. And so just because they're released here doesn't mean they stay here. They may go somewhere else. They may get released in Arizona and they may come here. I call it a distinction without difference

and so I guess I can live with it. I prefer to have the same regime or system that Arizona has but I've, I respect your need for flexibility so I can live with that.

COMMISSIONER RAMOS: I have a question since I have you here. I know I tend to think out of the box but for clarification purposes and genetics, originally we started with seven original Mexican wolves, correct?

SHERRY BARRETT: That's correct, sir.

COMMISSIONER RAMOS: Okay, so with seven, I mean, how more can you diversify with genetics if it all is coming from these original seven other than addressing brother-sister and somehow they're all related anyway. Genetics is genetics. So can you just educate me a little bit more on that?

SHERRY BARRETT: Yes. Commissioner Ramos, Mr. Chair, the, we started the population with only seven wolves. And so we can never get more genetic diversity that we have in those seven wolves without bringing, you know, if we found miraculously some other Mexican wolf or we decided to bring another wolf from someplace else. But what we have done in the captive population is to manage meticulously those genetics to maintain as much genetic diversity as possible in the captive population. We obviously can't do that same meticulous management in the wild population. And so those wolves in the wild mate with whomever they find. And so our goal right now is to, so the genetic diversity of the captive population is much higher than it is in the wild. And so by bringing some of those wolves from the captive population and putting them into the wild, we're able to increase that genetic diversity of the wild population. And so, as Mr. Liley said, our recovery plan goal is to try and attain 90 percent of the remaining genetic diversity in the captive population into the wild population.

CHAIRMAN KIENZLE: Someone just pick up on this. Again, I think it's a sign of good faith. We should give the Service what they're asking for. I don't have a crystal ball to know what 2018 is going to look like. And experience sometimes is the best guide for what to do in the future. And so if we end up with 12 in New Mexico and Arizona has none then in 2019 perhaps we revisit it and say, and I don't like the way this looks or not, but I would suggest again adding the part with approval of the Chairman at least gives some Commission oversight over releases in 2018 and if there's a problem we can either deal with it at a regular meeting or at a special meeting if we have to move quickly.

COMMISSIONER: Mr. Chairman, I have a revised motion to address that.

CHAIRMAN KIENZLE: Okay.

COMMISSIONER: If you'd like me to read that?

CHAIRMAN KIENZLE: Let's hear it.

COMMISSIONER: Okay. Move to direct the Director to allow for the release of up to 12 puppies into the wild in New Mexico with the approval of the Chairman of the State Game Commission.

CHAIRMAN KIENZLE: I will entertain that motion if one of the Commission members . . .

COMMISSIONER MONTOYA: I would so move, Mr. Chairman.

CHAIRMAN KIENZLE: Can I get a second:

COMMISSIONER PETERSON: I'll second it.

CHAIRMAN KIENZLE: Commissioner Ricklefs, is this something you can live with? And I'm not selling it [phonetic].

COMMISSIONER RICKLEFS: As long as we can revisit this in the next 2019 plan if —

CHAIRMAN KIENZLE: And this is just for 2018.

COMMISSIONER RICKLEFS: — agree [phonetic] to 12.

STEWART LILEY: Mr. Chairman, that is correct. That is just for the 2018 cross fostering events.

CHAIRMAN KIENZLE: When, perhaps you put the hurry up on the due [phonetic] 2018, when do you expect to roll out what you want to do for 2019?

SPEAKER: Mr. Chairman, we would expect to have a plan around October of 2018 where we would be looking at what we would be trying to accomplish in 2019.

CHAIRMAN KIENZLE: Okay. The sooner you can get it to us is always the best.

COMMISSIONER: And we should know by May or June the result of cross fostering this spring, so end of this spring.

SPEAKER: That's correct.

CHAIRMAN KIENZLE: Commissioner Ryan, any questions or comments?

COMMISSIONER RYAN: Not at this time.

CHAIRMAN KIENZLE: All right. There's a motion on the table. Any further discussion or comments? Hearing none, all in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed? Okay. Motion carries. Are you out of motions? You're out of ammo?

COMMISSIONER: I want a motion for a break.

CHAIRMAN KIENZLE: Motion for a break. We will take a break. Thank you, everyone.

[Cross talk]

CHAIRMAN KIENZLE: Can you hear me?

COMMISSIONER RYAN: Yes, I can hear you.

CHAIRMAN KIENZLE: Okay, we're going to re-convene here in just a second.

[Background noise/cross talk]

CHAIRMAN KIENZLE: Okay, we're back. Commissioner Ryan, we're going to go back on the record here.

COMMISSIONER RYAN: Okay.

CHAIRMAN KIENZLE: Agenda item number 5a, informational, final rule landowner certification of non-navigable water 19.31.22 NMAC to be presented by the Director.

DIRECTOR SANDOVAL: Mr. Chairman, do you want to open the hearing?

CHAIRMAN KIENZLE: This is the informational part, right, which we don't open yet, correct?

SPEAKER: Mr. Chairman, the informational part actually does not open the hearing but it will be on the record as such. Does that make sense?

CHAIRMAN KIENZLE: Yes. So, on 5b I will actually formally open the hearing.

SPEAKER: Yes, Mr. Chairman.

CHAIRMAN KIENZLE: Okay. So, informationally speaking, have at it.

DIRECTOR SANDOVAL: Mr. Chairman, members of the Committee, Alexa Sandoval, Secretary to the State Game Commission. I'm here in front of you today to present the information regarding the rule that's been posted regarding landowner certification of non-navigable water.

[Inaudible]

CHAIRMAN KIENZLE: Okay, you want me to start in with that? Okay. So, I'm going to start in with an opening statement. So give me one second and then we'll get you to run through that one more time. Still living in this House Bill 58 world. Bear with me. This hearing will please come to order. My name is Commissioner Paul Kienzle. I am the chairman of the State Game Commission. I will be serving as the hearing officer and may be advised by the Commission's counsel from the Office of the Attorney General, Marylou Poli. The purpose of this hearing is, one, for the Commission to receive the public comment on proposed new part in title 19, chapter 31, part 22 of the New Mexico Administrative Code regarding establishing a certification process by which landowners can register their legally posted properties with Department that will identify portions of non-navigable, non-navigable waters that run through privately owned property. This is a result from new language in statute 19-4-6 NMSA which was passed in the 2015 legislative session. This hearing is being conducted in accordance with the provisions of the Game and Fish Act and the State Rules Act. The hearing is being audio tape recorded and anyone interested in a copy of the audio tape should contact Sandra DuCharme with the Game and Fish Department. Public notice of this hearing was advertised in the New Mexico Register, the Albuquerque Journal, New Mexico Sunshine Portal and on the Department's website. Copies of the proposed new rule have been available on the Department's website and at the Department office. Those here today, I have a sign-in sheet in my hand. I'll later enter this into the record as

an exhibit but if you do wish to speak I need to get your name on this particular piece of paper in order to get it into the record. I think with that, we can go to the informational portion of this, correct?

SPEAKER: Yes, Mr. Chairman.

CHAIRMAN KIENZLE: Okay. Now you can do the informational.

DIRECTOR SANDOVAL: Good morning, Mr. Chairman, members of the Commission. I am Alexa Sandoval. I am the secretary to the New Mexico State Game Commission. I am here today to present the final rule proposal for landowner certification of non-navigable water. As Chairman Kienzle pointed out, this rule is the result of the passage, adoption of additions to 17-4-6 NMSA. Before I actually get through the information, there are a few exhibits that do need to be read into the record. So.

CHAIRMAN KIENZLE: So, that's the formal hearing part of it. So can I end the informational portion of this, then.

SPEAKER: Mr. Chairman, members of the Commission, the informational part is actually part of the whole hearing. So right now, the record is open.

CHAIRMAN KIENZLE: Okay. Understood. So 5b is the actual voting action portion of it.

SPEAKER: Exactly. Yes.

CHAIRMAN KIENZLE: Got it. I'm with you.

DIRECTOR SANDOVAL: So, Mr. Chairman, if I may, I would like to enter in Exhibit Number 1 which is the State Game Commission meeting and rulemaking notice for the new rule 19.31.22 NMAC.

CHAIRMAN KIENZLE: So, in order to address that let me, one second. This rule hearing will be conducted in the following manner. Staff or the Director will present pre-filed exhibits. Exhibits entered in evidence are available for review by the public, but exhibits may not be removed from this room. After all exhibits are entered, we will proceed to the presentation of the proposed rule after which testimony will be taken from the audience. It's not exactly testimony but there will be public comment. In order to ensure that the hearing is accurately recorded, only one person at a time shall be allowed to speak. Any person recognized to speak is asked to, one, identify yourself by name and who you are affiliated with and for the record you want to do that each time you are recognized. And, two, speak loud and clearly so the recorder can accurately record your comments. After a person has offered comment, if there are any questions I will either ask them or another Commission member may be recognized to ask questions. The audience may also ask questions of anyone offering comments after being recognized by me, the hearing officer. This hearing is not subject to judicial rules of evidence. However, in the interest of efficiency I reserve the right to limit any testimony deemed irrelevant, redundant or unduly repetitious. The Commission will discuss the proposed rules during a subsequent Commission meeting which will be today. Final Commission action including adoption of the rules will not take place as part of the rule hearing. That is why we have 5a and 5b. It is broken into two parts. So, at this point, I will declare this hearing open. I understand the Director has exhibits for proposed new part to rule 19.31.22 for admission into the record.

DIRECTOR SANDOVAL: Mr. Chairman, that is correct. So I would submit Exhibit Number 1 which is the State Game Commission Meeting and Rule Making Notice for the new rule 19.31.22 NMAC otherwise referred to as Landowner Certification of Non-Navigable Water. We have Exhibit Number 2 which is the actual rule itself, again 19.31.22 NMAC. And Exhibit

Number 3 is a collection of the public comments that we received during the open comment period which was open for 30 days on the Department's website with access to an email address for them to submit comments to. There were 29 comments in total received by the Department during that 30-day time frame and that is Exhibit 3.

CHAIRMAN KIENZLE: Okay. I will admit Exhibits 1, 2 and 3 into the record. I have some additional exhibits which I'll get to on the public comment side of this in a moment. Director, can you introduce one more time the proposed amended rules for 19.31.22. And let me ask something of the Assistant Attorney General. Does the entire rule have to be read or is it enough to just give a summary or state the objective of the rule?

MARYLOU POLI: Mr. Chairman, the summary is sufficient. You don't have to read the entire rule into the record because it has been admitted as an exhibit.

CHAIRMAN KIENZLE: Okay.

DIRECTOR SANDOVAL: Thank you, Mr. Chairman. So I am here as the Secretary to the State Game Commission to present this new rule. As stated earlier, this is a result of the passage of some amendments to 17-4-6 which is the specific statute in New Mexico regarding hunting and fishing on private property. This rule, and I will just simply go through and read the objective of the rule, is to establish rules, requirements, definitions and regulations implementing the process for a landowner to be issued a certificate and signage by the Director and the Commission that recognizes that within the private—excuse me—the landowner's private property is a segment of non-navigable public water whose river bed or stream bed or lake bed is closed to access without written permission from the landowner. So that is the objective or purpose of the rule. The rule then goes through and outlines the specific steps that a person is to follow in order to submit

request for certification of their segment of their property that has non-navigable public water. I won't go through the steps unless you all specifically want me to delineate what the application will be. But the rule does call for the Department to put into place by February 2nd, 2018 the specific documents that are needed and the format in which that will be received by the Director of the Department of Game and Fish.

CHAIRMAN KIENZLE: So, apart from that certification process, was there also signage that was involved in this.

DIRECTOR SANDOVAL: Mr. Chairman, that is correct. There is a specific set of language to be put onto signs that will be issued to the particular private landowner who makes application once it's been approved by the Commission. Those signs will, the cost of those signs will have to be reimbursed by the private landowner whose application does get approved by the Commission.

CHAIRMAN KIENZLE: All right. Got an introduction to the rule, got Exhibits 1, 2 and 3. Now is the time to take public comment on the rule. Tanner Anderson.

SPEAKER: Mr. Chairman, while Mr. Anderson comes up I would submit to the record that you have public comments I believe 4 through 13.

CHAIRMAN KIENZLE: Yes. And I'm going to enter those in a moment. Tanner Anderson.

TANNER ANDERSON: Mr. Chairman, members of the Commission, I'd like to again thank you for allowing me to speak today. My name is Tanner Anderson. And I represent New Mexico Farm and Livestock Bureau and our almost 19 thousand members statewide. I'm going to try to stick to my notes here. Our CEO, Chad Smith, has submitted some comments so you should have those. We support the intent of this rule making 100 percent. We along with New Mexico

Cattle Growers and the Council of Outfitters and Guides worked with Senator Martinez during the 2015 session to help pass Senate Bill 226, Use of Public Water and Landowner Protection. Four years ago, legislation addressing this topic wasn't anything that anybody could have predicted that we would need. But unfortunately, Attorney General King's 2014 opinion 14-04 created huge confusion amongst landowners throughout the State. Senate Bill 226 was meant to provide clear guidance on this issue and correct the confusion caused by the Attorney General's opinion. We applaud the Department for their work on this complex issue. But we cannot support the rule in its current form. Section 19.31.22.8, Subsection B, Number (4) requires that anyone applying for this certification provide substantial evidence (indiscernible) that the waters, water course or rivers being non-navigable at the time of statehood. The Department even left several options for landowners to consider when trying to provide non-navigability. But if there is not data supporting the landowner's claim, substantial evidence can prove to be an impossible standard to meet. And this single standard is what makes this a cumbersome process that will have no guarantee of a desired outcome. This section makes it at the Department's discretion to certify non-navigable public water. And so we feel that the simplest fix for the Department is to designate all waters of New Mexico as non-navigable and even exempt those waters that are identified by the Army Corps of Engineers and State Engineer's Office to be navigable so as not to create further confusion. The Department can still allow the landowners to go through the certification process in order to receive appropriate documentation from the Department certifying their non-navigable status. This isn't a state-wide problem but there are landowners that need immediate relief and we don't want to stall this process any longer but we feel those simple changes could make this a little bit better. So with that, I'll wrap it up there.

CHAIRMAN KIENZLE: Any questions for Mr. Anderson? I don't have any questions. No questions. Commissioner Ryan, any questions for Mr. Anderson?

COMMISSIONER RYAN: No.

CHAIRMAN KIENZLE: Thank you.

TANNER ANDERSON: Thank you.

CHAIRMAN KIENZLE: Tom Sidwell.

TOM SIDWELL: Mr. Chairman, Commissioners, thank you. I'm Tom Sidwell, president of New Mexico Cattle Growers Association. And so we stand in support of this. What this does is, it gives landowners an option. It's not a requirement but they do have an option of being able to prevent trespass in those streams. I want to, I've got a couple of suggestions. Number one, I would suggest that you define commerce. It's mentioned in the definitions under navigable (indiscernible) and then also in non-navigable public water. And so commerce is the creation, sale, purchase, exchange or transfer of any commodity for another commodity. And I think that would define what is meant by transport of commerce on a water whether it's navigable or non-navigable. And then as far as part 22.8 B, that process is, can be a little cumbersome but it may not, it may be difficult to determine whether your segment is actually non-navigable or not. And so I would also consider a physical description or limitation of that segment of stream bed. As an example, my wife and I own a small piece of property west of Las Vegas and there's a stream that crosses it. And so, it's about 6 inches deep, 2 to 3 feet wide, it's got rocks and boulders in it. And it's got debris and windfall across it. It's certainly not navigable. But I'm not sure that I could find any titled opinions or anything in that sort that would say that it is a navigable or non-

navigable water. I would suggest that you consider some kind of a—I don't know what you would call it but—some sort of physical description maybe of that segment. So thank you.

CHAIRMAN KIENZLE: Thank you. Oscar Simpson.

OSCAR SIMPSON: Thank you, Mr. Chairman, members of the Commission. My name is Oscar Simpson. I represent New Mexico Sportsmen . I live in Albuquerque, New Mexico. In regards to this rule, I think this is a rule that goes counter to what was established when you had right of way, public access on the Conchas Lake. So this rule to me is an end around [phonetic] of saying how to eliminate public access to public waters. Thank you much.

CHAIRMAN KIENZLE: Mr. Crenshaw.

JOHN CRENSHAW: Mr. Chairman, Commissioners, thank you for the opportunity. I'm John Crenshaw. I'm President of the New Mexico Wildlife Federation. We have about 80 thousand license-buying members and supporters. And I'm a retired, long retired, employee of the State Game and Fish Department. I confess that on this particular issue I was a little bit slow to come around to the stance that I am taking today which would be in support of public access to public streams and that's what they are. The evidence is very overwhelming. The Red River decision, as it is commonly called, of 1945 laid that out. It was subsequently really elaborated on most recently, first in 2014 under Attorney General King and then re-affirmed in my opinion in 2016 under Attorney General Balderas. The fact is that part of this is that navigability and holding that to the public and the landowners as being a tool to prevent trespass, as I read it and as I think the AG's did, navigability is really not the test for access. We're ruled by the prior appropriation laws here in New Mexico under the constitution and the water and the stream beds are accessible to the public if accessible through public lands. The Attorney General's opinion of 2016,

Advisory Letter more technically, stated clearly the trespass laws that was written says that I cannot cross perhaps Mr. Ricklef's or Mr. Sidwell's property to get to that creek but if I can get to it from public land or public access then I can be there. I'm afraid you all are on the wrong side of this issue. I really would hope that you bear down and recognize that this is not an issue of assault on property, private property rights. It's been the reverse. Private property rights have been imposed and have been usurped from the public. Please take a stand on the side of your license-buying (indiscernible). Thank you very much.

CHAIRMAN KIENZLE: Christopher Smith. You're not going to defer to Mr. Osoria [phonetic]?

CHRISTOPHER SMITH: No, sir, I won't. And to be clear, I'm representing myself on this issue, not WildEarth Guardians. So thank you, Chair. Thank you, members of the Commission for allowing public comment. My name is Christopher Smith. I was born and raised in northern New Mexico and spent a lot of my formative years fishing the rivers and streams up there. I see this rule as the continuation of a dangerous trend right now, and that is the erosion of public access and public lands in the United States and especially in the western United States. I fished in a number of states and a number of countries and we have this unique value here in the western U.S. which is the immense public access we have to these resources and to lose that I think would be to continue the loss of kind of the identity of who we are as New Mexicans and as westerners. So I would urge you to avoid that. Thank you.

CHAIRMAN KIENZLE: Joel Gay. Nice to see you again.

JOEL GAY: You're getting funnier.

CHAIRMAN KIENZLE: I'm getting older.

[Laughter]

JOEL GAY: My name is Joel Gay. Good morning, everybody. My name is Joel Gay and I'm here representing the New Mexico Chapter of Back Country Hunters and Anglers which is a nationwide group of sportsmen and women dedicated to protecting public property rights. The New Mexico constitution and the State Supreme Court ruling known as Red River make it abundantly clear that the public has the right to fish, float or otherwise recreate on the streams and rivers that flow through private property in New Mexico provided that the individual does not trespass to reach that stream or trespass when they get out. In fact, the Red River decision specifically points out that the public right of access has nothing to do with navigability. In spite of those facts, previous game commissions have maintained just the opposite, that the public access to New Mexico streams running through private property is actually trespass and therefore subject to fines and even jail. The proposal before you today continues this terrible tradition by once again putting up roadblocks to the public to enjoy the state waters that our constitution and our Supreme Court have said unequivocally that we have a right to enjoy. Our membership urges you to vote down this proposal and instead to instruct the Department to take a different, a new tack. Ask them to prepare a plan that will allow the fishing public to access all legally accessible waters in the state, conduct an education outreach for anglers and stream-side landowners on this new era in New Mexico fishing, write additional regulations as necessary to protect fisheries and habitat and increase the streamside law enforcement. It is past time for the state Game Commission and the Department of Game and Fish to respect the New Mexico constitution and provide public access to public waters once and for all. Thank you.

CHAIRMAN KIENZLE: Thank you. Teresa Seamster.

TERESA SEAMSTER: Good morning, Mr. Chair and Commissioners. My name is Teresa Seamster. I'm Chair of the Northern New Mexico Group of Sierra Club. I won't repeat a lot of the things that have already been said about public access. Just quickly, New Mexico constitution and New Mexico Supreme Court have already weighed in on this issue. The access to state waters are for all New Mexico citizens. This is clear. New Mexico citizens should not be allowed to trespass on private land. If there is a stream that runs across your property and if you own the entire property no one can walk across that property to fish your stream. But public rights are not up for sale. They don't come with a private or real estate transaction. If the public can access your stream through a public access then it is a public stream. And that is clear in the law. Our group, Sierra Club, here in New Mexico strongly supports the existing public access rule and we strongly oppose any change or any designation to allow private landowners to re-define and to restrict or deny public access. Thanks very much.

CHAIRMAN KIENZLE: Thank you. Caren Cowan.

CAREN COWAN: Thank you, Mr. Chairman, members of the Commission. My name is Caren Cowan. I am here today on behalf of the New Mexico Cattle Growers and New Mexico Wool Growers and the New Mexico Federal Lands Council. All of these organizations participated in the passage of this bill that led us here today. The final language, as often happens at the legislature was on the fly late at night and so, you know, you can always look back and see things that perhaps you should have done differently. Since the language has passed, some cattle grower members have raised a concern about the use of the term, let me get this, non-navigable public water. The constitution has been liberally thrown around here in the last few minutes. If you read the state constitution, Article XVI Section 1 says: All existing rights to the use of any waters in this state for any useful or beneficial purpose are hereby recognized and confirmed.

Section 2 goes on to say: the unappropriated water of every natural stream, perennial or torrential within the state of New Mexico is hereby declared to belong to the public and to be subject to appropriation in accordance with the law of the state. Priority appropriation shall give the better right. There are a lot of waters navigable in the (indiscernible) that have already been appropriated and adjudicated to owners. So if we could recognize that not all water is public because it has been adjudicated, we would like to do that in that definition. The language that we've suggested would be in the definition of non-navigable public waters, include a statement that says, once appropriated/ water had been appropriated, is no longer public water. The other part, as we go through this, is this bill is more, is about the land underneath the water and whether or not that is owned [phonetic]. And so I think the constitution addresses the ownership of the water and the constitution also recognizes the private property rights associated with the land under the water. Thank you for your time.

CHAIRMAN KIENZLE: Thank you. Kerrie Romero.

KERRIE ROMERO: Thank you, Mr. Chairman, members of the Commission. Kerrie Romero on behalf of the New Mexico Council of Outfitters and Guides. We advocate the interests of both the hunting, the guided hunting industry and then also the guided fishing industry. And overwhelmingly the guided fishing industry has always been in favor of protecting private property rights as it relates to the stream beds. We were one of the primary supporters of the legislation when it passed in 2015 and we are in favor of the Department's proposal on the new rule to certify non-navigable waters as well as landowners' requirements for posting against trespass. Thank you.

CHAIRMAN KIENZLE: Marco Gonzales.

MARCO GONZALES: Good morning, Mr. Chairman and members of the Commission. My name is Marco Gonzales and I represent the New Mexico Habitat Conservation Initiative. And we, too, along with many of the other supporters that you have heard from today were intricately involved in the process that's allegedly [phonetic] here to adopt Senate Bill 226. I wanted to just maybe spend just a little bit of time. We have submitted comments which I would commend to you for the record. I'm actually going to read a portion of it because some of it addresses exactly the concern that people have raised about Red River Supreme Court Case in New Mexico. But just to kind of address a couple of the issues that have been raised, so the issue about the Supreme Court case in Red River. Our comments actually address this and all throughout this process, and of course these bills were debated thoroughly and the Judiciary Committees and the respective bodies. But many people, including the New Mexico Wildlife Federation, confuse the issues of stream bed ownership and ownership of the waters of the state. And they further confuse the holding in Red River Valley. While New Mexico is a prior appropriation state, the New Mexico Supreme Court in Red River Valley did not address the issue of priority of appropriation. It discussed the issue of the right to use public waters for recreational purposes and held that the ownership of water is in the public and the public has the right to use all the unappropriated waters for recreational purposes. However, in making that holding the court stated that the small streams of the state are fishing streams to which the public have a right to resort to as long as they do not trespass on private property along the banks. The court was also, the Supreme Court of New Mexico, was very careful that its holding dealt specifically and only with those impounded public waters at the Conchas Lake easily accessible without trespass upon riparian lands.

[Timer beeps]

CHAIRMAN KIENZLE: You can continue on. I didn't cut anyone else off.

MARCO GONZALES: Contrary to the assertion of those who have mentioned this case here today, the court didn't hold that the public's right to access the waters was superior to landowners' right to exclude others from his or her private property. The court didn't have to reach that issue because the water in question was accessible to the public through public access points and involved no trespass on private land. The river access law that passed in 2015 protects private property rights by providing that one can't walk or wade on privately owned stream bed in order to access a right to use public water for fishing or other recreational purposes. Whether or not a stream is navigable or non-navigable is relevant only to the question of stream bed ownership and not to the character of the water. And that's where most of this confusion took place.

CHAIRMAN KIENZLE: So I get to ask you a question before you leave. So this is a stream bed issue, not a water issue?

MARCO GONZALES: Absolutely 100 percent correct. And the issues about prior appropriation, etc., that has nothing to do, this particular rule that you've adopted is consistent with both New Mexico Supreme Court statute and Supreme Court of the United States case law. And it does not affect anything to do with the prior appropriation of water or privately held rights. It only has to do with the issue of ownership of the stream bed which is set out in the rule.

CHAIRMAN KIENZLE: Okay. That is my last public comment. I've got Exhibits 4 through 13 which are comment cards which I will admit into evidence. And then I've got Exhibit 14 which is the meeting sign in sheet which has 10 people that are signed in. Can you—

SPEAKER: (indiscernible).

CHAIRMAN KIENZLE: Can you hand those to the Director, please and formally make those part of the record. Thank you. Are there any additional exhibits anyone has that they want to enter into the record? Any additional written evidence, exhibits, anyone who is part of the public wants to put into the record? Okay. Exhibits 1 through 14 are again admitted into the record. I think I had everyone sign the, I don't have any other witnesses so I'm going to go through the closing process on this hearing. I had everyone sign in who spoke. And we marked that as Exhibit 14. I admitted that attendance sheet into exhibit, into evidence as Exhibit 14. Comments submitted and testimony heard during this rule hearing will be reviewed by the Commission and discussed during the open session of today's meeting. The Commission will vote on the proposed rule at that time. Thank you, everyone, for your participation. The rulemaking hearing was adjourned at 11:29 a.m. Okay. So now we can go on to discussion of the rule, and I'll go first and address some of the comments that I heard. On the issue of substantial evidence, I'll just say bluntly, tough luck. That's what the standard is. It would be the standard in just about any court that you went into, anywhere that you went to prove up something along these lines. Now, will it be difficult? I don't know. We haven't had a hearing yet. Did anyone here today speak from having done their homework? No. Everyone's scared, saying I don't know if I can come up with it. Well, you won't know until you get out there and do some digging. So I would not be overly concerned about the standard per se. But you're going to have to do some of your homework. And as for Mr. Anderson's suggestion that we just declare everything non-navigable, well that won't work. That evidence isn't in front of us. It's not something you would do lightly and what's required by the United States Supreme Court is that this determination of non-navigability be done on a segment-by-segment basis. So I don't think it's appropriate and it's probably outside our power to just say, all right, we have a magic wand. All of the water in New

Mexico was non-navigable. So landowners, if as Mr. Sidwell pointed out, if they choose to avail themselves of this program, they're going to have to do their homework. Is it impossible? I don't think so. I've done this work throughout my career and it's not impossible to find the information that would be required to meet this standard. As far as defining what commerce is, I don't think that's necessary either. That is a term of art and it's used by the United States Supreme Court. It's in the definition of navigability or non-navigability. It's not something that needs to be further defined in the rule, and to do so would probably run afoul of what I'm going to talk about next which is PPL versus Montana. No one has discussed that case. Again, go do your homework. Read that case. Educate yourself. Figure out what it means. It deals with title to stream beds in the United States. This is not solely an issue of state law. It's also an issue of Federal law, equal footing doctrine and all the things that go with this. As I questioned one of the witnesses earlier, is it a water issue, is it a stream bed issue. This is not a water issue per se. This is a stream bed, terrestrial, you know, putting your feet on the ground kind of issue. So I would suggest, do your homework. Read what both this rule says and read the underlying statute to get a sense of exactly what the issue is and don't confuse things. I never appreciate when people come in front of me and whether it's by intention or through not doing their homework, trying to confuse the issue. With regard to the Attorney General opinions, I take disagreement certainly with the one that Attorney General King provided. I believe it was in 2014. The most current opinion that actually deals with the statute that's in front of us says that the law is constitutional and so this is settled law. We are simply hanging some flesh [phonetic], if you will, on the law we've been given. And that's 17-4-6. No one in this room that I'm aware of has challenged that law in court, said that it's unconstitutional, or done anything in the past 2 years to get rid of it. So I'm faced with a law that we are given the ability as a Commission to hang some

flesh on to put it into operation. That's what this particular rule is designed to do. And again, and this is not what some of you are characterizing as a change in law. Law, to the extent you want to call it a change, was done in 2015. It's not being done here today by the Commission. So this has been tested by the political process and passed. It was signed by the Governor. It's been out there for two years. No one has challenged it. And, you know, now is the time to put some regulations on that particular law. This issue, as some of the heads of the various organizations here know, is part and parcel of the trespass issue that we've been dealing with, whether it's on land, on stream beds, and so this is one means of giving as I said in an earlier meeting, clarity to law enforcement on the ground. There will be a sign that gives them good guidance as to whether they're dealing with private property or not. So I am sympathetic when law enforcement shows up and it is not clear out in the middle of nowhere perhaps what the character of the property is that they're dealing with. This is one means of solving that particular problem. So, as I pointed out at our earlier meeting, and I'll say again today, there's two parts to this. One is the certification process. From the certification process, the landowner, provided they meet all of the criteria, they would get a certificate, something that's suitable for recording from that certification determination. That allows you to get a number of signs, signage from the Department. Landowner pays the full freight on the signs since you don't get something for nothing. And then those signs are posted in the appropriate places. So there's two parts to this. And again, I take issue with people who come in front of us and say, well they're changing the law, you're doing something different. That ship already sailed. This law was changed in 2015 to the extent to which you want to call it a change. I think it just recognized private property rights as they already existed in this state. And with that, I'll turn it over to any other Commissioners for questions or comments. Yes, sir.

COMMISSIONER RAMOS: Mr. Chairman, Director Sandoval, I do have some questions and actually have about 5 key points that I'd like just clarification because just looking at our Department and the impact that's going to be, that we're going to be learning and living and going through, you know, it's just I need to wrap my brain around this. First of all, FTE's, full time employees, you know, how many do you think it's going to take within our Department just to start this process and to—and of course there's research that's going to be involved. There's going to be going out and doing assessments. I don't know, wrap my brain around that one.

DIRECTOR SANDOVAL: So Mr. Chairman, Commissioner Ramos, if you look at how the rule is written, it's actually the responsibility of the landowner to provide that information to the Department. So there will not be a need for the Department to go out and do research or do historical work or whatever that is. That is on the responsibility of the person making application to provide. There are 4 pieces to that application. And I won't get into the details of what that is, but that onus is actually on the individual. As we see it within the Department, that would come into our legal department for a review to make sure that it's in adherence with the rule. Then it comes to me and I put forth a recommendation to the Commission. So I don't know that there's additional FTE's because of how the rule is written and (inaudible/background beep) with the applicant.

COMMISSIONER RAMOS: Okay, thank you. And that clarifies that. So what is the protocol to determine navigable by your officers in the field. Of course, they're the ones that are going to be monitoring out there. I hope that city, municipal, state, sheriffs, counties, also have some protocols to follow as well with trespassing and things like that. I do like the signage system I think that we've created where the private individual owner has to come and get these signs to post their property. I would hope that if I was a game warden out in the field, part of our

Department having to enforce and to go in, you know, on a call, that private owners would have their property posted correctly after they go through this process but not only for fishing our streams but also their private property. I mean, I know the majority of private owners do know the fence out rule with cattle. I would hope that if you want hunters and people out of your property that you post it properly. I would hope that our Department also would go into, and I know down the road we're going to be discussing the E-PLUS with ranch only and as far as the unit wide, you know, signage as well, I think this just makes it so much clearer for everybody. But as a game warden I would hope that, you know it will make it a lot easier that if they do follow these steps and it is posted and there is trespassing going on, they get cited, the judicial system will take over its course on that. But to put it all on them when it's not posted properly, you know a verbal warning is kind of the common practice that's happening now. So what is happening with that and, you know, where do you think we're going on that?

DIRECTOR SANDOVAL: So Mr. Chairman, Commissioner Ramos, I think you had a number of questions in there. And I'm going to try and answer it in one fell swoop.

COMMISSIONER RAMOS: Sure.

DIRECTOR SANDOVAL: So, it's not going to be up to the officers to make that determination of navigable or non-navigable. That has nothing to do with what will be happening out there on the ground. That actually will be happening here at the Commission level based on a recommendation that comes from myself as the Director of the Department. Once and if this Commission approves, or future Commissions approve that this truly is a non-navigable piece of public water, then that landowner, based on the certificate received by the Department will receive a series of signs. That will go into a data base that we will work on in producing. All officers in the State of New Mexico have CAD units which is computer assisted dispatch and

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that information will be readily available to the officers that are out there on the ground. And so, I think that takes away that whole issue of any officer having to know navigable versus not. That actually, that decision lies with you as the Commission. Once that approval happens then that certificate is given to the landowner and put into a data base for the officers. Now if it does not follow, if the landowners receive the signs and they decide not to put those signs up on the landscape as directed in the rule then of course they're not compliant with what's going on. If they are compliant, they take the signs, they put them out as needed, then the Department can take action. Law enforcement can take action at that point and provide a citation.

COMMISSIONER RAMOS: Okay, which leads me to one other question. So being the numerous private owners out there with these type of certifications and the application process, are we going to have to have a Commission meeting solely for this type of approval and review if we are the ones that are going to be—

CHAIRMAN KIENZLE: I'll answer that one. So it would seem to me that as we find our feet on this process, at least for the first or second or group of these, we would have a special meeting to address just this issue so we don't take up, I don't know how long it'll take. It could take a day.

SPEAKER: Correct.

CHAIRMAN KIENZLE: I think we would do, have these done on a special meeting basis at least in the beginning until people start to understand the process and what's expected. Also, don't know if you're going to get one person or a hundred that are interested in what's going on.

And they maybe have common evidence or common testimony and so there may be ways to deal with that to streamline the process as you will.

COMMISSIONER RAMOS: Thank you.

CHAIRMAN KIENZLE: Any other questions?

[Possible break in audio?]

DIRECTOR SANDOVAL: I heard a beeping, Mr. Chairman, earlier. So I'm not sure if Commissioner Ryan is still with us.

COMMISSIONER RYAN: Yes. I'm still here.

DIRECTOR SANDOVAL: Thank you.

CHAIRMAN KIENZLE: Commissioner Ricklefs, did you have a question?

COMMISSIONER RICKLEFS: I have a question. I thought Commissioner Ryan was going to speak.

CHAIRMAN KIENZLE: Commissioner Ryan, did you have any questions or comments?

COMMISSIONER RYAN: No. I just, you know, I'm interested to see this process works and if it can be applied to private landowners, the (indiscernible), help identify what is private property and the law enforcement officers to, you know, prosecute trespass violations so I am going to be personally looking into that.

CHAIRMAN KIENZLE: Commissioner Ricklefs.

COMMISSIONER RICKLEFS: When 17-4-6 passed, personally I have a small piece of property with a stream flowing through it. I felt that legislation saved me from having to confront

somebody who entered the stream at the right of way on the highway and walked up the stream bed into my property. I felt that that legislation was adequate. But I do agree that this regulation has to do with the underlying property not the water itself. Of course that stream flowing through my property is not my water. It's appropriated water and does not belong to me. But I do own the property underneath that stream. I pay taxes on it. I don't measure that stream width and length and then subtract that from my county property taxes. I pay taxes on it. So it is a property right of who owns the stream bed and I feel that this regulation is not overly burdensome. A question for the Director or perhaps the Chairman. Is there a document that basically states at statehood, no streams in New Mexico are navigable?

CHAIRMAN KIENZLE: I think if you go to the UNM or you go to the state law library, you're going to find a bunch of dusty old books that'll tell you the answer to that question. And so the information is out there. It's available publicly for everyone to go look at. So it's not hide-the-ball or gosh I can't figure this out. The information is available from territorial records and other sources and publicly available for people to take a look at. To the extent you don't want to go dig it up yourself, you can probably hire someone like a title researcher to real property, you know, an expert or someone else. But this information is readily available to the public and I think to address Commissioner Ramos's concern, as we get into these applications I think you're going to see a lot of common evidence about what's navigable and what isn't. And pretty soon, both the Commission and the Director will be educated on, Oh, this is-this isn't, because there's only a finite number of sources at least from those territorial type records that are available. Now there may be individual circumstances that we're not aware of: family history, great-great grandmother says this. I don't know what evidence will come in. But the sources that are available historically here in New Mexico, that's something that everyone will get ahold of and I

can assure you once this process gets cranked up if it passes today, this will all be common knowledge in pretty short order.

COMMISSIONER RICKLEFS: Thank you. Director, if we pass this regulation and an officer in the field finds somebody who is ignoring the certification signs and is on private property I would assume the officer then can write them up as violating this regulation as well as criminal trespass under Chapter 30?

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Ricklefs, thank you for the question. So certainly if it is posted in accordance with this rule then of course we can cite under this particular rule. And actually the Statute 17-4-6, we can additionally, the other piece to look at under criminal trespass is just to ensure that they have properly, posted it, posted it, excuse me, in accordance with Chapter 30 as well.

CHAIRMAN KIENZLE: And let me add that again, the other part of this rule is to give clarity to law enforcement in the field. It doesn't change how they handle things. So if the Colonel's instructions to his team is let's try and talk these people down off the ledge, let's resolve these in the field, we're not going to write a ticket, I respect some of that discretion that he has to get that done. If you have a repeat offender you may say, well, you know, look Dude, we told you last week and you keep doing this. You know, today's the day I'm writing a ticket. So this doesn't change existing law, existing practice necessarily for law enforcement. It just gives them more clarity in the field where they can point to a sign and say, look, you know, clear out or you've got a problem or they write a ticket. I am not here to tell law enforcement how to do their job. I'm here to give them the tools to do their job and if they, you know, choose to handle something without a citation in the field I respect that. If they choose to write a citation I respect that as well. But I don't want them to have to guess is this private property, isn't it, what's going on.

And that's part of what this is designed to do, is to give them the bright line they need to make the best judgement possible when they're in the field.

COMMISSIONER RICKLEFS: Okay.

CHAIRMAN KIENZLE: Commissioner Salopek, any questions or comments?

COMMISSIONER SALOPEK: No.

CHAIRMAN KIENZLE: Commissioner Montoya?

COMMISSIONER MONTOYA: No.

CHAIRMAN KIENZLE: Commissioner Peterson?

COMMISSIONER PETERSON: No.

COMMISSIONER RYAN: Commissioner Ryan, any questions or comments? Any further questions or comments?

COMMISSIONER RYAN: No.

CHAIRMAN KIENZLE: Okay.

COMMISSIONER RYAN: No.

DIRECTOR SANDOVAL: So, Mr. Chairman, if I may, I would recommend a motion if that's okay with you.

CHAIRMAN KIENZLE: Yes.

DIRECTOR SANDOVAL: So I would make the motion that the State Game Commission approve a new rule 19.31.22, otherwise referred to as the landowner certification of non-

navigable water, today with the allowance for the Department to make any necessary administrative changes according State Records and Archives to get it filed.

CHAIRMAN KIENZLE: I did notice there is one typographical error that may be significant because it's confusing. How do you want to handle a typographical error? It's an additional word that should not be in there.

SPEAKER: Mr. Chairman, where is it?

CHAIRMAN KIENZLE: It is 19.31.22.13d(3). There's the word 'at', should be removed.

SPEAKER: And changed to?

CHAIRMAN KIENZLE: It should just say sign shall state the following prohibitions, instead of having the word at.

SPEAKER: You said e?

CHAIRMAN KIENZLE: I'm sorry, d(3).

SPEAKER: d(3).

CHAIRMAN KIENZLE: Need to take out the word 'at'.

SPEAKER: Here?

CHAIRMAN KIENZLE: That is correct.

SPEAKER: Thank you. So for the record, 19.31.22.13d(3) currently says: sign shall state at the following prohibitions in accord with, and then it continues. The proposed change just removes the word 'at' so that d(3) reads: sign shall state the following prohibitions, etc. So if the motion is

moved it would be as amended. So, Mr. Chair, I believe you actually have to second the motion before you can amend the motion.

CHAIRMAN KIENZLE: So let's—

DIRECTOR SANDOVAL: I'm sorry. There hasn't been, the motion actually hasn't been moved yet.

CHAIRMAN KIENZLE: Right. So we'll, just wanted to make it clear if we needed to do a change. So we'll do the motion. So you've done the motion. Can I get someone?

COMMISSIONER RAMOS: So moved, to support what Director Sandoval stated with the certification of non-navigable water 19.31.22 as amended.

DIRECTOR SANDOVAL: Second?

CHAIRMAN KIENZLE: Do you want a second on that, then.

DIRECTOR SANDOVAL: Yes, Mr. Chairman.

CHAIRMAN KIENZLE: Can I get a second on that?

COMMISSIONER PETERSON: Second.

SPEAKER: If I may, just to clarify that this motion is passing with the proposed rule with that slight amendment of removing the word at.

SPEAKER 2: Mr. Chairman, that is not correct. We have to pass the motion first, initiate the motion as I presented it. Then they will do a friendly amendment. I would accept a friendly amendment to the motion . . .

CHAIRMAN KIENZLE: So . . .

SPEAKER 2: . . . which is the correction.

CHAIRMAN KIENZLE: So, propose a friendly amendment for removing the word, the first 'at' in 19.31.22.13d(3)

COMMISSIONER: So moved.

CHAIRMAN KIENZLE: I can't, no, so you did it. Okay.

COMMISSIONER #2: Second.

CHAIRMAN KIENZLE: Second.

COMMISSIONER: That is to amend the main motion by changing . . .

COMMISSIONER #2: Take out the word 'at'.

CHAIRMAN KIENZLE: Right. Got the word 'at'. Any further discussion, questions or comments.

DIRECTOR SANDOVAL: So, Mr. Chairman, you are on the amendment at this point.

CHAIRMAN KIENZLE: Did we second that?

DIRECTOR SANDOVAL: Yes. We need to vote on the amendment.

COMMISSIONER: Vote to change it.

CHAIRMAN KIENZLE: Okay. So let's vote on the amendment. All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed? None opposed. Okay. So now we have the original motion as amended on the table.

DIRECTOR SANDOVAL: Correct. Thank you, Mr. Chairman.

CHAIRMAN KIENZLE: Do I need that one moved and seconded or is it sufficient?

[crosstalk]

COMMISSIONER: That one's already done.

CHAIRMAN KIENZLE: So then we will move . . .

COMMISSIONER: Just passed it.

CHAIRMAN KIENZLE: You want the—

SPEAKER: Mr. Chairman, you have moved the amendment, a friendly amendment to the original motion. You now have a new motion—

CHAIRMAN KIENZLE: Right.

SPEAKER: —to approve the motion as amended.

CHAIRMAN KIENZLE: Okay. Can I get a motion to that effect, please?

COMMISSIONER RAMOS: So moved as we just amended the main motion [crosstalk].

CHAIRMAN KIENZLE: Go ahead.

COMMISSIONER: As she stated.

CHAIRMAN KIENZLE: Can I get a second?

COMMISSIONER MONTOYA: Second.

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

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: All right. Any opposed? All right, the motion passes. Anything else we need to do today?

COMMISSIONER: Mr. Chairman, I move to adjourn this meeting.

DIRECTOR SANDOVAL: Mr. Chairman, if I may, before they get seconded, on behalf of the Department I now have my Director's hat on. I'd like to thank everybody on the Commission for their support in this last year. It has been a heavy lift and appreciate all the work. And we want to wish you all a very blessed Christmas.

CHAIRMAN KIENZLE: And before we break, Craig needs to introduce himself. So step up.

CRAIG PETERSON: Craig Peterson. I'm from Farmington, New Mexico. Lived there all my life. Born there. Glad to be part of this. I'm new at it, so I don't know a lot of what's going on but I really want to get involved in it and know more about it. If you have any questions or concerns, I'll get my number out and my email address and see if I can help.

CHAIRMAN KIENZLE: Right on. Thank you. Welcome aboard.

COMMISSIONER: Welcome aboard, Craig.

CHAIRMAN KIENZLE: Motion to adjourn?

COMMISSIONER: Second.

CHAIRMAN KIENZLE: So moved.

COMMISSIONER: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The Ayes have it.

In Re:

NEW MEXICO STATE GAME COMMISSION

**Special Meeting and Rulemaking Hearing
Albuquerque Marriott Pyramid North
5151 San Francisco Rd NE
Albuquerque, NM 87109**

**Wednesday, December 20, 2017
9:00 a.m. – 12:00 p.m.**

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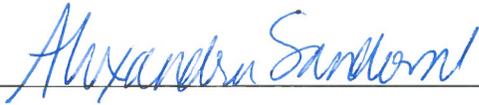
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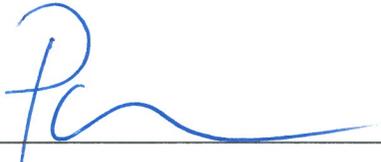
Special Meeting and Rulemaking Hearing
Wednesday, December 20, 2017
9:00 a.m. – 12:00 p.m.
Albuquerque Marriott Pyramid North
5151 San Francisco Rd NE
Albuquerque, NM 87109



Alexandra Sandoval, Director and Secretary



Date



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



Date

AS/scd