

**MEETING MINUTES
NEW MEXICO STATE GAME COMMISSION
Thursday June 21, 2018
Raton Convention Center
901 S. 3rd St.
Raton, NM 87740
9:00 a.m. – 5:00 p.m.**

A P P E A R A N C E S

Chairman Paul Kienzle

Vice Chairman Bill Montoya

Game Commissioner Thomas Salopek

Game Commissioner Craig Peterson

Game Commissioner Ralph Ramos

Game Commissioner Bob Ricklefs

Game Commissioner Elizabeth Ryan

A B S E N T

None

[Audio begins here-Roll call]

DIRECTOR SANDOVAL: Commissioner Ramos

COMMISSIONER RAMOS: Here.

DIRECTOR SANDOVAL: Commissioner Ryan.

COMMISSIONER RYAN: Present.

DIRECTOR SANDOVAL: Commissioner Ricklefs.

COMMISSIONER RICKLEFS: Here.

DIRECTOR SANDOVAL: Commissioner Salopek.

COMMISSIONER SALOPEK: Present.

DIRECTOR SANDOVAL: Vice Chairman Montoya.

VICE CHAIRMAN MONTOYA: Here.

DIRECTOR SANDOVAL: Chairman Kienzle.

CHAIRMAN KIENZLE: Present.

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

CHAIRMAN KIENZLE: Excellent. Thank you. Ralph, you want to lead us in the Pledge of Allegiance?

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

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

COMMISSIONER SALOPEK: So moved.

COMMISSIONER RAMOS: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it. Let's go around the room and introduce ourselves.

GUEST SPEAKER: Good morning, Commissioners, Director Sandoval, members of the public. Donald Jaramillo, Deputy Director of the Department.

CHAD NELSON: Chad Nelson, Licensing Operations Manager, New Mexico Game and Fish.

PAUL VARELA: Good morning, Mr. Chairman, Commissioners, Director, members of the public. My name is Paul Varela. I'm the Chief of Administrative Services.

GUEST SPEAKER: Chairman, Commissioners, members of the public. My name is Jacob Payne, General Counsel (indiscernible).

JIM COMINS: Chairman, Commissioners, members of the public, my name is Jim Comins and I'm the assistant director (indiscernible).

CHRIS CHADWICK: Chairman, Commissioners, members of the audience, my name is Chris Chadwick, Assistant Director (indiscernible).

LANCE CHERRY: Mr. Chairman, Commissioners, members of the public, I'm Lance Cherry. I'm the Chief of Information and Education (background noise).

GUEST SPEAKER: (Indiscernible).

[Break in audio/static only]

STEWART LILEY: Good morning, Chairman, Commissioners, members of the public. Stewart Liley, Chief of Wildlife.

GUEST SPEAKER: Good morning, Commissioners. My name is (indiscernible),
Communications.

ELISE GOLDSTEIN: My name is Elise Goldstein (indiscernible).

[Possible break in audio/static only]

JESS RANKIN: . . . Chairman, Commissioners, public. My name's Jess Rankin. I'm from
(indiscernible).

[Break in audio/static only]

GUEST SPEAKER: Casey Meyer [phonetic], wild life biologist, (indiscernible) Ranch.

KIRK KENNEDY: Good morning, I'm Kirk Kennedy from Kennedy Hunting Services.

[Break in audio/static only]

[Laughter]

CHAIRMAN KIENZLE: (Indiscernible).

NICOLE TATMAN: Good morning, Commissioners. I'm Nicole Tatman, Big Game Program
Manager for Game and Fish.

GUEST SPEAKER: (Indiscernible) Wildlife.

GUEST SPEAKER: (Indiscernible).

GUEST SPEAKER: Good morning, Chairman, Commissioners. (Indiscernible).

REX MARTENSEN: (Indiscernible) Rex Martensen, Program Manager, Private Lands, Game
and Fish.

GUEST SPEAKER: Morning [inaudible]

[Break in audio/static only]

MIKE SLOANE: Good morning. Mike Sloane, Chief of Fisheries for the Department.

MARTIN PEREA: Good morning, Commissioners, guests. I'm Martin Perea, (indiscernible)
Game and Fish.

GUEST SPEAKER: Morning, Mr. Chairman, Commissioners. (Indiscernible).

GUEST SPEAKER: (Indiscernible).

[Cross talk]

CHAIRMAN KIENZLE: You're so far away. Any other guests? Any other department
personnel?

GUEST SPEAKER: Mike Turner [phonetic]. I'm a new employee (indiscernible).

[Laughter/cross talk]

CHAIRMAN KIENZLE: Welcome. Can I get a motion to approve the minutes from our last
meeting?

VICE CHAIRMAN MONTOYA: So moved.

COMMISSIONER SALOPEK: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it. Agenda item number 7, approval of fiscal year 2020 capital outlay request. This is an action item.

DIRECTOR SANDOVAL: Mr. Chairman, before we begin with the presentations, if I may, I would like to recognize Donald Jaramillo. He is the Deputy Director for the Department. This will be his last commission meeting before he retires. I just want to say thank you for all your work. He and I started in the Department at the same, almost the same time, a couple of months afterwards, after I started. But we grew up in the agency together, went a couple of different paths as we grew up. And Donald has held a number of positions within the Department, including District Officer, Depredations Specialist, Major within Field Operations, and now Deputy Director. He has done an amazing job. I often refer to Donald as the Ying to my Yang. He's a very calm person, as most everybody knows, and I can get a little hyper at times. So Donald has always been an incredible partner in everything that we do at the Department. I very much value his friendship, his knowledge of the Department, and everything he has done for us and for the wildlife of the State of New Mexico. So thank you, Donald, for your service.

[Applause/cheers]

COMMISSIONER: You're with it, Donald.

DONALD JARAMILLO: Thank you.

COMMISSIONER: Mr. Chairman, could I ask Donald a question?

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER: You remember who hired you?

[Laughter]

DONALD JARAMILLO: I don't know, it's been a while.

[Laughter]

Pictures on the wall.

CHAIRMAN KIENZLE: But some mistakes were built to last. [Laughter] Congratulations.

DONALD JARAMILLO: Thank you.

CHAIRMAN KIENZLE: Appreciate your service. More mundane subjects. Agenda item number 7, approval of fiscal year 2020 capital outlay request. Mr. Varela.

PAUL VARELA: Mr. Chairman, Commissioners, agenda item number 7 is approval of the capital project plan for fiscal year 2020 through 2024. I know about capital projects. This is a separate appropriation from our operating budget. FY20 focuses specifically on wildlife habitat restoration and management projects and shooting ranges. In your binders, you should have a spreadsheet that shows the next five years of our capital outlay plan. DFA requires us to submit five years, but the legislature only approves one year at a time. So the next four years in the description you have in front of you are anticipated projects and they're all contingent on funding. Each project, if approved, is good for four years.

DIRECTOR SANDOVAL: I don't think we have a spreadsheet. Does anyone have a spreadsheet?

[Cross talk]

DIRECTOR SANDOVAL: Do you have the spreadsheets? There are no spreadsheets in the book.

PAUL VARELA: I don't. I can provide those to you after the Commission meeting. So this next slide shows the capital budget request for Fiscal Year 20. It focuses specifically on two projects. The first project is wildlife habitat restoration and management projects. These projects include riparian, wetland, forest, and range land enhancement to prevent catastrophic wildfires, improve watershed health, and enhance wildlife habitat. It also includes maintenance, development and operation on state commission-owned properties. And that's for a million dollars. That comes from the Big Game Enhancement Fund. The second project for FY20 is related to shooting ranges and that's for improvement, design and construction of shooting ranges throughout the state; \$250 thousand of that is game protection and the other \$750 thousand is from federal funding. So the next steps in this capital outlay plan is, with your approval, we will approve FY20 to FY24 capital project plan. This is due to the Department of Finance on July 2nd. Once submitted, DFA and (indiscernible) will have a hearing in mid-October. They will review our capital outlay plan. They will make recommendations and then they will include our capital projects in the capital outlay bill to be submitted in the legislature. And once that is approved or not approved, then the governor will sign it or either veto that bill. And with that, I will stand for any questions.

COMMISSIONER RYAN: So the only two projects are the ones you just listed?

PAUL VARELA: Right.

COMMISSIONER RYAN: That's it? Okay.

DIRECTOR SANDOVAL: Okay.

PAUL VARELA: That is Fiscal Year 20.

COMMISSIONER RYAN: Okay. And all of -- could you flip back to that spreadsheet? So all the money's either coming from . . .

PAUL VARELA: From Game Protection or Big Game Enhancement.

COMMISSIONER RYAN: Big Game Enhancement or Federal Aid. Okay.

DIRECTOR SANDOVAL: Mr. Chair, Commissioner Ryan, regarding the million dollars, we have the Big Game Enhancement. We do have the ability and capacity to match that to federal dollars, depending on the nature of the project. We have not indicated that here because we do not know how much we will actually be using the Federal Aid portion of it. That part is not appropriated by the state legislature and is done on a project-by-project basis with the Feds. So that's why that amount is not indicated for the habitat project itself. It's just -- it's an unknown at this time on how we'll be using the PR -- Pittman-Robertson, excuse me -- dollars for that project.

[Break in audio/static only]

DIRECTOR SANDOVAL: Mr. Chair, Commissioner Ryan, it could be up to three million dollars, potentially, but without knowing what the project is and what compliance is required on that, we wouldn't know. So the most it would be is three million, potentially not even matching at all.

COMMISSIONER RYAN: Thank you.

CHAIRMAN KIENZLE: Any other questions or comments? Okay. This is an action item. Can I get a motion on this?

COMMISSIONER RYAN: Mr. Chairman, I move to approve the fiscal year 2020 through fiscal year 2024 capital plan as presented by the Department.

VICE CHAIRMAN MONTROYA: Second.

CHAIRMAN KIENZLE: Any further discussion, questions or comments? No? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it. Thank you. Agenda item number 8, revocations.

[Cross talk in background]

CHAIRMAN KIENZLE: Ready when you are.

[Cross talk]

CHAIRMAN KIENZLE: I think so. That's what it looks like. Are we ready? (Indiscernible)

ROBERT GRIEGO: Mr. Chairman, Commissioners, today we have agenda item number 8 which is revocations. Pursuant to the rule, the revocation rule, the Department is to notify the Commission of revocations or suspensions carried out pursuant to Parental Responsibility Act, penalty assessments, and the Wildlife Violation Compact. Today, we are only addressing Wildlife Violator Compact. We have 11 individuals that were suspended in accordance with the Wildlife Violator Compact. Today we will also present four groups of individuals that are subject to revocation. Group 1 is the revocation of five individuals who accrued 20 or more violation points within a three-year period. They were sent notices of contemplated action, requested a hearing, a hearing was granted and exceptions were filed. These exceptions were provided to the Commission prior to the meeting.

[Static only]

Draft Copy

ROBERT GRIEGO: Mr. Chairman, do you want to work on these groups individually?

CHAIRMAN KIENZLE: We're going to do it individually and then I understand Mr. Bowen is here with his attorney, and then Mr. Rankin is here. So we will -- I will break them out separately. Anyone else here who is affected by any of these or potentially affected by any of these revocations? David Chacon, Jerome [phonetic] Sanchez, Jeff [phonetic] Schoenbacher.

ROBERT GRIEGO: Schoenbacher, yes, I don't think so.

CHAIRMAN KIENZLE: Is not here?

ROBERT GRIEGO: No. No, sir.

COMMISSIONER RYAN: Mr. Chairman, before we start discussing this group, I think there are a couple of recusals.

CHAIRMAN KIENZLE: Pardon me?

COMMISSIONER RYAN: We have a couple of recusals in this group. I just wanted to mention, me personally, I will be recusing myself from the vote on Mr. Jess Rankin.

COMMISSIONER: Mr. Chairman, I'd like to recuse myself also from Mr. Sanchez.

CHAIRMAN KIENZLE: Okay. Anyone else? Any other recusals? Okay. So on this first group, is there anything further you need to present or wish to present?

PRESENTER: Mr. Chairman, no.

CHAIRMAN KIENZLE: Do you have any questions? We'll take Mr. Rankin first, I think. Any questions or comments on this particular matter from anyone on the Commission? Is that better? Thank you. Any questions or comments from the Commission on Mr. Rankin?

[Cross talk]

CHAIRMAN KIENZLE: Pardon me?

COMMISSIONER: Does he speak before us or want to?

CHAIRMAN KIENZLE: No, we don't typically take any comment on this apart from what's already in the written (indiscernible).

ROBERT GRIEGO: Mr. Chairman and Commissioners, you all were sent the written exceptions by the five individuals, as well as the hearing officers' reports on them by rule. That's what you take into account is those two elements.

CHAIRMAN KIENZLE: All right. As to Jess Rankin, can I get a motion on this particular individual?

COMMISSIONER RAMOS: Mr. Chairman, I move to accept the recommendation of the hearing officer as presented by the Department and revoke all license privileges of Mr. Rankin for the three years as recommended by the Department.

CHAIRMAN KIENZLE: Can I get a second?

COMMISSIONER SALOPEK: Second.

CHAIRMAN KIENZLE: Any further discussion, question or comment? Hearing none, all in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Opposed? No opposed. And I note that Commissioner Ryan did recuse herself on this particular vote. Since we do have a recusal on Jerome Sanchez, I

understand he is not here? Why don't we break him out individually as well? Can you give me just a little bit of background on this one, Jerome Sanchez?

ROBERT GRIEGO: Mr. Chairman, I believe Mr. Sanchez was convicted of residency violation. He was a resident of Arizona and was purchasing resident hunting licenses in New Mexico. Some of his activities with those licenses were additionally egregious, and that's why the hearing officer recommended a five year on that individual.

CHAIRMAN KIENZLE: Can I get—any discussion or comment on this one? Can I get a motion, please?

COMMISSIONER SALOPEK: I move to accept the recommendations of the hearing officer as presented by the Department and revoke all license privileges for Jerome Sanchez.

VICE CHAIRMAN MONTROYA: Second.

CHAIRMAN KIENZLE: Any further discussion, question or comment? Hearing none, all in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Ayes have it. I also note that Commissioner Ramos recused himself on this matter. Michael Bowen. Note that he is here along with counsel. I do have a card from his attorney, Mr. Jones [phonetic], directing us to take note of Mr. Bowen's written objections. Can you tell me a little bit about this particular matter?

ROBERT GRIEGO: Mr. Chairman, I will have Lieutenant Cole discuss that one.

DARRELL COLE: Mr. Chairman, Commissioners, this case originally started as a resident violation. Mr. Bowen apparently lived in Texas, was purchasing New Mexico licenses, applying

for and drew a couple of licenses and actually killed an animal. In court he was convicted of unlawful killing, unlawful possession, and as part of that agreement the residency violation went away. And I'll stand for any questions based on that information.

CHAIRMAN KIENZLE: Was there a conviction on this one at—

DARRELL COLE: Yes, sir.

CHAIRMAN KIENZLE: —at a lower level?

DARRELL COLE: Mr. Chairman, yes there was.

CHAIRMAN KIENZLE: Was that in front of a magistrate (indiscernible).

DARRELL COLE: Yes, sir.

ROBERT GRIEGO: Mr. Chairman, Commissioners, all these individuals that come before you all for any revocation must have a conviction in a court of competent jurisdiction, typically the magistrate court, sometimes district. But they will all have a conviction before they come to the Department and then we assess those points.

CHAIRMAN KIENZLE: Understood, thank you. Any questions or comments on this particular item? Can I get a motion on this one?

COMMISSIONER PETERSON: Mr. Chairman, I move to accept the recommendations of the hearing officer as presented by the Department and revoke all license privileges for Michael Bowen for the period of three years as recommended.

VICE CHAIRMAN MONTROYA: Second.

CHAIRMAN KIENZLE: Any further discussion, question or comment? Hearing none, all in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed? None opposed. For the remaining two individuals, David Chacon and Jeff Schoenbacher, I think we can do them as a group as they are not here today. Can I get a motion as to these two individuals?

COMMISSIONER RAMOS: Mr. Chairman, I move to accept the recommendations of the hearing officer as presented by the Department and revoke all license privileges for David Chacon for 3 years and Jeff Schoenbacher, 2 years, as recommended by the Department.

CHAIRMAN KIENZLE: Discussion, question, comment?

VICE CHAIRMAN MONTOYA: Second.

CHAIRMAN KIENZLE: Second. Any questions or comment? Hearing none, all in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: None opposed. Okay.

ROBERT GRIEGO: Mr. Chairman, Commissioners, group number 2 is a group of eight individuals who also accrued 20 or more violation points within a three-year period. They were sent notices of contemplated action, requested and received a hearing but did not file an exception.

CHAIRMAN KIENZLE: And I don't believe any of these individuals are here so I think we can take them as a group. Can I get a motion as to this particular group?

COMMISSIONER PETERSON: Mr. Chairman, I move to accept the recommendation of the hearing officer as presented by the Department and revoke all license privileges of the eight individuals for the length of time recommended.

COMMISSIONER SALOPEK: Second.

CHAIRMAN KIENZLE: Do we have eight or seven?

ROBERT GRIEGO: Number eight is on the second page on top, Mr. Chairman.

CHAIRMAN KIENZLE: Right. Okay. Got it. Yes.

ROBERT GRIEGO: Bradley Renshaw [phonetic].

CHAIRMAN KIENZLE: Right. Did we get a second on that? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it. Okay.

ROBERT GRIEGO: Mr. Chairman, Commissioners, group 3 is an individual that accrued 20 or more violation points in a three-year period, was sent a notice of contemplated action, requested a hearing and went in front of the hearing officer. The hearing officer recommended no revocation but we wanted to bring that in front of you because, although the hearing officer recommended no revocation, it is up to you all as the Commission body to accept that recommendation or move forward as you see fit. So that's why we brought that individual to you.

COMMISSIONER RYAN: Mr. Chairman, I move to accept the recommendation of the hearing officer as presented by the Department and not revoke any license privileges of this individual.

COMMISSIONER SALOPEK: Second.

CHAIRMAN KIENZLE: Any discussion or comment? Hearing none, all in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it. Group number 4.

ROBERT GRIEGO: Mr. Chairman, Commissioners, group number 4 is revocation of two individuals who accrued 20 or more violation points within a three-year period. They were sent notices of contemplated action and did not request a hearing.

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

VICE CHAIRMAN MONTROYA: Mr. Chairman, I move to accept the recommendations of the Department as presented and revoke all license privileges of the two individuals for the length of time recommended.

COMMISSIONER SALOPEK: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it. How's the revocation process going in general? Pretty smoothly?

ROBERT GRIEGO: Mr. Chairman, it is moving very smoothly. We are in a very good place right now. The vast majority of our cases are, once the court process is adjudicated, we are sending out notices typically within days to 6 weeks. So we are literally moving pretty quickly. I don't see us ever having any issues like you saw in the past. It's working very smoothly.

CHAIRMAN KIENZLE: And then stipulated agreements and other—I think we gave you some flexibility in dealing with things. How's that process working out?

ROBERT GRIEGO: Mr. Chairman, Commissioners, we've reiterated to our officers in the field that as they're working these cases and they feel that a stipulated agreement is forthcoming, to just remind them to use that tool. You know, often -- again, hunting is a game of everywhere from, you know, basic mistakes to the egregious. And when those mistakes happen or those special circumstances occur and they feel that's the best avenue, we've reminded them to bring those forward because they're the ones doing the investigation. They're the ones looking those individuals in the eye and getting a feel for the totality of it. And we will continue to use those and work with our officers to ensure that if that's best avenue, that's the route we take.

CHAIRMAN KIENZLE: Well, that's important because I know the Commission relies on your frontline personnel to give us that totality of the circumstances, and that tool, when it's appropriate. So you keep at it. Any other questions or comments?

COMMISSIONER RAMOS: Mr. Chairman, Director, Colonel Griego, I'm wondering what the Department could do to make people more aware of this 20-point violation. And kind of what I have in mind is possibly when people are applying for separate, you know, for a hunt or purchasing a license of some type, clicking on a box after they read on what, you know, is this 20 point -- you know, how could they lose their hunting and fishing privileges. That's one. But not only that, I think we need to also see what we can do to reach out to the judicial system to maybe provide some professional development or recommendations to judges out there in our state to also make them more aware of pleading no contest doesn't mean you're not going to get any points, you know, attached to you. And I think that's something that, you know, we get phone calls from a lot of these individuals. They didn't know. They went to court. They were found—

they pleaded no contest, they were charged the minimal court cost or deferred sentence or whatnot. And that does not mean that they don't accumulate any points. So just kind of getting more clarity on that at that level. But I don't know what we could do as a Department to educate people on the severity of this.

ROBERT GRIEGO: Mr. Chairman, Commissioner Ramos, I agree wholeheartedly with you. The more education we can get out there and the more information. The last thing we want is, a) people violating the rules. But we don't want individuals to have to deal in a process that they thought was done. So I think we can educate. Obviously, we do post our rules on the web. Unfortunately, the vast majority of the public in general will not go and look at those rules. But Lieutenant Cole had come up with an idea very similar to what you talked about, putting a disclaimer on the application just reminding people to know that violations that exceed those 20 points or accumulation of point to exceed 20 points, that they are subject to a revocation. And I believe we could do that, working with the administration and the I.T. Department to get something like that put in. I do have meetings with magistrate court systems at times with all the magistrate judges in the state, and that is something that we can bring up to make sure that they're bringing that forward. In my career, I often see that. They do know that there's that other consequence, not only the criminal and the fines that are associated with that, but civil as well as suspension of licenses. But I think it behooves us to get as much education and information out there as possible to insure we're not missing somebody. So I agree and that is something that we'll work with.

CHAIRMAN KIENZLE: Thank you, sir. Any other questions or comments?

DIRECTOR SANDOVAL: Mr. Chairman, if I may, just to add to that? We can certainly try and highlight those violations. They are printed in the rules and information booklet. They also are

actually in the terms of agreement. Every time an individual applies on a big game hunting application, they have to agree. And we are victim of what we call click-through process. People will just click through and agree to terms of agreements. We're not the only one. I think every online entity is victim of those types of things where people will just click 'okay' and move forward. We can certainly do a better job of saying, "Hey, you really do need to pay attention to these terms of agreement before you click 'yes'." And we can certainly work on that, but I do just want to point out that those are something in the point revocation, and all of that information is something that is presented to each applicant every time they fill out an application.

CHAIRMAN KIENZLE: I wouldn't characterize us as the victim. It is important to read, just like you're signing a contract. You need to read what's put in front of you. And it may be inconvenient, slow you down when you're clicking through, but these are not throwaways. So I would encourage the public, read what's put in front of you. Take the opportunity. Constantly update your address, your information, whatever is necessary. So just because we've moved to an electronic system doesn't mean that all the old ways of updating your information go away. It's in fact easier to update your information in some cases electronically than it was doing it via paper. But you still have a responsibility to be mindful of what you're reading and signing or clicking on as you go through the application process. Any other questions or comments? Thank you. Good work.

ROBERT GRIEGO: Thank you. Just for background, this picture on the screen or in front of you is from the fire this year by Cimarron, and one of our officers that was working to block that road. That was the day it started. So.

CHAIRMAN KIENZLE: Cookin'.

ROBERT GRIEGO: Thank you.

CHAIRMAN KIENZLE: Thank you. Mr. Comins. Update on construction of Albuquerque and Roswell offices complexes. It's agenda item number 9.

JIM COMINS: Good morning, Mr. Chairman. We have some more pictures for you. The rest will be (indiscernible).

CHAIRMAN KIENZLE: Are they on fire?

JIM COMINS: They're not of the fire, no. We certainly hope not.

CHAIRMAN KIENZLE: They're not as cool, then, if they're not on fire.

[Break in audio/static only]

PRESENTER: Good morning, Mr. Chairman and Commissioners. The first picture you're going to see is the Albuquerque office. They're putting up the stonework.

DIRECTOR SANDOVAL: We can't hear you, Russ [phonetic].

PRESENTER: Oh, okay.

DIRECTOR SANDOVAL: Thank you.

CHAIRMAN KIENZLE: I had the same problem, though. Sorry.

PRESENTER: Good morning, Mr. Chairman—

SPEAKER: There you go.

PRESENTER: —and Commissioners. The first slide you're looking at here is the exterior of the Albuquerque office. The stonework is being completed and should have been completed this

week. The white is the actual insulation and sealant. This office is going to be shut up by the end of the month, which means the doors, windows and everything will be installed by the end of this month. More stonework. This is the interior stonework where the display case will be in front of this stonework at the Albuquerque office. Next is the drywall is now going in for all of our office areas. We started off with the electrical room so we can run some temporary power into the offices to help the construction, and our security fence which will be around our warehouse and coverage storage areas. This is the high security fence that's being installed. There is a top piece to this fence which is rather jagged and points out. Next, on to the Roswell complex update. The design is completed. The environmental assessment is in process. The archeology is completed. Thirty-day public comments will be completed on June 25th. To date, we have not had any comments on the actual complex. Invitation to bid started on May 22nd and we will actually be opening the bids this -- tomorrow, June 22nd. Our target is to start construction in July and construction complete target for February 2019. This is an overview of the layout of the Roswell property. As you can see, in the bottom section is our office, the warehouse and the covered storage. The rear aspect of the property will have archery ranges, two of them. And that is it. Any questions?

COMMISSIONER: Mr. Chairman—

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER: —Director, Russ, have you all ordered furniture? I know we had talked about furniture and trying to make it multi-purposeful, especially for the multipurpose room?

PRESENTER: Fixtures and accessories have been ordered. They are actually waiting for the warehouse walls to be put in so they can be stored until they are ready to be installed.

COMMISSIONER: So it has been ordered then?

PRESENTER: Yes, sir.

COMMISSIONER: Okay.

COMMISSIONER RYAN: I heard that the lease has now been signed with the City of Roswell. Is that true?

PRESENTER: Mr. Chairman, Commissioner Ryan, that is true. And it's been signed. It's been filed, and we actually paid for 50 years in advance, and we filed a copy of that receipt with the Memorandum of Lease.

COMMISSIONER SALOPEK: As far as the Albuquerque building, are our goals to have two or three meetings there of the seven?

PRESENTER: Mr. Chairman, Commissioner Salopek, that's correct.

CHAIRMAN KIENZLE: Any other questions? Comments? When is the expected opening of the Albuquerque office?

PRESENTER: At the October Game Commissioner meeting.

CHAIRMAN KIENZLE: October, okay.

COMMISSIONER: That would be good.

COMMISSIONER 2: That's good.

COMMISSIONER 3: That does look good. (Indiscernible) yesterday.

CHAIRMAN KIENZLE: Okay. Get back to swinging a hammer. Agenda item number 10, initial discussion for potential rule changes on the Game and Fish Licenses/Permits rule 19.30.9 NMAC. Jim, you're going to have to give up your seat, man.

SPEAKER: I am.

CHAIRMAN KIENZLE: Thank you.

[Crosstalk]

CHAD NELSON: Mr. Chairman, Commissioners, this agenda item and its proposed amendments to 19.30.9 NMAC, Game and Fish Licenses and Permits. Specifically what we are proposing is to change the—add an eligibility restriction to become a New Mexico Game and Fish license vendor. The proposed amendment would specify that any entity that's regulated by the Department under NMAC 19.30.8, the Guide and Outfitter Rule, would not be eligible to become a license vendor. That would include registered guides, outfitters and agents of landowners. And this change would prevent potential conflicts of interest in the issuance of carcass tags for big game and turkey hunts. We will -- if approved, we will post this amended rule on the Department's website and public comments will be summarized for the Commission. And I will stand for any discussion or questions.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER RICKLEFS: Would this change affect ranches that are not outfitter/guide registered but still sell licenses?

CHAD NELSON: Mr. Chairman, Commissioner Ricklefs, it would not affect landowners, for example, that have agreements for E-PLUS with us. It would only affect entities that are regulated under the Guide and Outfitter Rule.

COMMISSIONER RICKLEFS: Thank you.

DIRECTOR SANDOVAL: Mr. Chairman and Commission, I think just a little bit more explanation on the reason why we've done this is, is a conflict of interest when, particularly now that we have the carcass tags. When you have those individuals who are regulated by the Department for the purposes of outfitting and guiding then also issuing their own tags and licenses, it is—can be conceived and can be taken advantage of. I'm not saying it's going to happen rampantly, but we just need to protect the agency and those hunters from that type of action.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER RAMOS: Mr. Chairman, Director Sandoval, I think I'm starting to wrap my brain around this with your comments that you just generated. I can see why. I think some of the current problems that are out there is that an outfitter who purchases a landowner tag and issuing that carcass tag, I guess the license—the carcass tag is going to the licensed hunter when issued, and I guess that is what is going to be prevented. Is that kind of what I'm hearing from this? And it's keeping the outfitter from actually being able to sell those carcass tags or to issue them out and—was that already happening?

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Ramos, I don't know if you would like Chad to answer that. But I guess I'd just put in there, currently right now outfitters and guides are not able to sell licenses because of the conflict of interest. And this is just setting in

stone that policy so that they are not able to take advantage of the system and be able to, either through E-PLUS or any other system, issue licenses to their own hunters that have carcass tags associated with them for the potential of abuse of that.

COMMISSIONER RAMOS: Okay. So it's currently not happening. So this is to prevent that to happen possibly in the future?

DIRECTOR SANDOVAL: Correct.

COMMISSIONER RAMOS: Okay, then I can see that. Okay. Thank you.

CHAIRMAN KIENZLE: When will we see this again?

CHAD NELSON: Mr. Chairman, I believe (indiscernible) so we will present the proposed amendment at the next Commission meeting.

CHAIRMAN KIENZLE: Okay. At the last minute.

[Laughter]

KERRIE ROMERO: Thank you, Mr. Chairman, members of the Commission. Kerrie Romero on behalf of the New Mexico Council of Outfitters and Guides. I wasn't going to say anything because I really didn't think that was the way that that presentation was going to go. I think that this particular proposal is going to really be inconvenient for the outfitting industry. Back when we were initially discussing the carcass tag thing, that was the option that was presented to us: "Oh, well, you're an outfitter, you can become a vendor; see how easy this is going to be? Just become a vendor and then you can be open and all of these people, you know, as long as you're willing to be open, can come and get their license and their carcass tag from you. And then, you can also provide the carcass tag for your clientele." And so that was kind of the work around.

And then here we are, you know, six months, a year later and it's kind of flipping the complete opposite direction. I kind of knew this was coming a little bit because I did have an outfitter call me that had applied to become a vendor and it was denied for conflict of interest. She's currently the only individual in Luna remotely close to any sort of population setting that is willing to be open 24/7 to issue carcass tags to just random individuals, as well as her clientele. Then it was recently brought to my attention just last week that with the landowner permits, there is not an option to mail the carcass tag to the outfitter. There is in the draw but not in private land. So the carcass tag actually, whether you buy the license on line or not, has to go to the address on file. So that means if you have somebody from like New York or something and they want to buy their license, then the carcass tag has to go to New York, whether the license is printed in New Mexico or not. So then that puts an added stress on the outfitter to have to go to the Department. And, you know, the Department initiated this online system to sort of ease things for everyone, and it seems like it's actually throwing more roadblocks in the way. So whereas previously, you know, five, six years ago, you had outfitters who were bringing in hundreds of individuals' licenses that needed to be printed out because there wasn't the online mechanism, now you're going to have that again. You're going to have outfitters who -- they can't trust their hunters to print and bring their carcass tag from New York state. So they're going to be bringing hundreds of license applications to the Department again to be printing carcass tags. It is going to put undue burden on the Department. It puts an undue burden on the outfitter. And so it kind of just folds in 10-fold with not being able to be a vendor. It's extremely inconvenient. Thank you.

CHAIRMAN KIENZLE: Understood. Thank you.

COMMISSIONER RAMOS: Mr. Chairman, may I add? I know this is our first year piloting this new carcass tag and I know that we're seeing some hiccups, you know, with it. And I'm not sure

they were overseen. But anyways, this is a problem. A lot of things that happen with the outfitters is they hold on to these landowner tags until two days prior to the hunt because of cancellations or whatnot. And what does an individual do from New York, as Kerrie put out. You know, how are they going to get that carcass tag on time before the hunt? And to me, again, I challenge the Department to really try to expedite that other option electronically to be able to tag that animal with the current technology, whether it's by photo or any other system. And I know that technology with cellular service in certain designated areas—you know, we know those areas where it's not so—I wonder if we need a—kind of come up with a system for those type of areas as well. I don't know. But there are some flaws and I know again it's being piloted for this first year. So we're going to have to really work together with outfitters as well as non-residents. And the other thing is, what if you lose your carcass tag? They ship it to the hunter, let's say in Roswell, New Mexico, and he's out in Unit 34 and he doesn't have his tag. He knows that. Yes, he can go to his phone, here's my license but I don't have a carcass tag. What are those scenarios that are going to be out there for people to do? You know, are they going to be able to run to a Walmart and purchase those? You know, what goes on?

PRESENTER: Mr. Chairman, Commissioner Ramos, that's exactly what would happen in that case. They would not have to have it mailed to them out of state. Obviously, that would not work when they're here and they need a duplicate or something like that. Any vendor would be able to issue those, the duplicate, on site. You know, they would be able to pick that up in state, right there at that vendor.

CHAD NELSON: Mr. Chairman, Commissioner Ramos, that was actually the reason why we allowed license vendors to issue private land elk licenses as well, so that they can get tags and we allowed them to issue tags so that it would be more convenient for customers to be able to get

duplicates. If I may, I'd also like to address the tag mailing comment that Kerrie made. We had intended, when you apply, that you have to enter an address where your tag will be mailed. We had intended to store that address in a separate database so that it would not overwrite the address that is in the customer's account, and we were not able to get that done in time for the application to open. But we are still working toward that and we hope to implement that this summer before -- well before the hunts begin so that an outfitter will be able to enter -- if they are purchasing it for their customer, they will be able to enter their own address and it will not change the address in the customer's account.

SPEAKER: Okay.

COMMISSIONER RAMOS: I do have one other comment and it's related to this. I know that over in the southern part of the state, some carcass tags were already issued for—they have their hunting license that state's "bull -- mature bull hunt"—let's say an archery hunt. For example, rifle hunt—mature bull, rifle elk hunt. And they're receiving carcass tags where it says antlerless or whatnot on there. So there's some discrepancies on the printout. You know, what are we going to do with those type of cases as well? And I know that this is a pilot year. We're learning as we grow.

DIRECTOR SANDOVAL: So, Mr. Chairman, Commissioner Ramos, if I may. We have been working with I&E Division on a public campaign. The issue is actually those individuals who have drawn for an antlerless license type and then they receive the tag and it says, you know, "If you have an antlered animal for which you are licensed, then you'll use the antler tag portion." Some people have come to believe that, because they have been issued a tag that half of it says antler tag—they haven't actually read the back of it. And we have not done a good enough job in explaining that if you have an antlerless license, by getting a tag that says if you have an antlered

animal, use the tag. It's not—we thought it was clear. Sometimes we—when you live and breathe this every single day, we don't do a good job explaining. So we are in the middle of developing a public campaign to hit every single license buyer, and those who have drawn, and also reaching out to the general public, excuse me, to let them know that if—it is the license, the bag limit on the license and not anything to do with the language on the back of the tag. I openly admit that we did not do a sufficient job. We thought we had in distinguishing that. And so that's why we're working on a public campaign that will be rolling out, I believe, in about a month, right prior to the start of license season. I fully acknowledge that there's confusion out there and we will work to correct that before hunting season starts.

CHAIRMAN KIENZLE: To the extent there's confusion, can citations come in front of us?

SPEAKER: Right.

CHAIRMAN KIENZLE: I think the Department has set us up for some significant problems and we will deal with those as they come. But to put it bluntly, it's a mess. So, anyway, thank you. Commissioner Ramos, anything further? Commissioner Montoya?

VICE CHAIRMAN MONTOYA: Well, Mr. Chairman, this brings up a couple of things that concern me, and we're to a point—this isn't an action item. We've got some time to work on these glitches that are obviously in the system and see what we can do to put it together so that—you heard the concerns and we get around those concerns properly and see if we can't satisfy the upcoming problems that we'll have in the middle of a hunting season, for example. And those drive us nuts. Lots of phone calls to you all and us, so . . .

CHAIRMAN KIENZLE: Yes, sir. Anything else? So we'll see this again when?

CHAD NELSON: Mr. Chairman, next Commission meeting.

CHAIRMAN KIENZLE: Next Commission meeting, okay. And will that be the—and then we'll see it one time after that then, right, for a final? So this is just in development, then?

CHAD NELSON: That is correct, Mr. Chairman.

CHAIRMAN KIENZLE: Okay. Very good. Any further questions or comments? Okay. Thank you. Well, don't go anywhere. Although, let's see, agenda item number 11, initial discussion for potential rule changes on the hunting and fishing licenses application rule 19.31.3.

[Inaudible/background speakers]

SPEAKER: Thank you.

SPEAKER 2: She's our communications director.

CHAD NELSON: Moving on, the next agenda item is proposed amendments to the licenses and application rule 19.31.3 NMAC. So, in summary, 19.31.3.11 lists restrictions for licenses and applications. The proposed amendments would add areas designated as public or private land per current unitization agreements to the areas where licenses are valid. And it would specify that unitization agreements may apply to all small game, turkey and big game species. In addition to that we will, since all the species rules are going to be amended as well, we are going to remove many of the restrictions that are in the species rules and consolidate them into the restrictions in the licenses and application rule. And also we are going to remove the pronghorn antelope language from 19.31.3.9 pursuant to recent changes to the A-Plus program and the antelope rule.

DIRECTOR SANDOVAL: So, Mr. Chairman, members of the Commission, this really is about opening up all those unitization agreements for all of those species. Right now, we're restricted to just a couple of them. So this actually allows for more flexibility within the capacity of those

unitization agreements, so it's not restricted just to Barbary sheep or for deer; it actually opens it up for all species and allows more opportunity across those -- across mostly the southeastern part of the State of New Mexico, but it'll be for all of the species rather than just a couple.

[Possible break in audio/static only]

COMMISSIONER RYAN: I'm a big supporter of this initiative. Thank you to the Department for doing this. This is a big deal for the checkerboard areas of our landowners in southeastern New Mexico. So I appreciate the Department's initiative on this.

CHAD NELSON: Mr. Chairman, Commissioner Ryan, that's the—the benefit to these are that we gain access, essentially, by trading some of that private for public for hunting purposes only. We gain access to some of the checkerboard that otherwise would not be huntable. So we hope that this is a benefit for both the landowner and the public.

VICE CHAIRMAN MONTOYA: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

VICE CHAIRMAN MONTOYA: Those unitization agreements are on a year-to-year basis. In other words, they are valid for one year, correct, still?

CHAD NELSON: Mr. Chairman, Commissioner Montoya, I believe that is correct.

VICE CHAIRMAN MONTOYA: Okay.

CHAIRMAN KIENZLE: Next meeting, then, we'll see this again?

CHAD NELSON: Mr. Chairman, that is correct.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER RICKLEFS: Will there be public meetings on agenda item 11 and 10 also, or just take public comments electronically?

CHAD NELSON: Mr. Chairman, Commissioner Ricklefs, we plan to post this to our website as well and receive public comments electronically.

COMMISSIONER RICKLEFS: So no public meetings at this time? I can't see that there would be a lot of activity there anyway.

CHAD NELSON: Mr. Chairman, Commissioner Ricklefs, we don't have plans currently to have public meetings on this.

CHAIRMAN KIENZLE: You want public meetings? No?

COMMISSIONER RICKLEFS: This would be more between the ranchers.

CHAIRMAN KIENZLE: If it's appropriate, put it out. If it's not and you're not getting enough—I mean, if there's no significant public comment, maybe it's no big deal, but if you're getting a lot of comment, it might be worth having a meeting or two so people can visit about it in public. Any other questions or comments on this one? Okay. We'll see you next meeting.

Thank you. Stewart Liley Show [Laughter], 12, 13, 14, 15.

SPEAKER: Get comfortable.

COMMISSIONER: Get the seat belt on and stay.

CHAIRMAN KIENZLE: Agenda item number 12, completed habitat related projects throughout the state for the past four years. Stewart Liley.

STEWART LILEY: Good morning, Commissioners. Just a second and get this presentation open. Great. So in front of you first today, if you remember back to the Clovis meeting, there

was a discussion kind of on some of the habitat and programs that we're running. We discussed our controlled burn on the Colin Neblett and there was some discussion among some of the Commissioners on some of the other projects that we may be doing around the state and asking if we could kind of present what we've done over the last few years and kind of where we're going. So that's what we have in front of you today. Really, our habitat program within the Department, the goal is really to partner with other entities—federal, state, NGOs, private landowners—to really work on improving wildlife habitat across the state, whether that be riparian, upland habitat, or even in-stream habitat for our fisheries as well. Why it specifically says in that one bullet, mule deer, elk, pronghorn, turkey, big horn, etc., is that Big Game Enhancement Fund is set up specifically, the account, to sell those statewide enhancement authorizations, is for the management of those species and management of that to also include habitat management. So we really focused a lot on those species. The other ones that are -- some of the other funds—and I'll get to it in a second—are dedicated funds such as, like I just discussed, Big Game Enhancement Fund that's specific for deer or specific for elk or specific for big horn. But we have our Habitat Management [indiscernible] Validation fund which is part of the stamp package that every hunter buys. Part of that money goes back to improving State Game Commission properties. We've spent, over the last four years, and committed over the next four years, four million dollars of that fund. So that burn rate that we showed you on Colin Neblett is an example of that. Improvements to the Huey Wildlife area is an example of those. Some of the river restoration projects that we've done, we used the HMAV Game Protection Fund, the general fund that is overseen for the Department. We used part of that fund. But a lot of our habitat funds are separate funds, including the Habitat Stamp Fund. Over the last four years and over the next four years, we've either spent or committed \$32.75 million on habitat

restoration across the state. A lot of that is federal funding; \$21 million of that is our federal PR money for the most part. So we're able to match that. Like Director Sandoval stated earlier on, on the capital what we do is, we create those projects, put them forth in front of the federal agency—excuse me, Fish and Wildlife Service—get that PR money. We get all the compliance done and get acceptance and then use that money to triple our ability to improve habitat across the ground. So we'll go through and highlight a few projects. Everyone likes pictures for the most part, not necessarily words. So we'll go through. We broke out the quadrants of the state real quick. What this is, this is the northeast portion of the state. The dark red are polygons where we've completed a habitat project, and the lighter red is those projects where we're in the planning phase. So we might be working on compliance, whether it be archeological compliances or some kind of tree stand compliance, or something we're doing. But we're on the way to moving on those projects and we're getting there. We'd like to highlight three projects out of the northeast that we've completed. One is in the northeast in the Carson National Forest. We've been working heavily with the national forest there on some restoration projects in there. One is also on the Mosquero area, kind of the Bell and Trigg Ranch where we've used some state match, some Water Trust Board money that was going to be put forward, but we were able to bring PR money to that. It wasn't Department money on the state match. We were able to just bring that federal money to improve some property. And then another one on the Rio Costilla. So in the Carson National Forest, what we were really working on is ponderosa pine restoration, trying to make those fire-tolerant through time, make it a better habitat for either birds, wild—deer, elk, etc. But you'll see there, it's kind of a more even stand of ponderosa that we've gone in and we're working to get -- to get all age classes back through there and not really a lot of the encroachment of some of the younger trees or pine in there. This is kind of a project just out to

the east of here, like I said on the Bell and the Trigg Ranch. We have masticated over 7,000 acres of pinyon juniper. You could see in here, and I'll kind of follow it with the cursor, if you could see it, this kind of mosaic pattern where we've gone in on multiple -- 7,000 acres, and used masticators to really replicate what a fire -- this is what a natural fire start would have looked like through time. They don't burn a full stand replacement, they burn in mosaic patterns. So we're trying to replicate that with masticators to really improve wildlife habitat. Rio Costilla was a big fisheries project that was done up on the Rio Costilla just outside of Vermejo, in between Vermejo Rio Costilla on the Valle Vidal. What you'll see here is really the channel was pretty wide through here. Water was running very shallow. You'll see they put a bend in the river as well and also deepened the channel, better fish habitat. So a lot of those projects not only span the terrestrial world but also the aquatic world as well. Northwest, we've worked extensively on the northwest. You'll see there a lot of the forest we've worked on, a lot of the BLM. We have some big planning projects going on in there, in those big red polygons, where we're planning on getting ready to go work. And a lot of completed projects in there. Two of the ones that I think are of big interest are actually, one is on our property, on the Commission property on the Rio Chama WMA. And then one is on the San Juan River that had a large benefit for wildlife. This is the Rico Chama WMA, a big winter range for mule deer. We have thousands of mule deer that will winter in there every year. It's a decadent sage brush. So we went in and did a bunch of sage brush work. What you'll see here is, we went in and actually mowed the sage brush and then tilled in a bunch of native forbs and native other shrub species that are really beneficial to deer. Then the sage will come back after you mow it like that. It's better nutrition, especially in the winter time when the nutrition is really limited for those deer. So it's worked really well. It's attracted a lot of deer to the area and it's helped carry them through the winter. We also did a lot

of ponderosa pine work within the Rio Chama. This is what you'll see there where we masticated. You can see some of the mastication piles in here and also some of the, where we've cut trees to get a better stand alignment throughout the Rio Chama. This would be a lot more fire-tolerant, too. You can see, a fire comes in and there's not a lot of ladder fuels to take it up into the crown. And we think if a fire did come through there, it would be fire-tolerant as well.

San Juan restoration project was a huge project. As you can see, some pretty heavy equipment in the actual river, but it's really trying to get to where the river ran straight through here, and again, not as deep, trying to get some pooling of the water. Two channels now really are created, on both sides of the banks, that allow some deep channeling, better fish habitat overall. In the southwest, we've been working extensively. We've completed one really big project that consisted of multiple projects, I guess. And this is that big polygon here, and that's why we just say Gila National Forest, not the specific project name. They've kind of come together and combined. We're working on better bigger projects as well. This is one of the ones in the San Mateo Mountains, really working on deer, elk, habitat restoration, working on that woody browse, that mahogany component that's really been missing in a lot of these forests that we've been working on. And you can see the mastication in here (indiscernible) crews have thinned out. So this again is trying to replicate what a natural fire would have looked like 100 years ago, cutting the stands out in a mosaic pattern. But then we are able to follow that back up now with a controlled burn because it's not going to have enough fuels, ladder fuels, to get up into the canopy and have a catastrophic wildfire. Again, we see a lot of this browse component coming back. That's big for deer, especially. Another big project that happened was on Slaughter Mesa. Slaughter Mesa used to be connected to the plains of St. Agustin, but through time we had woody encroachment of pinon juniper. We actually have gone back in. You can see the skeletons

of the trees that we've cut and re-created those corridors, and we see a lot of pronghorn use back and forth into that corridor. So it's important for those pronghorn to come up during the summertime when they have a lot of green growth in there, but be able to migrate back down. That Slaughter Mesa area can get up to four to five feet of snow in the wintertime. If they're enclosed in there, that habitat wouldn't be allowable as much anymore. The other one that we wanted to highlight was the Mimbres River restoration. That project has really helped out a lot of kind of sensitive species, species that have been in decline. There is about 15 hundred feet, river feet, that were actually restored. Really looking at Chihuahuan chub, Rio Grande sucker and also Chiricahuan leopard frog. You'll see where we created pools. We really changed the whole dynamics of that riparian quarter, especially in a desert habitat. This is a refugia for a lot of those species that are imperiled right now, that need a little bit of help, and hopefully get these to where we have robust populations again. Southeast we would like to kind of talk about two big projects. One, it is not a completed project but one we're kind of excited about in the planning phase, and that's the southern Sacramento restoration project. It's one of our largest planning projects we've been working on in this state, the largest that we've been involved in in the last four years and one that we've taken the lead on outside of the Forest Service. We're actually paying and conducting the NEPA to get it done so we can work in the mixed conifer forest. It's always nervous for people to work in the mixed conifer and we're trying to get into there. And then another one, a prescribed fire on the Sand Ranch. But this is the southern Sacramento planning area. So you'll see here the kind of map, here this is the southern Sacramentos. This is the Mescalero boundary. This is what we're planning for. This is -- we're clearing this entire area so we can eventually work on habitat work for the next maybe 15, 20 years in here to really improve deer, elk, wildlife habitat, just general forest health throughout that entire southern

portion of the Sacramentos and that Sky Island. And then lastly, one of the projects that's been a big success, not only for prairie chickens but for quail. We've seen -- we saw a huge response in there, and that's in the Sand Ranch area on the BLM where we've done a lot of prescribed burning and seen a great response from hatchlings, from quail to the prairie chickens to everything else. And so just kind of going through the state highlighting some of the projects that we've done and with that I will take any questions.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER RAMOS: Mr. Chairman, Stewart, what a celebration you have brought to us today. And I've got to be honest with you, I'm so excited to see what I'm seeing, what I'm hearing. And I just had to—I know that we had these public meetings about a couple months ago and I did request Ruben Thedon [phonetic] to give me a report, just give me some quadrant reports on what are we doing with these dollars. And when he showed me that list of everything that's going on, it just floored me. And what a celebration not only to the agency but our volunteers with these committees, members that are appointed by this Commission. Your work is definitely showing right here. The dollar distribution that you're seeing in each quadrant versus one portion of the state getting all the dollars as it's been in the past, it's spread out everywhere and everyone's benefitting from it. And I'm just so excited about that. Not only that, but the collaboration that's going on within our agency with fisheries and wildlife and discussing, "Hey, where are we going to have to improve habitats and whatnot?" And the last thing is also reaching out to the public on where else should we go, what next, and really goal setting for the Department. But again, I'm excited. I may be the only one on this but great work. It just shows that we're not only about hunting and fishing but we're doing what's best for the world that we live in here in New Mexico. Thank you, Stewart. Great job.

VICE CHAIRMAN MONTOYA: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

VICE CHAIRMAN MONTOYA: Stewart, what—I know that we've had that fire up in the Ute Park Country and it's maybe drifted off into the Barker. And we've had some controlled burns in there in the past. I'm sure it's done some good, but in a rough way. Statement on it?

STEWART LILEY: Mr. Chairman, Commissioner Montoya, so the fire really kind of went into the Colin Neblett. It drifted up into the Neblett just briefly into the very southern portion of it. Where we've been working in the Colin Neblett right now is in the northern portion, so it actually didn't touch much of where our habitat improvement. So if you remember those pictures I showed you of us burning piles earlier, that was actually in the Neblett. While that fire was growing, they got lucky on a couple of days where they had a back wind where it burned back into itself and slowed progression. But the fire team, the big managers, were looking at our—where were breaks that we could potentially stop the fire if it continued. And one of the big breaks they were looking at was where we actually went in and did a bunch of forest work in the previous year, saying this is an actual break, maybe we can actually stop the fire's progression if it makes it to there. It never made it to there. We didn't see much of a stand replacement loss across the Neblett. On Philmont they did see a large stand replacement, but the Game Commission properties itself did not see a full stand replacement on those.

COMMISSIONER RYAN: This is so cool. I think there should be a public education, announcements and information going out to our new communication personnel. This is just great. And people should know what good habitat management looks like, and why we need to

manage our forests and habitat for these wildlife, and why it does good and why it protects it and gives it a long life. So put it out there.

COMMISSIONER: Great job.

CHAIRMAN KIENZLE: Great work.

COMMISSIONER: One last thing, and I think that just shows, and I think even legislation should hear what's going on with our dollars here because we are using federal dollars and our local dollars to really enhance these projects and to make it available. This would be a great presentation for them to see what we are all about here.

CHAIRMAN KIENZLE: Any other questions or comments? All right. Let's take a quick break and then we'll go on to number 13. Thank you.

[Return from break]

CHAIRMAN KIENZLE: Before we start in on agenda item number 13, can I get a motion to move up public comment to directly below agenda item number 17? It looks like on my agenda that the public rule hearing will be before public comment. I'd like to get a motion to move agenda item number 18, general public comment, to directly after agenda item number 17.

COMMISSIONER SALOPEK: I'll make the motion to move agenda item number 18 to directly after [cross talk] agenda item 17 and before the public rule.

VICE CHAIRMAN MONTROYA: Second.

CHAIRMAN KIENZLE: Any discussion? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it. Agenda item number 13.

STEWART LILEY: All right, Commissioners, so what we have now is a—we're about halfway through the stretch on our big game rules for this season. As you know, we have down to the last two big game rules for opening and going through. That's deer and elk. So before you here is deer. Just real quick, the 2017 harvest data. This will actually be posted on our website in the next week or so. Last year we sold 36,000 licenses, approximately, across the state; 88 percent of our hunters reported harvest results. So that's a great reporting rate, really gives us great data. Statewide average for deer last year, success rates were 35% success. Harvesting, we estimate about just over 11,000 bucks and 96 does. Our satisfaction ratings have been coming up in the last couple years. You'll see there a 3.4, 3.4 out of 5, so not too bad, really, overall. Some of the bigger proposed changes that we're making that are non-GMU specific, again, like all of our rules we've talked about, we'll adjust the season dates given the calendar creep. We will be adjusting or proposing adjusting licenses based off the biological data and the management goals that are set forth for those GMUs. During the ensuing four years where the rule is in, we're collecting data every single year on those populations, whether it be harvest or survey data. And then we come in front of you and make those recommendations for either license increase or decrease based upon our objectives and what we're seeing on the ground. One of the other big proposals that we have in front of you that we're going to put out to the public as well, is currently in a lot of the southern GMUs we have the archery hunt where you could have September or January on those hunts. You draw one tag, you can hunt either month. We're proposing maybe splitting that into two different draws. So either you draw the September hunt or you draw the January hunt. Licenses won't change. We don't see a big change in licenses, but the number of people that would receive those would almost double. So right now, let's say we

have 200 tags for the January or September. We would now draw 200 in each one of those months. It would be because it allows it. The other one we heard during the pronghorn rule development and during our public meetings, and really we implemented this in the pronghorn rule, was splitting GMUs 31 and 32. We would propose that for deer. When we were developing the pronghorn rule, the same sentiment was put forward, by both the public and a lot of landowners in those GMUs, to split it for deer as well, and so that's proposed. Throughout, there's definitely some new opportunities that we'd be able to create new hunts where the population would allow, and it would—some of the public comments we received over the ensuing four years shows. One of the other things we're kicking around, an idea that we've heard from the public and we are looking into. Right now the youth hunt -- we have a youth hunt that's three different weekends. It starts on a Wednesday before Thanksgiving and then runs concurrent weekends, but it has a break in between. So it might end on a Sunday and then start back up on a Saturday and then end on that Sunday and start back up. There's some desire—we've had some to run just a concurrent 9-day season for those public youth hunts, starting either the Saturday before the Thanksgiving, because some kids get a full fall break the week of that Thanksgiving, or that Wednesday before Thanksgiving. So it's something we'll take to the public, try to get some more input. We don't really see anything from a biological aspect that would change harvest rates. It's really kind of more of where people are looking at. I'm going to go through each area real quick on the proposed changes where we're getting out to it. In the northeast right now there's been some sentiment that they would like—we have mature buck white tail deer tags in the northeast. There's been a push to get some of that as an either-sex white tail deer tag, where we're seeing a lot of growth and expansion of white tail in some of these areas. And we're not opposed to that. We think the population can sustain it. In fact, the population's going to

probably still continue to grow even with that. Those GMUs where -- based upon biological data suggest where we can increase some harvest on the deer populations. You'll see there 41, 42, 3, 5, 7, 8. We all think we can increase some here. We're not talking big increases. The probably net change over the northeast is about a five percent increase in deer licenses, but those specific GMUs we would. There is some discussion, initial discussion right now, about opening the Valle Vidal to an archery deer hunt. The Valle Vidal has not been open to deer hunting but there is a growing population. The Ponil [phonetic] fire really helped with some of that. There is a small population in there. It's not extremely large but a limited archery deer hunt is kind of on the table right now for a discussion. And we think the population can sustain it. And then also, adding some either-sex white tail deer hunts in GMU 56. Again, that population of white tail is starting to grow throughout and we want to allow that opportunity. And then, create an archery hunt in the Colin-Neblett for deer. Right now there is not an archery hunt in the Colin-Neblett. The opportunity exists and the population would sustain it. In the southeast, right now the hunts—when I say GMU 30, the main focus in the Guadalupe Mountains—it's just jumped to my eye that we don't have all the licenses evenly spread out amongst hunts, so some hunts have a lot more licenses than the other. We're proposing not necessarily changing the number of licenses, just the distribution of hunters across that. GMU 31, 33, decrease the licenses on the Huey. What that's about is the Department used to maintain some control over the Seven Rivers and another area down in the -- along the Pecos River, where we don't have that. The BOR deeded us all of the Huey now so it's a smaller area. We still allow youth hunters on those two other properties within—it's Brantley and Seven Rivers down along the Pecos. But we are just focusing now, harvest just on the Huey. So we don't want to have too many hunters hunting.

COMMISSIONER: Waterfowl.

STEWART LILEY: That is correct. The main focus on that area is for waterfowl. GMU 34 is -- our biggest proposal is moving the deer hunt out of the muzzle loader -- the muzzle loader deer hunt out of the rifle—excuse me, out of the elk rut period, and then increase some of those licenses in those GMUs. And the only one where biologically it looks like we should probably be decreasing some licenses is in GMU 33 in the southeast. Southwest area, we've been working with White Sands Missile Range to create probably a limited draw on White Sands Missile Range for mule deer. It's been quite a while since mule deer have been hunted on White Sands. The population could sustain it and we would like to create a hunt there. And then move the off-range hunt so that GMU 19 off the White Sands Missile Range, move it a little bit later into the season. GMU 23 and 24, including the Burrows, we are proposing a license reduction in those GMUs. In GMU 23, the Burrows specifically, we're looking at potentially really making that more of a quality hunt experience. It is a separate draw out of GMU 23, reducing those licenses and potentially lengthening the time period for that hunt from—right now it's currently five days, potentially going to nine and then in the Burrows. And also biologically, GMU 26 and 27, that's in the very boothill of the state down in the Peloncillos, Hatches, etc. The data's suggesting we should probably reduce licenses some in there. In the northwest area, the population can sustain a little bit of an increase in GMU 2B and 2C on some of those deer hunts. One of the bigger proposals in 4 is -- 4 has three WMAs or Commission-owned properties in there, the Humphries, the Rio Chama—thank you, Donald—and the Sargent. And so we have three different Game Commission properties in there. The Sargent currently is closed to deer hunting. We're proposing opening the Sargent to deer hunting, but also creating a new bow hunt that would span the option of allowing you to hunt any of those three WMAs if you draw a tag. And so it would be a new opportunity in there. There's a lot of deer in the Sargent during the fall,

but we're proposing that, and then including those in there. The other thing is have a very limited kind of quality hunt in late season November, very few tags, in those three GMUs for rifle. GMU 5A and GMU 5B, create a muzzle loader hunt, that late September muzzle loader hunt that starts the last day of September, typically, and runs for five days, create those hunts in there. And archery hunting in 5B, we don't have one right now. We had proposed that and increasing some rifle licenses. 6A and C, we propose increasing the muzzle loader hunt in there as well. The population's grown. That was where the Las Conchas fire was. We've seen some pretty nice growth out of that deer population post-fire, a lot of browse, and we think we can have increased opportunity. You'll see that increased opportunity in GMU 7, 8 and new archery hunt. And then GMU 10, some of the data suggests that we probably should decrease. Its success rates and satisfaction rates have been declining for GMU 10 deer hunt. It's probably not as much biological, but probably hunter density issue that we're proposing changing some of them and decreasing that. Same within 12. And then in GMU 14 is creating a January bow hunt in 14. We currently don't have one in there, and then also increasing rifle opportunity. So with that, I'll take questions. But I'll also note that we will go out in the next month and go around the state with our public meetings, both combined public meetings for deer and elk for this, and we'll come back in August with kind of our final recommendation and then a final vote on this rule would occur in November.

CHAIRMAN KIENZLE: Colleen, you want to make your comment, and then we'll pick up from there?

COLLEEN PAYNE: Thank you, Chairman and members of the Commission, Director Sandoval. One quick comment on some of the tag increases just on behalf of the Mule Deer Foundation. We would like to see some of those units, not any specific units right now in general, but

statewide, some of those units be managed a little better for trophy opportunities and some for hunting opportunities. A lot of the feedback that we've gotten from our members across the state is that our quality of hunts have decreased. They're seeing more hunters than there are animals and they want to have a higher quality hunt and have higher quality habitat, higher quality animals to be able to have (indiscernible). One quick thing I just wanted to give the Commission and the Department an update on our recent Governor's Tag Raffle that the Mule Deer Foundation hosted and held. And first off, I want to give my extreme, sincere appreciation to the Department for their support on this raffle because with our agreement that we have in place, we are able to auction off a tag at our national convention but also raffle off a tag for those who can't afford a \$72,000 deer tag. But all of the funds from the raffle and from the auction go to our state wildlife enhancement tag fund to do some of the projects that Stewart mentioned earlier. So an update. We hit record numbers this year and a lot of that I think was contributed to the Department. We were able to send out an email blast to all the customer base from Game and Fish which, within 48 hours, had an increase of \$8,000 in tag—or raffle ticket sales. So thank you to that. But our total numbers ended up with \$35,631 generated for the Wildlife Enhancement Tag Fund, with over 2,234 tickets sold. So the odds were really good for this tag as well, so I just wanted to go on record and thank the Department, thank the I&E and wildlife divisions for helping us with this raffle. And we'll be sending you a check for \$35,000 shortly.

CHAIRMAN KIENZLE: Thank you.

[Background noise]

VICE CHAIRMAN MONTROYA: Stewart, you mentioned something about an archery hunt that could either be in October or January, and you kind of lost me on that. Was that a youth hunt?

STEWART LILEY: So Mr. Chairman, Commissioner Montoya, currently right now in most of the southern units we have—if you apply for archery deer, the season is September 1 through 24 or January 1 through 15. So you have a break in the season. So I could hunt the January hunt or I could wait and hunt—excuse me, or I could hunt the September hunt or wait and hunt the January hunt. What we’re proposing is make those two separate draws. Either you decide to hunt the September hunt or you hunt the January hunt. So it will provide not necessarily any more actual numbers of deer harvested but it’d provide more opportunity for hunters.

VICE CHAIRMAN MONTOYA: I didn’t hear the either/or part of it.

CHAIRMAN KIENZLE: Okay.

COMMISSIONER SALOPEK: And then for the record, Stewart, I know I’ve talked to you but looking at the northeast corner, I know it’s private, but that 41, those units, if we can throw out—I know I have some people I know up there that would like to have maybe 5—the January bow hunt opportunity for public draw in some of the—whatever units you could, if it’s feasible.

STEWART LILEY: Mr. Chairman, Commissioner Salopek, we’ll definitely look into that in some of the northeast areas for January bow hunts, as far as biologically feasible as well.

COMMISSIONER SALOPEK: I do like—and Bill, your question was good. You know, right now it stands, it’s “September and,” and I’m -- when I was on the Commission it was “or before,” and I made the push to go to “and,” and I get it. We need to go back to “or September or January.” It actually creates more opportunity for hunters. So good job.

CHAIRMAN KIENZLE: Any further questions or comments on this? When will we see this again? Next . . .

STEWART LILEY: Mr. Chairman, you'll see that in August.

CHAIRMAN KIENZLE: Okay. Agenda item number 14, initial discussion for potential rule changes on the elk rule, 19.31.14 NMAC for the 2019-2023 seasons.

STEWART LILEY: Mr. Chairman, members of the Commission, I proudly announce this is the last big game rule of the 4-rule cycle that we're opening. So it's been a long spring, winter. But we're there. This will be every rule that will be open after this meeting for game, big game and also a lot that are closed. But real quick on elk. We manage elk across most of the herd units in the state. We divide it up into sixteen herd units in the state. This is just a quick graphic of where those herd units are. We split hunter opportunity based off of GMUs, but we really are managing more at the herd units with elk, kind of where a more or less cohesive population exists. I want to go through real quick the 2017 harvest data. Statewide we sold just shy of 37,000 licenses last year. Eighty-one percent of our hunters reported their harvest last year, which is great, and we had an almost 40 percent success rate on harvest across all weapon types. So a very high success rate. You know, you have some states reporting down to 12, 15 percent on a statewide average, so we're very high on our success rates on the hunts. Estimated harvest you'll see there, just over 8,000 bulls and just over 6,000 cows. Again, another thing I'd like to point out is our satisfaction rating on a scale of 0 to 5, 3.66, which is increasing through time. So the hunters are fairly satisfied with our elk hunting opportunity that we do allow. Some of the bigger proposed changes that we are making for elk, again, it is just the standard adjusted seasons for the calendar dates, adjusting the licenses based off of the biological and management goals within those areas. But one of the bigger ones, and we'll get to it in the next presentation when we talk about E-PLUS, but really adjusting the COER boundaries in these, or where those COER boundary resides within those herd units to really be more biologically based. There's some of those

COERs that were kind of drawn on ease rather than on biological. So we're really going to propose drawing [phonetic] that. What that does is change the split within the GMU where public private licenses go. But we're really going to get at that. We'll have maps that we'll be able to present to you all of where our proposed changes would be for each individual COER. I do have in here which COERs we're planning on create—not creating but changing a little bit. And we'll have that. There is also opportunity here to create some new opportunities throughout the state. Real quick rundown by the herd units, and then specifically on some GMUs. So the San Juan herd, which lies up in GMU 2, it's been under rule and managed as a quality hunt management. Really it's—we as a Department, biologically based and also focus more on deer in GMU 2 and that San Juan herd. It's not as much of an elk population. It's a transitory elk population. Our proposal is actually removing that from a quality designation and actually offering more opportunity in GMU 2. We have a lot of herd units throughout the state where we manage for quality, whether that be the Gila or down in the 36 area. But we really think 34 -- or GMU 2 could be one where we could pull it out of the quality designation. There's also discussion about -- that COER boundary right now is just along the Forest Service line, and in there we're talking about the potential of removing the COER in there. We could have further discussion. We're going to present this back out to the public landowners in that area, etc., and we'll come back with you in August what we hear from the public. But that's kind of our initial cut right now. GMU 9, which is the Mount Taylor herd, we're still seeing declines in that population. You'll see there the 4-year average. And their bull-to-cow ratios have declined but calf-to-cow ratio remains suppressed. That's where we've still been running this large study on calf predation. We're really seeing calf predation being mainly limited by coyote predation. So we're working on that right now. We're at the point now where we still see a big decline in

population. We're having problems finding out. We're proposing probably closing cow hunting in that because of where we are with the population status. We're going to have to also reduce the bull licenses based on the decline in that population. We also may be looking at possibly extending that COER boundary to include some of its winter range off to the east. But the main focus on that herd is trying to at least stabilize the decline if we can, and we're working towards that. We've just captured 35 calves so far this year and are working on some coyote control work to try and get that population to at least stabilize and hopefully increase. We want to see that calf-to-cow ratio at minimum in the 30s. And so we're quite a ways off still. North central herd, which includes 4, 50, 5B, 51, 52—we've really focused a lot of that in the last rule cycle on targeting cow harvest in 51. We've run quite a few population management hunts in there. We've also redistributed licenses at the last rule cycle to really target the harvest there. We think it's working well. There's maybe a potential to increase some licenses in that 51 portion again this time period, but we'll continue to look at it. But again, one of the other possible options in here is target maybe cow harvest late in GMU 50 where those elk do come in on winter range. But right now, overall bull harvest, we are planning on—our proposal is to maintain. In the Jemez herd, which is in GMU 6A through C, and 7, including GMU 6B, which is the Valles Caldera, one of our proposals at this time—we've been working with the Valles Caldera, as you all know, for the last few years trying to get some of those roads open for mobility impaired hunts that we have difficulties with. It's probably our lower satisfaction rated hunts in there because there's only two roads open. Caldara's not at this point proposing opening those roads, so we're proposing not having that mobility hunt in there anymore. We don't want to have a mobility impaired hunt in there where the people can't access where the elk are. So we look at maybe putting that hunt somewhere else, but no longer having that hunt in there. We are working

with the Valles Caldera right now to try to get at license numbers. We think there is some potential for expansion and some increased bull hunting opportunity. We'll continue to work on that. And we'll continue to petition for opening those roads back up for mobility impaired hunters, but just kind of want to get you on notice that we will work with them and hope to get that solved.

VICE CHAIRMAN MONTOYA: Mr. Chairman, Stewart, hold it for one second. You're going pretty quick. That Mount Taylor herd that you talked about, crank back a slide.

STEWART LILEY: Mr. Chairman, Commissioner Montoya, it should be on it now.

VICE CHAIRMAN MONTOYA: That's coyote predation and not bear predation?

STEWART LILEY: Mr. Chairman, coyote—Mr. Chairman, Commissioner Montoya, yes. The majority of our predation. So the population's survival, calf survival, is limited by predation. The main predator in that population is coyote, followed by bear, and comparable maybe to mountain lion after that. And so, it was a surprise to us. We weren't suspecting coyotes to be the main limiting factor in there, but it was. We'll work in the next two years to try to get at that, but we're monitoring as we work with the coyote population to see if we can improve elk survival, and we'll have those results. But in the interim it really is why we're eliminating those cow hunts. We need to do something now so we don't continue . . .

VICE CHAIRMAN MONTOYA: Sixteen calves for 100 cows, it ain't going to cut it.

STEWART LILEY: Mr. Chairman, Commissioner Montoya, that's the 4-year average. We have some years in there where it's below 10 [Crosstalk], so . . .

CHAIRMAN KIENZLE: Okay. Thank you.

COMMISSIONER RAMOS: Mr. Chairman, Stewart, I also have some comments on actually GMUs 6A, C7, particularly the Valles Calderas, and I understand the removal of the mobility impaired hunt. And being that there's limited access, basically, with roads going in there for those type of hunters, I would like to see double, triple archery, rifle hunts in that and giving more opportunity for the do-it-yourself backpacker type of hunter, sportsman. If we're having limited access, well, let's go ahead and allow some more opportunity there.

STEWART LILEY: Mr. Chairman, Commissioner Ramos, we'll definitely pass that on. We're going to meet with the Caldera here pretty soon. We also think biologically that population can sustain some . . .

COMMISSIONER: Absolutely.

CHAIRMAN KIENZLE: Okay. Any other questions or comments?

STEWART LILEY: Moving on to the southwest area, if we can.

CHAIRMAN KIENZLE: Okay.

STEWART LILEY: Okay. Southwest area, the Datil herd, that population is pretty stable to slightly increasing. Part of it is expanding that COER boundary. Right now what they refer to as the Narrows is outside the COER. It's more or less where a large concentration of elk is. We'd probably expand it out to there. Other than that, we really aren't proposing any changes to license numbers. Same with the greater Gila. We're not really proposing any changes in there. As we've discussed, we're getting ready to enter into a large elk study, and they're monitoring elk-wolf interactions in there. It'll give us a lot more information as we build the next rule, but right now our ratios are fairly stable, our hunts are fairly stable, bull-to-cow ratios are maintaining. So we're not proposing any increases or decreases within that greater Gila herd 15,

16, A through E. San Mateo herd, it's maybe increasing a little bit. Bull-to-cow ratios are a little bit on the incline. We might look at a slight license increase. Right now, we're not proposing it. But one of the other things is extending the COER boundary on the southwest portion of that GMU potentially, and some of the -- a little bit of the other areas. The lesser Gila herd, those are kind of those periphery units surrounding the main portion of it, one of the things that's being discussed is a late season archery hunt in there. Right now we have those late season APRE hunts, the antler-point restricted 6-point that are over the count. What we're actually—people like those hunts. We've had some asking that we put some in rule, actually. And so this would be an opportunity, we think, where we could in the late November hunt for archery hunting in there. It's not going to have a high success. We know it probably won't. But there is the potential the population could sustain it. So in those two GMUs, 21 and 23, we're potentially proposing putting that in there. And then there's been some discussion about maybe combining GMUs 21 and 20B. We're not -- we're going to have to look at that a little bit more. We're going to look at hunter densities. But it has been one that's been thrown out. But also, the population, we think we can increase mature bull licenses in there. And then extending the COER boundary in 21 to where it joins into 17 is where we really need to probably -- where that habitat linkage is throughout those areas. The Southeast herd, we have kind of two main herd units, the Sacramento herd in GMU 34 and the Ruidoso herd in 36. In 34 what we're proposing is increasing draw licenses, particularly on the female segment. As you guys are all well aware, we get quite a bit of feedback to try to harvest more elk out of GMU 34. We've been pretty successful. We've had a lot of population management hunts in 34 in the last rule cycle. We probably knocked the herd back some. It's hard to say because again, in that area between 34 and 36, it's the Mescalero Reservation. It's difficult to really get a handle on what that population is

actually doing without having the survey data in there. But one of the things we are recommending—we have heard from some of our hunters is, if we're really trying to stress increasing some of our cow harvest, is taking those mature bull hunts in GMU 34 and making those either-sex hunts. So the opportunity exists if someone doesn't want to take a raghorn bull, to be able to take a cow hunt. So we're proposing that at this time. And then also, modifying potentially the COER boundary on the, both the east side and mainly on the west side, on the northwest side where it adjoins on Mescalero Reservation. GMU 36, you'll see there, that's the highest bull-to-cow ratio we have in the state, and I might want to go around and look in the nation. It might be the highest bull-to-cow ratio in the nation at 71 bulls to 100 cows. You'll see also strong calf numbers in there. So that's increased over this last rule cycle. We're proposing an increase in basically all bull licenses, all weapon types, archery through rifle, muzzle loader, etc. You know, Yellowstone National Park runs a bull-to-cow ratio of probably like 55 to 60 to 100. So we're well above even an unharvested population. It's just, it's hard to say if it's a function of the fire that occurred there four or five years ago, or if it's a function potentially of – Mescalero Reservation's conservative harvest probably contributes to some of that as well.

[Laughter] In the northeast area, it really here is just a couple minor changes. Forty-five, we probably need to extend the COER boundary on that west side. Nothing there; that herd's fairly stable. It's actually a really hard herd to survey. It's all high-density conifer forest where we really can't get at a great survey in the fall. So I wouldn't really focus too much on those ratio data. When we do get a survey in there, it varies greatly year to year. In 48, one of the things we were considering, and that's in the White Peaks area, is moving the bull hunt from December back into October, and really no changes in 49 or 53. One of the things we did in the last rule cycle in 53 is created a Midnight Meadows hunt area to focus on wintering concentrations. It's

worked really well. We've had a lot fewer complaints in that area over this last rule cycle. Two other big ones would be establishing actually COER boundaries in GMU 12 and possibly 37. They're currently outside the COER. It's currently a strong, robust population of elk. We think it probably should be managed in the COER and establish those as herd units. So those would be two. One of the things, and we'll get to that when we get to the next presentation in the E-PLUS, is creating some special management zones in 46, 54, 55. But we'll wait on that til we get to the next presentation. And then license adjustments, some minor ones outside of separating the youth hunts and adult hunts on Valle Vidal, increasing some licenses in 56 and 57. And the other kind of exciting one is there is now public access to the Sabinosa Wilderness area in 42. We want to create a limited elk hunt for a public draw in 42, 57, 59, combine those three units. It's not a real big robust population of elk, but allow some opportunity for some public hunters to get in there and harvest those elk. And then you'll see here, maybe combining the Colin-Neblett like we do for deer, for elk, and then establishing a new hunt in GMU 14 in the Manzano Mountains, potentially a limited hunt on Wismur [phonetic]. And one of the other big things we're talking about is -- our youth encouragement hunts, right now, you have to sit out 14 days, nonresidents do, until residents try to get the tags. What we see is the sale really happens in the first few hours for the residents. We're not talking weeks or days. It's really in the first hour or two. We'll probably be moving that to where we reduce the time period in which the nonresidents could get it where it'd be something like five or seven days but not the full 14, and then just standardizing some of the hunting dates across GMUs.

COMMISSIONER SALOPEK: I've got a couple questions.

STEWART LILEY: And I'll take . . .

CHAIRMAN KIENZLE: Yes, sir.

Draft Copy

COMMISSIONER SALOPEK: I like your idea, Stewart, on 21 and 23 late season. Being that I get to travel with Ralph and we get to talk a lot, right? Now looking at unit 34, that late season over the—I mean, have you all looked at making that a draw hunt, the 6-point bull?

STEWART LILEY: Chairman, Commissioner Salopek, we have had some public comments on taking those APRE hunts and making them draw hunts in general. I think we could take that as a potential. We have very low success on some of those. GMU 12, for example, we had zero percent success rate last year. It's a tough hunt to try to get a 6-point bull or better. So yes, we definitely can consider it. I think we could pass that out there and maybe creating some other opportunities in different areas in the . . .

COMMISSIONER SALOPEK: And that's where I'm coming from, just for opportunity for people that, "Hey, I put in for a hunt," knowing that it won't be very successful. The other one we've looked at and we've called you—or I've talked to you. On that youth encouragement, there's 2,000 tags. So basically, you know, I've looked -- I was hoping we could—and I love youth, but I love senior citizens, too. So I've been looking at the 2,000 youth encouragement. If we could move a thousand of those -- leave a thousand youth and move a thousand to senior citizens and/or mobility impaired and give—cause you're hearing people that can't draw. They, we put in—and 65 in my opinion—my opinion senior citizen would be 65 and above. But . . .

SPEAKER: Whew. Just barely made it.

[Laughter]

CHAIRMAN KIENZLE: (Indiscernible).

COMMISSIONER SALOPEK: I'm just throwing that one out, you know.

STEWART LILEY: Chairman, Commissioner Salopek, we can definitely put that out there for our public comment when we go throughout the meetings and come back to you in August with what we get out of those.

COMMISSIONER SALOPEK: Thank you.

COMMISSIONER: That's a good recommendation.

COMMISSIONER RAMOS: Mr. Chairman, Stewart, back to Commissioner Salopek's comment on the late season, I really would like to see that in the draw, and not only as for bull. But if we're increasing the cow permits as well, you know, in that unit, gosh, let's give more opportunity there. Currently, how many do we have, like 75 that we're giving?

STEWART LILEY: Mr. Chairman, Commissioner Ramos, you're specifically just for GMU 34?

COMMISSIONER RAMOS: Yes, 34; the late season December hunt.

COMMISSIONER: That's 300 tags. Three hundred tags.

STEWART LILEY: I think that's statewide.

COMMISSIONER: I thought it was 300.

STEWART LILEY: Mr. Chairman, Commissioner Ramos, it's 200 tags.

COMMISSIONER RAMOS: Two hundred tags. Maybe even doubling that as an either-sex opportunity in the draw? That would also help give us a little more opportunity in the early hunts as well. It's just another option.

STEWART LILEY: Sure. Thank you.

COMMISSIONER RAMOS: That's all I have.

CHAIRMAN KIENZLE: Any other questions or comments? We'll see you again when?

COMMISSIONER: Next month?

STEWART LILEY: Mr. Chairman, it will be in August.

CHAIRMAN KIENZLE: August. It'll feel like next month. Okay.

[Crosstalk]

CHAIRMAN KIENZLE: Agenda item number 15, initial discussion for potential rule changes on the private land elk license allocation system 19.30.5 NMAC. Stewart.

STEWART LILEY: Mr. Chairman, members of the Commission, so the E-PLUS rule is actually a permanent rule. Through time, we've seen some instances where we think that rule could be improved and the application of the rule and some of the provisions within the rule. I think we see some changes that are necessary to make it one, a more biologically driven rule; and two, some issues that we do have occurred through time of the rule. The rule was first established in 2005. It replaced the previous law season -- loss system. And since that time, we've seen some things that have happened that we think really need some adjustments in it. One of the big things that we've seen in the rule, the current rule. It says in order to be a participating property in E-PLUS, you need to provide meaningful benefit to elk. Well, it doesn't really define meaningful benefit to elk, and I can guarantee if we went around the room everyone would have a different definition of what a meaningful benefit of elk is, whether it would be a biologist, a general public member, a landowner, whoever that be. And so that's created an issue of where we have enrolled properties differently throughout the state on saying, "Yes, you provide a benefit; no, you don't

provide a benefit.” Who provides a benefit, what it is? And one of the big things we’d like to do in this new proposed rule change is really kind of define what meaningful benefit to elk is. And what we’re proposing doing with that is, we’ve developed some guidelines in the last two years on how we look at properties and how we allow properties to come into this system. Those guidelines are based off of what habitat needs do elks need in order to live throughout the year. Really, it’s food, water, space, cover and the surrounding area. And so those are the kinds of guidelines we’re now evaluating new entries into the program or people wanting to come into the program. And we get about 300 applications, between 300 to 350 applications annually of properties wanting to enroll into E-PLUS inside the COER. What we’ve used in the last two years is these guidelines is set as defining what meaningful benefit to elk is. It’s limited the properties that really have come in. We only put in about 100 of those properties out of the 350 each year. But it hasn’t been—the biggest issue is it’s not been done retroactively. And so there’s properties within the state that were put in previously that maybe probably don’t meet meaningful benefit to elk. And we’ve gone through and looked at a lot of properties that are currently in, looked at how we scored properties that are wanting to come in, and looking at, okay, if we made these retroactive, went back through all the ranches that are in there—within the COER right now, we have about 2800 properties enrolled in E-PLUS. We think it’d be anywhere from, depending on which direction we get from the Commission on where the minimum to come in to E-PLUS would be, removing 400, 450 to as many as 1,000 properties in this state that we don’t feel are making meaningful benefit to elk. I guess, how do we determine what meaningful benefit is? Again, we want to make it biologically founded. We want to make it simple and consistent so anyone could use it, anyone could understand it, and it could be applied across the statewide level. It’s defensible is another big part of it, and it captures the intent of the

rule. The intent of the rule is to enroll properties that make meaningful benefit to elk and then allow authorizations to go to those properties. So also, the lastly, we want it recordable, something where it stayed with the property so we knew what it was. What we did, like I said, was looked at four habitat components. This is straight out of our guidelines that we kind of adopted. I don't want to go through each exact word of it, but really we score the criteria of the property based off of what components it has. And forage, specifically, you could get a score of 1 to 3, or zero to 3, depending on what you are. If you are a rocky soil and creosote, you're getting a score of zero. If you're a substantial forage, grassy meadows, bottom areas, riparian areas, cool season grasses, warm season grasses, you're going to get a score of 3, because that's what elk really want. Same with water. There is a different scoring system for water depending on what kind of water is on your property. Do you have no water available to elk use, or do you have permanent year-round water, which makes a big difference in terms of suitability, or meaningfulness, I guess I'd say, to elk. Lastly—or not lastly but one other component is the cover. Elk do need some kind of component of cover. They seek out some component of cover. Is there none on the property or is there some kind of cover? It's not as important as food, as water, so that's why you see the score of zero to 2, but it's still an important component to the elk biology. Another big thing is, are you surrounded by neighbors? Are you in a subdivision? Is your property in a subdivision, like we have some properties currently enrolled? Or are you a key migration corridor in the middle of a forest that's a piece of property that serves as that corridor? Lastly, there's a couple of things that are big in the E-PLUS system. We have quite a few properties that have agricultural areas within their property, whether it be irrigated crop fields or it be dry land crop. We want to recognize those landowners that are making that contribution to elk. So if you're an irrigated land, you have irrigated crop, you have elk coming in to your hay

meadow, grazing in the middle of the night, and you're accepting of that and providing that nutritional benefit to elk, we want to recognize that. So it's an agricultural bonus. There's also instances that we can't think about that has some unique component to that property that maybe we would recognize just as a bonus. For example, maybe you're the one calving area of that population. Losing that corridor, maybe for a migration, for a winter range, might be detrimental to that population. So we have that, a last bonus criteria. There is a potential of 13 points in the scoring of our guidelines. What we've been doing in terms of looking at new enrollments, is saying you have to make a minimum score of 6 to get in under the new system. We're really looking at it from a perspective of, should it be 6, should it be 7? We don't really know. We're going to go and have meetings—and I do want to be up front. I've met with a lot of interested constituents through this, whether it be cattle growers, guides and outfitters, back country hunters and anglers, in the last couple of weeks, and you all. And we're really trying to figure out where should that score be. We will, in the next month, get with a lot of landowner groups, a lot of other groups, and try to figure out where we think the Department's recommendation is on that. We're kind of split right now on that; should it be a 6, should it be a 7?

SPEAKER: Seven.

STEWART LILEY: One of the other things, and we discussed in the elk rule previously, is really making those COER boundaries biologically defensible. And that's how we determine tags or allocations that go inside the COER, is determined by what that COER boundary is. The one thing we do know as we talk more and more about it, the definition of COER is very confusing to people: COER; outside the COER. Really what it is, inside the COER are what we're saying maybe will be the primary elk management zone is where the Game Commission sets the harvest limits. You all, through the elk rule, determine what we propose, what harvest we

think we could have, have you guys determine the license limits. And that's within the COER. So really the COER is those primary management zones where licenses are set by the Commission. Outside of that, licenses aren't set by the Commission. It's the ranch-by-ranch negotiation with those private landowners. That's the only difference between COER and outside the COER, from a licensing standpoint. From a management standpoint, those areas where we're maybe managing for quality management, opportunity management, we're setting some kind of sustainable harvest. Outside of that we're not. We have 3 areas that are highlighted in orange there right now that we are considering as special management zones. They're within what we would consider primary elk habitat, primary elk range, where we want to continue to manage for sustainable elk populations, but they don't fit the model of E-PLUS. For example, GMU 55A does not fit the model of E-PLUS. It's very small portions of private—or public land in there, and large portions of private land. If we went through the E-PLUS model right there, there'd be no licenses going to the public land. And that is Valle Vidal, the once-in-a-lifetime elk unit. We still want to manage for sustainable elk populations in there. Our proposal through the proposed changes in the elk rule is to basically do like we've been doing in those special management zones and allocate licenses on a ranch-by-ranch basis in those three management zones, 55, 54 and potentially 46. Outside of those management zones and outside of the COER -- so some of the areas like 47 or 40—we have elk in 40 right now that occur every once in a while. We have to work with individual base landowners to set up an agreement and to hunt the maybe 5 elk that come on to their property. We're proposing going over-the-counter with set season dates in those units. For example, we had elk show up in the Peloncillo Mountains in the desert this year. In order for that landowner to harvest those elk in the Peloncillos Mountains we would have to have had an agreement with them, sent license allocations to them, and they would have to hunt it.

We're not trying to manage for elk in the Peloncillos Mountains on top of desert sheep. We want to manage for desert sheep. So what we're proposing on those areas is have set season dates. It still would be only on their private deeded property, but have the set season dates on those areas. Inside the COER would still work like we currently are proposing. Inside the COER would still be an allocation of licenses. The COER boundaries would grow in some of these areas, but it still would be set licenses. Some of the other issues that we see—again, like we discussed, the biggest issue we see is not having a definition of meaningful benefit and having properties that enrolled that probably should never have been enrolled. I'll be the first to admit we have properties in the State of New Mexico that are 5 acres, that sit on a highway on the front and sit in a subdivision and have a junkyard in the back. Is it really providing a meaningful benefit for elk? No, but it's being weighted the same as every other small contributing ranch in the state. It gets an allocation the same as those and it's really not appropriate from an elk management standpoint. What we're planning on doing, again like I said, is removing those properties not making a meaningful contribution. One of the other big things that has happened through time and one of the things we're proposing is, right now our small contributing ranches—of those 2900 properties in the COER, 1900 of them are considered small contributing ranches. And what I mean by small contributing ranches is, they don't receive a full allocation. So their property—whatever percentage of their property or private land consists in that land, they get that many tags, that percentage of tags. If I get .9 tags, I didn't get a full allocation of an authorization so I am a small contributing ranch. As that pool grows, the wait period until I get a tag -- because the rule states now that everyone else must get a tag before I get my bull tags, for some of the GMUs it's a 15-year wait out right now. Where I might have 160 acres with a hay field in my back yard and I have 100 elk coming in every night during the calving season, but I'm still competing the same

as the person I mentioned before that was 5 acres that had a highway in the front. We want to change that. One of the big things we want to do with that is, like I said, in the score. In the score you could get a score by up to 13. If we do minimum at 6 or 7—let's say if we set it at 6, I could have 7 points above the minimum. If I'm a 13 property, I'm 7 points above what the minimum is, weight my property by that, not by an acreage but weighted by how much more of a benefit I'm providing to the elk management in the state and weight it and I have a much more likelihood of drawing tags if I have a higher meaningful benefit to elk than other properties. Again, this would just occur for the small contributing ranches. The other thing we do is, we have—I'm going to take a quick sip of water, sorry. The other thing we do in E-PLUS is we have what we call un-enrolled deeded property. So there's un-enrolled deeded acreage in every single portion of a GMU and a COER. It's just people don't sign up or some other reason why it's not there. We then take the licenses that are allocated to that. So maybe 5 percent of a GMU is un-enrolled deeded property and 5 percent of the private land licenses go that un-enrolled. We then take those licenses and pass them back through the same formulas that we did on the base allocation. So large landowners, the largest landowners are getting those first. And so right now, any—our unconverted rate inside the COER is about 27 percent across the state on an average on unconverted licenses. Our ranches that are greater than 10,000 acres have an unconverted rate of above 10,000 acres and we're giving them more tags with the un-enrolled deeded bonus. Our proposal is to take that bonus back through the small contributing ranches first rather than the large guys first. Again, our small ranches are only going to be—if we make these proposed changes -- would be those properties making meaningful contribution. We want to get it into the hands where they have people that are having the 100 elk in their hay meadows in the middle of

the night, that are making a big difference for elk management for elk in the State of New Mexico and get them the allocations rather than waiting out 15 years.

COMMISSIONER: That's good.

STEWART LILEY: The other thing that we're seeing, what people are doing right now in E-PLUS, is splitting properties because they see the wait time in the SCRF [phonetic]. I'm a 150-acre piece of property. I got my bull tag this year. What I'm going to do is split my property and I'll deed half the acreage to my wife. The way the rule reads right now is that new deed comes in, goes to the first of the line and she might draw the next bull tag on the 75 acres that I deeded. Then we see a split again to the siblings. And so there's been that game being played a little bit. What our proposed recommendation is, any change in acreage, no matter what—if it's a growth or decrease or any kind of change at all—would be a re-evaluation of that property under our new guidelines that we stated. So for example, if I was a 6 before because of water, I had only had 100 acres, I split it in half, fifty acres. The water's on one side and, 50, on the other side is the better forage. Maybe both those properties fall out with this new split. So it encourages people combining and not splitting it. It discourages the splitting. And the other thing is we no longer want to retain the draw history. So we don't want to do this where everyone, all these small people, have to wait out until everyone received a bull tag until I receive a bull tag. Again, we wanted—again, weight the probability of you getting a bull tag based on how much of a benefit that property is making to elk management.

COMMISSIONER RAMOS: That would be yearly?

STEWART LILEY: Mr. Chairman, Commissioner Ramos, that'd be correct. Every single year that would go in as the weighted in there.

COMMISSIONER RAMOS: Nice.

STEWART LILEY: I think I went through all those changes right there. And then, like I said-- for what we currently call outside the COER, what we're calling the secondary zone--what we'll probably change this to is: those properties in the Peloncillo Mountains; those properties in the middle Rio Grande where we have elk and chili fields; those properties that are down around Tucomcari [phonetic] that have elk in it. We don't want to go on it allocation -- ranch-by-ranch allocation. Right now, outside the COER we have almost 40 percent of those licenses going—or more than 40 percent going—unconverted every year. The reason they're going unconverted and you hear a lot of it from, you've heard it from public meetings, those are opportunities being lost. Well, they're really not opportunities being lost. What it is is, those are given to private land deeded only. But really why they're not being utilized is because the elk didn't show up. So if the elk didn't come into the middle Rio Grande and we had elk in GMU 14, the properties along the middle Rio Grande may have 15 authorizations waiting for them to come into their chili fields or waiting for them to come in their hay fields and they didn't come in that year, they all go in the trash and go unconverted. It wasn't a lost opportunity per se because the Commission didn't set that as a licensing rule, it was really the elk didn't show up in those properties. We don't think there is a need to really allocate those licenses. We want to have a hunting season throughout those areas and when they show up, if they're there during the hunting season, let's take advantage of harvest on it, not necessarily go to a ranch-by-ranch allocation on those.

COMMISSIONER: Secondary zone.

STEWART LILEY: With that, I would take any questions.

CHAIRMAN KIENZLE: I've got a question. I recall that maybe by rule, regulation, the Department is supposed to evaluate every ranch, every year. Is that correct? Are we doing that?

STEWART LILEY: Mr. Chairman, by rule we're just supposed to evaluate for enrollment.

CHAIRMAN KIENZLE: Enrollment.

STEWART LILEY: And that's why we have some properties that are currently enrolled that probably aren't making meaningful benefit to elk. Again, it didn't really define what meaningful benefit to elk is. So you and I are probably going to have a different definition on what meaningful benefit to elk is.

CHAIRMAN KIENZLE: I would probably defer to you.

[Laughter]

STEWART LILEY: And what happened through time—again, we're into almost 14 years of this rule—is people put in properties differently based on their interpretation of meaningful benefit. What this would do is tighten that down, retroactively go back through all the properties and define them all the same across the state.

CHAIRMAN KIENZLE: So it would still be on an enrollment basis, or would we be on a yearly, biannual . . . because what may work on day 1 on year 14 may not work.

STEWART LILEY: Mr. Chairman, the biggest thing we would do is put in a provision in rule that any changes to the property and changes to the acreage or something like that would require a re-evaluation of the property to continue enrollment in it. So if you subdeed or subsection out part of your property. We see that, you know, a landowner might have 5,000 acres, put a thousand acres in as a subdivision. You're going to get a new score on the subdivision. Right

now, we just say okay, reduce that property by a thousand acres. They receive that much less tags by that proportion. We can then go say, if you went and put it in a subdivision, it changes your scoring of the habitat.

[Crosstalk]

CHAIRMAN KIENZLE: Is it fair to say we do not have the personnel to check on these ranches every year?

STEWART LILEY: Mr. Chairman, every single year without (indiscernible) would be almost impossible.

CHAIRMAN KIENZLE: Impossible. So at the start of enrollment, do we actually have an onsite review where somebody from the Department goes and blesses it or . . .

STEWART LILEY: Mr. Chairman, the way we have been doing it for—so like I said, we've been doing this for the new enrollments the last two years because by policy we determine what meaningful—or by rule we determine what meaningful benefit to elk is. We've evaluated almost 700 properties in the last two years for inclusion into the property. The first cut that we do is we bring a lot of our biologists in the room, the sergeants of the area in the room, and we take a quick look on Google Earth. We know what the surrounding areas will bring in our survey data from the helicopters, look at that area and say what is the initial cut on these scores. We then send out, if we have an issue where we can't determine like a water source or something like that, we'll send a district officer out to double check that and say what is going on there. When we determine, let's say, you're a 5 because our cutoff is 6, we send out to that landowner, "Well you have not met the qualifications or minimums to make enrollment. We've evaluated your property on this basis. Please, if you see any discrepancies in our evaluation, please get back to

us.” Of those about 300 to 350 we’ve rejected, we hear from about 4. So we’re pretty tight on our enrollments. And a lot of times it’ll be, “Hey, you missed this one water source on a well that you can’t see that was behind this gate or behind this on Google Earth that you can’t see.” And we’ll re-put those in. So any time we reject the enrollment on “you didn’t meet meaningful benefit,” we also send a letter saying, “Please notify us of how we missed it.”

CHAIRMAN KIENZLE: What’s the appeal process from a denial?

STEWART LILEY: Well, right now, and I didn’t mention it yet, we do or will propose changing the appeal process in rule. The appeal process in rule now is a landowner that wants to appeal it can have three members of the Commission go onto a panel and look at it. We think there needs to be more checks and balances internally before it gets to the Commission. So if a landowner, just like I stated on what we do with a rejection right now, we send a letter out saying “Please, if you disagree with that . . .”

CHAIRMAN KIENZLE: You would propose something like an internal board of appeal before it every gets to the . . .

STEWART LILEY: Mr. Chairman, that is correct. There would be an internal board of appeal, probably two levels, before it ever comes to the Commission. So by the time it comes to the Commission, we’ll have maybe a regional biologist look at it or a district officer, maybe an assistant chief, a chief, and then moving on. If that is still an appeal, if they’re wanting to appeal, it would come in front of the full Commission.

CHAIRMAN KIENZLE: That’s a better system than having us be the first cut. Okay.

COMMISSIONER RAMOS: So you’ve already been piloting this rubric that you shared with us?

STEWART LILEY: Mr. Chairman, Commissioner Ramos, that is correct. So we've met with—I'm going to probably miss a group. But we've met with Rocky Mountain Elk Foundation, Guides and Outfitters, Cattle Growers, Back Country Hunters and Anglers, Wildlife Federation, many of you, and I know there's one other group. But, yes. And for the most part, it's very well received. I think that the biggest thing everyone recognizes is there is properties that were put in there that are not making meaningful benefit. And we recognize it internally. A lot of people recognize it externally. And what we're trying to do is, one, solve that big issue.

CHAIRMAN KIENZLE: So there will be a re-evaluation of all of the—sort of start with a clean slate, then?

STEWART LILEY: Mr. Chairman, yes, we'd start with a clean slate. So you all know, we've already evaluated every single property internally under 40 acres. So we already know a lot of properties that are under that 6 that are still enrolled in the system. But we need to make the change to the rule before we can retroactively pull these properties out. We'd go back through in the ensuing months. What we would—this would take effect in April 1st of 2019. By April 1st of 2019, we would have evaluated every property in the state back out to say, "Have you met the qualifications or not?" Properties that are 40, 50 thousand acres are going to have those habitat components. It's just going to—because we drew the COER boundary around where COER elk habitat is. So if you're in the COER and you have 50,000 acres you should have every single component. Where the properties kind of fall out is about the 200 acres. Less is where you might be in a subdivision or you might not, but still within the COER elk range.

CHAIRMAN KIENZLE: On one of your slides you had exceptions on a case-by-case basis. Tell me about that.

STEWART LILEY: Trying to think where this is.

DIRECTOR SANDOVAL: It was the slide before the question slide.

STEWART LILEY: Okay.

SPEAKER: Oops.

CHAIRMAN KIENZLE: So tell me, tell me what that means.

STEWART LILEY: So what this means, this is outside the COER. These are those areas like the Peloncillo Mountains, etc. Let's say, for example, we determined the hunting season be archery September 1 through 24, rifle October 1st through November 30th. And I'm not saying that's what we're going to propose. But if we went with that in either sex, let's say elk showed up in the Peloncillo Mountains in April. And if we wanted to harvest that, we would do—that's where the exceptions come on a case-by-case basis. If that landowner came to us and said, I'd like to hunt outside your established, outside the COER date. We would look at it and say, look we probably agree with you. If we could take care of this through a harvest rather than us having to go out on a depredation basis and take care of the elks, we would prefer harvest. We don't want to have it taken advantage of, but we would do it on a case-by-case basis if we had elk show up. So it wouldn't be a year-round hunting season. But if it's outside the scope of what is established, we'd want to work with those landowners.

CHAIRMAN KIENZLE: So is this currently in place in some fashion?

STEWART LILEY: Mr. Chairman, outside the COER currently we can hunt year round. But we have to negotiate with that landowner when their licenses are valid, how many they receive, for what months they receive them, etc. What we would do, all that negotiation would go away

outside the COER. We won't even need to have that conversation. But if we have those issues -- and we know which landowners those are, where they already are going to be -- where we know we have a big concentration maybe on a spring green-up area up on a population every four years because those elk show up. Those exceptions we know and we would work with those landowners.

CHAIRMAN KIENZLE: So you would approve that; Director ultimately approves it? Is there any other level?

STEWART LILEY: So Mr. Chairman, right now it's actually approved at the local level. We'd probably do something and we would be open for that on an exception on a case like that, like a population management, it is a Director approval. It is not necessarily concurrence with the Chairman. But we would want to go back to that. It's on these case-by-case instances we would look at the biology, propose it through our district staff or through our regional biologist, and then ultimately have the Director sign off on yes, this is a case-by-case basis where we think harvest should be allowed outside the established hunt dates.

CHAIRMAN KIENZLE: Any other questions or comments?

COMMISSIONER RAMOS: I'd just like to make a comment. I really like what you've done here, Stewart. I think it levels the playing field and makes it fair to the ones that are truly contributing. And the ones that aren't, you know, it's just a way of life. So I think it's very fair.

CHAIRMAN KIENZLE: So let me—I know Garrett VeneKlasen is not here, but I know one of the comments he made frequently was, we have all these unused tags where private landowners may not put in, and they go unused, or something like that. I think what you said today addresses that concern. Tell me if I am wrong or if I'm right.

STEWART LILEY: Mr. Chairman, that is correct. We actually met with Wildlife Federation yesterday. Garrett was unfortunately not there. But right now inside the COER we have an unconverted rate of 27 percent of the tags; 27 percent of the tags are not being used. Those are lost opportunities. The Commission set a hundred bull tags maybe going to private land; 27 percent of them are not being used. Again, I think our biggest reason why they're not being used is when we do that un-enrolled deeded acreage we pass those back through the big landowners that typically don't use it. Our proposed change would push that through . . .

SPEAKER: To the little guy.

STEWART LILEY: . . . the small people that are making contributions. We'll still have probably somewhat of an unconverted rate. It'll probably be in the 10 percent range we think. But also we have an unconverted—what you don't see or don't hear about, public draw tags have an unconverted rate as well. The licenses sold—we'll call it unconverted rate from the process of the hunter doesn't go to the field. So the first question you get asked on your harvest report is, "Did you hunt?" So we're trying to figure that out from the very first cut when we determine sustainable harvest. If we say look, we can only harvest 100 bulls, our success rate is 60 percent, so we should have X number of licenses. Well, we also factor in the X number of public land hunters don't even go out on their hunts, so we could offer those many more hunts after the 4-year average of what people don't hunt. So we already take that into consideration. We're taking into consideration on the private land. We'll drop this unconverted rate drastically by issuing it to the people that will use it. The other drastic drop in unconverted rates is going to be outside that COER area. Right now outside the COER is that 38 percent unconverted rate—or, excuse me, 46 percent unconverted rate. It's almost half the tags we issue outside the COER. Again, it's a function of elk not showing up. We have some GMUs where unconverted rate is as high as 90

percent. Those no longer are going to be issued authorizations. If the elk are there and the hunting season is going on, go buy a license. And so it's not an issuance of an authorization in those areas anymore.

CHAIRMAN KIENZLE: So let it not be said that I did not listen (to use a double negative), Garrett, all those times he came in front of us and brought that up.

COMMISSIONER RAMOS: And Stewart, and that's where that 51:49 ratio that they use that they bring to us all the time; that's based on allocation and not converted, correct?

STEWART LILEY: Mr. Chairman, Commissioner Ramos, that's correct. They pooled together inside the COER and outside the COER. So it's very different in terms of elk management again. And so that outside the COER, that won't have unconverted rates anymore. It's going to be inside the COER. We think that unconverted rate would drop to around 10 percent, maybe less than 10 percent. And in some GMUs it's probably going to drop down to zero percent.

CHAIRMAN KIENZLE: So how—one more quick comment. So how long have you been in development on this? Because I know you and I visited about it a couple of years ago.

STEWART LILEY: Mr. Chairman, Commissioners, you know we've been in development with different issues of it probably for 5, 6, 7, 8 years—different things where we've thought of, where it's not working. In earnest development of it, I'll credit my staff and a lot of other members throughout the Department. When they developed the guidelines two years ago on new enrollments, we saw the issues of splitting properties. We saw how many new enrollments were coming in, the wait periods for a bull tag in the Gila going from 10 years to 15 years just because of differences. We implemented those two years ago because by rule we could on new enrollments. So we in earnest about two years ago really started looking hard at this.

CHAIRMAN KIENZLE: And it shows. So I appreciate your efforts. Bob?

COMMISSIONER RICKLEFS: I, too, want to say that there's a lot of work been done here and I really appreciate it. We need to remember that 400, 450 that will be taken out of the system, those tags will be able to be used for the smallest contributing ranchers. So if a rancher, say, has 100 acres within the forest, he's irrigated, he has water, he's farming it and he has a 10, he has a much better chance of getting some of those excess authorizations, and I really like that.

STEWART LILEY: Mr. Chairman, Commissioner Ricklefs, exactly. And the other thing, it encourages people not to enroll in a depredation program. It encourages people not to build a fence. So it's a loss to us in terms of a wildlife management standpoint when we preclude forage to the wildlife. It's a loss to the hunters if we're having to preclude hundreds and hundreds of acres of forage that provides during lactation status to cows. It's a loss that we don't want to take. We think by recognizing how much of a contribution you make to elk management across the State of New Mexico, regardless of what your land status looks like, we should really look at that and issue those private land licenses based on that benefit.

COMMISSIONER RAMOS: Stewart, with that, is that last option going to be still available with the fencing?

STEWART LILEY: Mr. Chairman, Commissioner Ramos, of course, by statute, we'll still deal with depredation. So no matter what, we're going to have a depredation program. If a landowner chooses that they would prefer not to enroll in E-PLUS and would rather go down to depredation standpoint, we'll definitely work with them and continue to do that.

COMMISSIONER RYAN: I appreciate the fact that if we have a true depredation situation and that landowner has that much habitat that's contributing to the elk population, there's that many

elk there, then their score would probably be very high and we need to be re-evaluating that property. So I think it's going to reduce the number of depredation issues, too.

CHAIRMAN KIENZLE: Any other questions or comments? Well, now that we're done patting you on the back, get back to work. So the next step then, you will propose a final right?

STEWART LILEY: So Mr. Chairman, our next step is, we did a lot of leg work coming into this meeting. Our plan is in the next month is have some -- like we did with pronghorn -- we'll invite all landowners to a meeting. Probably four or five area meetings throughout there so we could explain what the proposal is. We'll also have public meetings for just general public meetings. We'll probably host anywhere from as few as eight to as many ten meetings across the state in the next month. By August we'll come back to you as our final recommendation based off of what we hear from those public meetings.

CHAIRMAN KIENZLE: So what I -- in addition you may do this anyway -- but in addition to the normal notice you might give of those meetings, send something to the actual folks that have enrolled their properties, because it. . .

STEWART LILEY: Mr. Chairman, that's what we did with A-PLUS. We'll do the same with elk. We'll send a letter to all enrolled landowners.

CHAIRMAN KIENZLE: Perfect. I'm sure we haven't heard the end of it, but great work. I think this is many, many steps in the right direction. Let's take a quick break and then we'll pick up on 16.

[Break]

[Meeting resumed]

CHAIRMAN KIENZLE: Initial discussion for potential rule changes in the hunting and fishing Manner and Method Rule 19.31.10 NMAC. Colonel Griego.

COLONEL GRIEGO: Mr. Chairman, Commissioners, this test, test. Can you hear me?

CHAIRMAN KIENZLE: We can hear you.

COLONEL GRIEGO: Mr. Chairman, Commissioners, again, this is a discussion item. Looking at removing the Manner and Method language in rules from all the individual species and putting them into just one rule, 31.10, one section where all Manner and Method would live under one rule instead of the individual species. While we're working on moving all those rules into one, we're going to look at trying to clarify anything that is confusing. Simplify the language or strengthen it if needed. In there we will have an opportunity, with some of the topics we've discussed in the past, like shed antlers and airplanes, that we can address at that time in Manner and Method, if you so choose. As we're moving them and we put together a draft document, we'll be going around the state trying to get public input, meeting with any of the groups that want to discuss it with us, and we'll have a draft version of that Manner and Method to present to you in August and hopefully, a final version come November. So with that, I will take any questions.

DIRECTOR SANDOVAL: Mr. Chairman, Commissioners, if I may just very quickly. This is the first time in modern history of the Department that we have actually overhauled the entire Manner and Method, and so I just want to extend my thanks to everybody. This has been a department-wide effort. Field Operations with Wildlife Management, Fisheries, I & E have been working on this to move this forward. This will modernize Manner and Method, and I appreciate

all the work that they have done to make this happen and bring it forward. There's still a lot to do, but the work's been tremendous. So thank you, everybody who's worked on this.

COMMISSIONER SALOPEK: Is this Manner and Method including fishing, or are we just talking about hunting?

COLONEL GRIEGO: Mr. Chairman, Commissioner Salopek, it will include fishing.

COMMISSIONER SALOPEK: Is there any way we can include the second rod, instead of having to buy the second rod?

DIRECTOR SANDOVAL: So Mr. Chairman, Commissioner Salopek, the second rod is actually a statutory fee. Yes, so that would be a legislative action to remove that.

COMMISSIONER SALOPEK: I still think it's petty and I'll be quiet.

COLONEL GRIEGO: Mr. Chairman, Commissioner Salopek, that is one of the tasks that the Director set forth with us, is to look through all of that rule and if there is anything that we would determine as petty or unnecessary, if it's not affecting the resource, why do we have it, and we're going to try to address that, and bring you something that you can live with.

COMMISSIONER SALOPEK: And you know, if we could ever get that changed. You know, if there's waters that are just one rod, that's not a problem; you can't fish with two rods. But if we could fish with two rods the waters that we could fish with two rods, I don't see why we have to buy a license and I get upset. But anyway.

CHAIRMAN KIENZLE: How many pages is this going to take up?

COLONEL GRIEGO: Mr. Chairman, Manner and Method is going to probably be close 20 pages long. It's going to be a significant rule.

CHAIRMAN KIENZLE: Well, get it out there early. If it's 20 pages, that's a lot to digest, so get it out there as early as possible for people to take a look at. All the different interest groups, Kerrie Romero, Wildlife Federation, make sure to take a look at it with your outfits because it's a big deal. As the Director pointed out, it's the first time in our lifetimes maybe that we've taken a look at it. So let's try to get it right. Since you're trying to pull together all the threads, I'd suggest some lawyer somewhere take a look at it to make sure that it's consistent, because over 20 pages it is sometimes hard to make sure it's consistent. So proofread, proofread, and proofread. That's easier than putting it back out in front of us to fix it later on. So let's try and get it right the first time. Yes, sir?

COMMISSIONER RAMOS: Mr. Chairman, Bobby, are you somewhere going to embed also the trail camera SD cards versus, like, satellite and cellular technology that we're seeing now, and kind of looking at the fair chase behind that?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ramos, that would be something that we would have to discuss and develop. It is not currently in there as we've been developing, but we can have that discussion to see how we would want to come forward with something like that.

COMMISSIONER RAMOS: I would like to see it just based on last time we discussed it, it was basically, do we want trail cams or not? It wasn't SD card-driven where, you know, people need to do their homework in going out there versus the satellite, cellular, boom, I just got a picture and let's go and hunt. And to me, that's not fair chase. So I'd like to definitely see that embedded in there somewhere.

COLONEL GRIEGO: Mr. Chairman, Commissioner Ramos, yeah, without a doubt I can draft some language to have that discussion. I wasn't completely aware that we wanted to go that

direction, but we can definitely put some language together and then put it out there for you all and NGOs to look at.

COMMISSIONER RAMOS: And the reason why I bring it, I think that is a Manner and Method of taking game that's happening out there.

COLONEL GRIEGO: Sure.

COMMISSIONER SALOPEK: And I would like to see that also. I mean, we're the first state, I believe, to outlaw drones. So I mean that, in my opinion, kind of fits in the same thing.

CHAIRMAN KIENZLE: Any other questions? Yes, sir?

VICE CHAIRMAN MONTOYA: I'm wondering, Commissioner Ramos and Salopek, do we want those kind of things in the rule or do we want those as a regulation that could be looked at and changed within a three- to four-year period? Just a question.

COLONEL GRIEGO: Mr. Chairman, Vice-chair Montoya, we would be -- these would be regs that would be on a cycle, but yeah, we're going to have to look at it and keep in mind that as we move forward with the rule in its entirety, we're going to want something that we can get as much addressed as we can, because if there's a piece in there that isn't effective or liked, it affects the whole rule because it's going to be the entire rule. So we're going to have to work pretty tirelessly with this initial draft to come up with something pretty solid by August that we can start moving forward with. So there's going to be lots of discussion yet to be had.

VICE CHAIRMAN MONTOYA: Okay.

COMMISSIONER RAMOS: Mr. Chairman, and just one last comment, and I know we come up with all these policies and regs, and of course our officers out in the field have to monitor that

and provide citations, but hopefully you all are also dissecting things in there like the San Juan shuffle for fishing. You know, if somebody is out there fishing, fly fishing, they shuffle their fish and they get caught doing that, they can be cited for that currently with our current rule. Is that correct, sir?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ramos, that is correct. That's going to be part of those discussions as we're moving forward, to address impact to the resource, whatever social issues are out there, and like I said, try and move forward, but working with the other groups to see where that line lies to bring a good product forward, because we're going to have to weigh it all, without a doubt.

COMMISSIONER RAMOS: Right, and I hate to keep adding, but also, like, hunting with arrow, air gun arrows. You know, that type of technology that's really just looking at the fair chase. Definitely not during an archery hunt, and that's just my opinion, but on the other hand, why not during a rifle firearm season or what? So just Manner and Method, my concerns and a lot of work for you all to do.

COLONEL GRIEGO: Right now, just with all the various species rules, we're trying to ensure that we've incorporated everything that is there currently, first and foremost, because we don't want to leave something out. So making sure that we address every rule that's out there right now and then through these discussions, if there's this additional stuff that we want to address, that would be a good time, but right now it's making sure we've got everything that makes us effective today, that we still have at least that tomorrow.

CHAIRMAN KIENZLE: Anything else for now? Well, you've got a big job ahead of you. So we'll see this -- an actual draft, in August, then, right?

COLONEL GRIEGO: Yes, sir.

CHAIRMAN KIENZLE: Okay, perfect. Agenda Item Number 17: Proposed Regulations to Define Terms and Phrases and Amend and Add Enforcement Mechanisms and Penalties under Criminal Trespass. Any members of the public have any comment on this? This was in part to...you got nothing over there? It's in part to give the public the opportunity to weigh in on some of these implementation issues with all the various statutes and the rules and regs that we've got. So we instituted, was it six months, a year ago, the landowner contacts. We get a spreadsheet or a PDF of those contacts on a -- is it a monthly or weekly? Is it a weekly basis?

COLONEL GRIEGO: It's on a weekly basis.

CHAIRMAN KIENZLE: Weekly basis? And that's been helpful to see kind of the universe of what's going on out there. Without benefit of the public here to speak on some of these issues, this Agenda Item loses some of its impact, but let me ask a couple of hypotheticals just under the various laws, rules and regs that we've got. If you have a landowner who has posted notices of no trespassing and presumably done it the right way and they're not all shot up and you can see no trespassing, no hunting or fishing or something like that. How does your -- or how do you implement that when you get a call from a landowner saying, "Look, I've got a hunter that's carrying a rifle and is trespassing on my property." So you know, run down the various scenarios and how that shakes out from your perspective.

COLONEL GRIEGO: Mr. Chairman, Commissioners, when we receive those calls, the first thing our officers do is as soon as possible, they head that way. Trespass has always been one of our top priority calls that we respond to and initially, the primary focus is going to be on finding that individual, that trespasser, so we can talk with him or identify that individual. Unfortunately,

oftentimes by the time you get there, they're gone. There may not be a description, but that's the primary. It's to find that individual. If we can find that individual or not, the next is going to be to talk with the witnesses or the landowner, and at that point we would look at the property to see, is it legally posted against criminal trespass, because that's very significant in showing that knowingly by it being posted properly. If it is posted properly, the next question typically is to the landowner is, do you want to move forward with criminal trespass charges, because we're going to need those individuals when it goes through the court process to testify that I did not give this individual permission and I want to continue forward in the process. So that's typically how those go when we get that report and there is legally posted.

CHAIRMAN KIENZLE: So Criminal Trespass is under Title 30?

COLONEL GRIEGO: Mr. Chairman, that is correct.

CHAIRMAN KIENZLE: Okay.

COLONEL GRIEGO: 30-14-11—

CHAIRMAN KIENZLE: So under Title 17-4-6, we've got a misdemeanor portion of that Section b. So let's say a landowner doesn't want to go under the criminal part of it, Criminal Trespass under Title 30. How would you proceed under Title 17, which is more under our jurisdiction, so to speak?

COLONEL GRIEGO: In my career, because of the posting requirements for 17-4-6, being posted in English and Spanish, been in general circulation for three weeks, I'm not aware of any properties that have gone through that. So that's usually where we fall short and we've always leaned on Chapter 30 Criminal Trespass far before Chapter 17 just because it's a better written law. It's understood across the state and with the District Attorney's Offices, so we've always

gone that route, but we do have rule under Manner and Method that we often fall on when we have those properties that, whether they're posted correctly, or we can show knowingly even in times where they're not posted correctly. If you get the yellow Walmart sign that says, No Hunting, No Trespassing, it's not a legal sign in terms of being 12 by 12, but we have a regulation that's knowingly hunting on private property without written permission, and we'll often go that route.

CHAIRMAN KIENZLE: So if a landowner got it right under 17-4-6, did what they're supposed to do, there's no impediment, then, for your officers to cite under that particular statute?

COLONEL GRIEGO: Mr. Chairman, yes. I suppose we could cite under that.

CHAIRMAN KIENZLE: But you haven't seen one yet where they have—

COLONEL GRIEGO: I haven't seen one, and again, we've always leaned on Criminal Trespass because it's a little better written statute and it's got a little more teeth into it when it comes to our hunting, fishing or trapping violations with the implications to revocations.

CHAIRMAN KIENZLE: So under Section b of 17-4-6, it's a misdemeanor. So what would that translate into in terms of hunting and fishing privileges if they were convicted? What's the typical penalty for that?

COLONEL GRIEGO: Mr. Chairman, currently, criminally they're facing a fine of \$0 to \$1000 and a definite term in jail, which they obviously won't get, but that violation specifically would just be a five-point violation, compared to a 20-point violation under Criminal Trespass.

CHAIRMAN KIENZLE: So a five-point violations gets you what? I mean in terms of—

COLONEL GRIEGO: It's the five points that you would carry for the next three years.

CHAIRMAN KIENZLE: It's a carry-over.

COLONEL GRIEGO: There would be no revocation or suspension that would go along with that.

CHAIRMAN KIENZLE: And so that five points, that's by our rule or regulation; we set it at five.

COLONEL GRIEGO: Mr. Chairman, that is correct, and that's just -- again, there's often rules that we don't use and we did this the last time that we worked through the Revocation Rule. Just over the years we had other violations that we're seeing consistently that were five-point violations just because they fell into the catch-all category. So we gave them specific point values at that point.

COMMISSIONER RYAN: So Colonel Griego, you've been in law enforcement a long time. It sounds like Chapter 17 is not a tool in your law enforcement's tool box to deal with trespassers right now; that you're really just going under Chapter 30 to deal with trespassers.

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan, that is correct. We typically always try to go the criminal trespass route, or if we do use Chapter 17, we typically will use statute 17-2-7 with the regulation of hunting on private without written permission.

COMMISSIONER RYAN: Okay. So what is -- so there are specific guidelines like publication and so forth under Chapter 17, and is it the initial -- I'm trying to see what the rule impediment is -- you said they're written so differently -- to using Chapter 17? What would you -- I mean, if you could just sit down with a red pen and redraft that Chapter 17 Rule, what is a big impediment for a law enforcement being able to use it properly and use it more efficiently? I mean, if you had your druthers, what would you -- how would you like to see that changed? Is it

that landowners aren't going through that process of publication, or is it something on your side that it's really hard to have a certain element that's ever met?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan, the issue with 17-4-6 is some of the language in it. It's dealing primarily with propagation and hunting, specifically, whereas Criminal Trespass, although we typically 90% of the time are dealing with our sportsmen when we respond to it, but it could be for any reason. We don't have to prove that that individual was hunting under Criminal Trespass. If we can, and it's in connection with it, there's other implications by the statute. It's accepted across the state as the standard when it comes to Criminal Trespass, and under 17 being written in English and Spanish and under propagation, I think it leaves holes in an argument when we're trying to prosecute something in court, where Criminal Trespass 30-14-1 is very specific and very well understood. So it's easier to prosecute a case. You have to have a good case, but the judges understand that. They do not understand. They don't see Chapter 17 and they definitely don't see Chapter 17 in the 17-4 Section. We just don't utilize that very often. Like I said, I've never used it in my 21 years. So you run into that within the courts also.

COMMISSIONER RYAN: So it seems like from what you said there's two. There's one is this proving the element of hunting and fishing, and two, is that landowners aren't taking the initiative to go through that process that's set forth there.

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan, they're not taking that initiative because in their mind that's unnecessary. They take the initiative to post properly under Criminal Trespass, Chapter 30 versus Chapter 17 and go through those requirements. The vast majority -- if not all private landowners, when they think of protecting their property against trespass, they think of Chapter 30 Criminal Trespass and the posting requirements under 30-14-6.

COMMISSIONER RYAN: Right.

COLONEL GRIEGO: That's what they understand and that's what they go. That's what the District Attorney's Office is going to lean towards and that's the standard for prosecution.

COMMISSIONER RYAN: Well, you know, the public comment that we've been getting over the past few years from the landowners is not just general people walking out, you know, for a jaunt on their property. They are really coming after public hunters and public hunters are getting a bad name among the private land community, and I hate that. I'm a public hunter. I don't want that label, and so the reason I'm digging into this is because it's people out there. It's the public hunters who aren't abiding by the rules that are out there with a license but are trespassing. And so, I mean, I know one of the first things you all do when you check someone is ask for their license and if they have their license, obviously, you're going to be able to check off that box that they're, you know, they're hunting or fishing, and place them under the Chapter 17. What I don't like is that Chapter 17 to me doesn't have much teeth to it as being a misdemeanor and only having five points on the revocation scale. I think I would like to personally see that be a 20-point violation under Chapter 17. I mean, if the beef with private landowners is that people are out there trying to hunt or fish on their private property without permission, then that's exactly what Chapter 17 is supposed to be protecting from. I do believe that there are a lot of landowners that are not taking the initiative they need to to post their property, but I do understand some situations we have in the state, especially in southeastern New Mexico, where it took me a while to understand this, but it's not so much posting the property on the outer boundary of their ranch. It's posting the property between State or BLM lands and the private property. And, you know, their cattle graze and, you know, don't know those boundaries. There are no fences and so it's posting along those boundaries and trespassing along those boundaries

that become a big problem for a landowner. And so that posting requirement, I mean, that's what we're hearing so much public comment about, and so I'm wondering, the impediments that are in Chapter 17, if those definitions were redefined in a way to make it easier for a landowner, without a fence and without a sign every so hundred feet in those areas, be able to still -- you know, when you come out, meet that knowing requirement, because, like you said, you're needing it to be properly posted to go under Chapter 30. So I'm just looking at some creative ways. I mean, I do understand that the answer is, well we just -- in my career we just never go under 17, and what I'd like to say is that, that is the real answer and I appreciate the honesty, but that doesn't mean that that has to remain that way, and it doesn't mean that we can't look at and at least evaluate. Maybe we can't, but evaluate whether we can make 17 a usable tool for you guys because there's no harm in giving law enforcement more tools in their toolbox to do what you need to do out there. I mean, it sounds to me like you all have been limited forever on what you can do and I'd like to know what can we do to help you be able to prosecute and take these people who are giving us a bad name and, you know, deal with them in the courts.

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan, you know, when I say we don't use Chapter 17, what I mean is we don't use Chapter -- or the Statute 17-4-6. We do use Chapter 17 in many instances—

COMMISSIONER RYAN: Right.

COLONEL GRIEGO: Of hunting on private without written permission. We use that often. We probably use that more often than Criminal Trespass because of posting requirements.

COMMISSIONER RYAN: And what's the point violation on that one?

COLONEL GRIEGO: That one I'm thinking is 20 points for hunting on private without written permission.

COMMISSIONER RYAN: Okay.

COLONEL GRIEGO: I'm pretty certain. I think we've addressed that one.

COMMISSIONER RYAN: Okay.

COLONEL GRIEGO: Even under 17-4-6, it's still a statute and would take legislative action for us to change any requirement in there, and I believe you're absolutely correct in that it's not the exterior boundary of these ranches that's typically the problem. It is these pastures. Large pastures 30, 40, 60 section pastures where it's intermixed with public and private land. And you're absolutely correct in that a sign every 500 feet is just not going to occur, but that's where we come in and use hunting on private without written permission, if we can show that knowingly. They have the GPS with the land status on it. We have to build that case. It's not just simply them being there.

CHAIRMAN KIENZLE: Which section is without written permission?

COLONEL GRIEGO: That's going to be in 30.10.

CHAIRMAN KIENZLE: Not the, the regs?

COLONEL GRIEGO: 30.10. I'll give you the exact. It's going to be...I'm sorry. 31.10.18(C).

CHAIRMAN KIENZLE: Donald came prepared. Thank you.

COMMISSIONER RYAN: So in the hypothetical that the Chairman gave you earlier that you've been called. You know, maybe it's posted properly on the outer boundary but not these

inner boundaries, or not posted properly. I mean, your choice is, if you can find them you give them a warning and if they come back you can do something about it. Right?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan, if it is properly posted, then we can go forward with prosecution. If the exterior is posted correctly, they're good. It's where you get a county road into a pasture where they can legally gain access, but that's where we would use, again, 17-2-7 under Manner and Method, hunting on private without written permission is where we typically go. Yes, without a doubt we've had a few cases where the property was not posted correctly, and whether it be the District Attorney's Office not willing to take the case or the judge dismissing it, we've had those, without a doubt. But under that rule, that is the way we handle that unposted, hard-to-post segments, but we've just got to show that knowingly at that point.

CHAIRMAN KIENZLE: 17-2-7?

COLONEL GRIEGO: 17-2-7. Yes, sir. Which basically just states that, except is allowed by regulation, it's unlawful to hunt, fish, possess. So that's what we tie our rules and regulations that you all passed, we tie it to that statute when we cite. So you'll see 17-2-7 on a lot of our violations, whether it's killing out of season, shooting from the road. It'll be 17-2-7 with that regulation tied to it.

COMMISSIONER RYAN: And that's the 20 -- there's 20 points there, we think. Yeah.

COLONEL GRIEGO: Commissioner Ryan, that is correct.

CHAIRMAN KIENZLE: So let me go back to my original hypothetical. A person's got a rifle. They're on private land. Let's assume it's been posted the correct way, but we're the fifth largest state by land mass and your guys can't be there to physically witness that trespass. So let's say

the landowner gets their cell phone out, takes a picture, gets a license plate, has a description of the person, maybe even visited with them. Visited is probably too nice a term for what went down, but they could identify the person for you if they saw that person again. Can you make out a case or have you done that in the past where a citation is issued under those circumstances?

COLONEL GRIEGO: Mr. Chairman, absolutely. We can go forward with a charge. It would be a criminal complaint at that point and that landowner would absolutely be necessary in the prosecution as the witness to identify that individual in court, and then it would be our job to show that we interviewed the individual and the property was legally posted, and then we would absolutely move forward. That's probably the more often scenario than any of them.

CHAIRMAN KIENZLE: So maybe Commissioner Ryan can help me out on this. I mean, we have ranchers in your part of the world that seem to complain about serial trespassers. I don't know if it's the same person or different people repeatedly doing this. I mean, is that consistent with what you've heard from ranchers or landowners, that they're having this problem, but we're not getting to the citation phase of this?

COMMISSIONER RYAN: Yes, sir. If we are, you know, they don't know about it. You know, they don't think we are and so -- I mean, I do want to recognize that the Department has been doing a lot over the past year to communicate that, and our landowner contacts and the initiative you guys have been taking have been helping with that issue; just communicating the follow-up on some of those, on some of those calls.

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan, I will say that a lot of these where you're getting, that you all are hearing about, where they're saying, you know, nothing is happening, they did nothing. I would venture, the vast majority of the time is because there was

no violation. They were on state land. They were on a road on state land. They were on BLM land. That yeah, they were on that individual's leased ranch, but they were on the public land portion or state land portion. We do not -- if the elements are there and the landowner is willing to move forward, we will always pursue charges. Without a doubt, there are times where the elements are not there, whether it's a posting issue, whether we can prove who was there. You know, sometimes it's just, "I saw a white truck," and we can't find that specific white truck. So nothing goes on there. There are times where the individual probably was legitimately trespassing but there was no identification, no vehicle description. There was tire tracks or boot prints and we don't make that case. I think we are getting better with talking with cattle growers, but in my 21 years and I'm sure in the Director's 25, we'll tell you that Criminal Trespass has always been one of our top priority calls. My whole career, it's always been one of those. It's an important one to us. Now, there's other issues with, you know, that oftentimes when you call the sheriff, you call dispatch, you call the sheriff's office. When you call your local game warden, you typically call his cell phone. Well, he doesn't have cell phone coverage so when he goes home that evening and hits the highway, boom, pops up the voicemail and it's Joe Landowner, "Hey, I've got a guy trespassing on me," from 7:30 this morning.

CHAIRMAN KIENZLE: So that's a good transition into county law enforcement. Again, we're a big state and so counties are typically closer to the problem, if you will, than our law enforcement is. And so, maybe it's a rhetorical question, but why aren't landowners going to their -- because I think there's -- it's not a jurisdictional issue. I think any law enforcement officer can enforce Title 30. Why are they not getting what they need out of county law enforcement, or is it just the simple fact that it looks like somebody is hunting and so they pick up and call us instead of county? What's your sense of that?

COLONEL GRIEGO: Mr. Chairman, Commissioners, without a doubt, there are times or landowners that will call the Game Warden because it looks like a hunter, but they often do call the County Sherriff's Departments to respond to these. I spent a lot of my career in Ketchum County, and the Sherriff's Department responded to a lot of criminal trespass calls. Now that we're dispatched through DPS, State Police, state police is getting a lot of these calls because they would have normally been directed to us but it comes over the radio and it's some of those, but without a doubt, in the rural communities for sure, the Sherriff's Department responds to a lot of criminal trespass calls. Some of their stats are misleading that, you know, you'll see if you run it, you know Chaves County probably has seven or eight, ten trespass calls a day. Well, what the underlying is, nine of those were at Walmart. They weren't out in the field, but we do work well with our Sherriff's Departments around. That's one of the first relationships that our officers make is with the Sherriff's Departments and the State Police. So they are responding to those as well. So yeah, they do.

CHAIRMAN KIENZLE: Yes, sir?

COMMISSIONER RICKLEFS: Since this issue came to the forefront, I've been carrying a tape measure with me and many, many signs are not 144 inches. This county and some big ranches, they're not 144 inches. Otherwise, they meet the requirements. So if your officer is on that ranch and sees that the signs do not meet the requirement of Chapter 30, then they fall back to immediately Chapter 17?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ricklefs, absolutely, because we would still use those signs to help prove our knowingly even though they're not statutorily legitimate for criminal trespass. We would use that as evidence in our knowingly and go with Chapter 17 and knowingly hunting on private without written permission.

COMMISSIONER RICKLEFS: And then clarify for me. I heard five-point violations and then I also heard 20-point. Which is which?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ricklefs, hunting on private property without written permission under Manner and Method is a 20-point violation. 17-4-6 posting requirements for propagation and that we also have the navigability language under is a five-point, and it's not because we view it as not important. It's just one of those that, honestly, has fallen under the radar. We do not use that statute, so we've not addressed it specifically with a 20-point value which, I agree, as we're going forward with this, that's one of those that we need to address as probably 20 points as well.

COMMISSIONER RICKLEFS: Well, it makes sense to me since the legislature told us that we had to revoke licenses if they got a criminal trespass. I think it should be a 20-point violation for sure so we can revoke licenses if they're hunting and fishing without written permission.

CHAIRMAN KIENZLE: Too many options. Probably should have been coalesced under one and kept simple, but it's not. Commissioner Ryan, anything else on this one?

COMMISSIONER RYAN: You know, I'd like to see, you know, further discussion, and I would like to definitely address, like you said, getting it to be a 20-point violation rather than a five-point.

CHAIRMAN KIENZLE: So that would be under 17-4-6. So can we get something out of your shop to at least do that amendment?

COLONEL GRIEGO: Mr. Chairman, yeah, we can do that. We would have to open the Revocation Rule to give it that, but that's how easy it would be. It's just listing that, and I'm

going off the cuff saying it's five points. My guys could have done something fantastic and thought of this and it could be 20 points. I believe it's a five-pointer—

CHAIRMAN KIENZLE: We'll check on it. If it's not 20, let's -- yeah, this isn't a test. So—

COLONEL GRIEGO: It feels that way.

[Laughter]

CHAIRMAN KIENZLE: I know I couldn't pass this test. So if it's not, let's at least get that opened up and make it a 20 so it's consistent with whatever else we've got going on.

COMMISSIONER RYAN: I think I have some disappointment that there's not more public participation in this discussion, because that's why it's on the agenda, to give those landowners a voice to actually talk about it. So I don't know if it's the location of this meeting or what, but—

CHAIRMAN KIENZLE: I am surprised. I mean, we've heard this issue pop up in public comment, even in other subjects that are tangentially related to this. So to not see anyone, even in this part of the state where there are certainly a lot of ranchers and landowners, to not have anyone here is unusual, but we'll -- we may very well pick this up in August. And the answer is?

COLONEL GRIEGO: I was halfway right. 17-4-6 is five but hunting on private property without written permission is just a 10-point violation. So we will address those.

COMMISSIONER RYAN: Let's up that. Yeah, let's up that.

CHAIRMAN KIENZLE: So I'd say, let's at least get it on the table to bump it up to 20. So I think what I'll do is visit with you and the Director further, because some of this is implementation in how either the law or the regs are interpreted or implemented, as much as it is a policy decision. So there's further discussion to be had. Let's at least get that 20-point part of it

up and running and so hopefully in August we can see that? It should be enough time. Any other questions or comments?

COMMISSIONER RYAN: Thank you. That was a lot of questions and hypotheticals, so thank you very much.

CHAIRMAN KIENZLE: This won't be the last time we hear this, whether it's formally or in public comment, I suspect, but we'll talk about it further and I appreciate your efforts. Thank you. And not that I don't like you too, guys, but there's nothing you can add to it right now. Thank you. We did move up public comment, so the next Agenda Item. Kirk Kennedy. So you don't have to stick around?

KIRK KENNEDY: I was going to waive my comments (Indiscernible).

CHAIRMAN KIENZLE: No, you're it. You're the only one.

KIRK KENNEDY: (Indiscernible) I appreciate this meeting. I haven't been for a long time. I used to go to a lot of them and my perception was that maybe you had everything against landowners, outfitters and some of that, and I appreciate your comments today, a lot of them, and it put me a little more at ease. Your 20-point violation for trespass, I like that part of it, but it seems like we have 20-point. I'm an outfitter also, a land owner, and deal with landowners. It seems to me like part of that goes back to the revocations of licenses. I think you're getting yourself into a problem on some cases because there's going to be everybody going to court now, because of on the outfitter side of it losing licenses and guides losing licenses. I don't think that there's going to be any correspondence with game wardens anymore. You know, just the regular. Mr. Ramos had a comment about that discretion and visiting with the Game Warden, but if you say anything, man, anymore, in my opinion, I'm going to direct my guides to say nothing;

no correspondence with game wardens, and we will go to court, and it will cost me a lot, it will cost the state a lot, and that discretion that you talked about, it doesn't seem like we're having that anymore. You know, accidents happen even on your trespass. You know, if you happen to be 10 feet on the wrong side of the ground. I hate trespassers, but there is going to be some cases, and I'm sure the Department can say that. You know, the guy didn't have that, didn't know where that ground is intermingled and that type of thing, but I was really coming up here. I was going to waive my deal, but appreciate what I heard today; a lot of what I've heard today.

CHAIRMAN KIENZLE: Thank you. All right. Let's do some rulemaking. See how badly I can fumble this through my script today. Back to the Stewart Liley Show.

VICE CHAIRMAN MONTROYA: Talked fast. Do you have an agent?

COMMISSIONER RYAN: An agent.

STEWART LILEY: An agent? Yeah.

CHAIRMAN KIENZLE: Public Rule Hearing, Hearing Item Number 1a. This is an informational portion. Rule making hearing on final rule changes on the Turkey Rule 19.31.16 NMAC for the 2019-2023 Hunting Seasons. Give me a moment to collect my thoughts here while I butcher this. This hearing will please come to order. My name is Paul Kienzle. I'm the Chairman of the State Game Commission. I will be serving as the Hearing Officer and be advised by the Commission's Council from the office of the Attorney General. The purpose of this hearing is for consideration of the Commission, by the Commission for the final adoption of the following proposed rules. I think I'm going to do both of these together this time and we'll vote on them rather than splitting them up. First hearing item is for the Commission to receive public comment on proposed new Turkey Rule Title 19, Chapter 31, Part 16 of the New Mexico

Administrative Code which will become effective April 1, 2019. The current Turkey Rule is set to expire on March 31, 2019. The second hearing item is for the Commission to receive public comment on proposed new Migratory Bird Rule, Title 19, Chapter 31, Part 6 of the New Mexico Administrative Code which will become effective on September 1, 2018. The current Migratory Bird Rule has expired on March 31, 2018. 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. Anyone interested in a copy of the audio tape should contact Sandra, waving her hand, with the Game and Fish --well, State Game Commission rather than the Game and Fish Commission. Public notice of this hearing was advertised in the New Mexico Register, the Albuquerque Journal and the Santa Fe New Mexican, in New Mexico Sunshine Portal, and on the Department's website. Copies of the proposed new rules have been available on the Department's Website and at the Department office. Those here today, if you're going to speak - do we have any comment cards on this? On any of these? Mikaela [Phonetic]? No? None. Those here today wishing to speak on this, please sign the Attendance Sheet at the back of the room which will later be entered into the record as an exhibit. This rule hearing will be conducted in the following manner. Staff will present pre-filed exhibits. Exhibits admitted into 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. Afterwards testimony will be taken from the audience, sort of. We don't really have an audience today. 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 identify themselves by name, who they're affiliated with for the record each time you are recognized to speak, and speak loud and clearly so the recorder can accurately record your comments. After a person has offered comment, they

will stand for questions from the Hearing Officer and other Commissioners. The audience may also ask questions of anyone offering comments after being recognized by the Hearing Officer. This hearing is not subject to judicial rules of evidence, however, in the interest of efficiency, I reserve the right to eliminate any testimony deemed irrelevant, redundant or unduly repetitious. The Commission may discuss the proposed rules after the public comment portion of the hearing. Final Commission action, including adoption of the rules, may occur after the conclusion of the presentation and public comment period of the hearing. Let's see. We'll do the two informational parts and then we will close it and we'll get to it. So Item Number 1: Rule Making Hearing on Turkey Rule 19.31.6 NMAC for the – I'm sorry, 16 NMAC for the 2019-2023 Seasons. This hearing is now open. Are there any exhibits for proposed new part and rule to 19.31.16 for the record?

STEWART LILEY: Mr. Chairman, there are six exhibits. Exhibit 1, Notice of the Rulemaking; Exhibit 2, the Initial Proposed Rule; Exhibit 3, the Presentation being given to the Commission today; Exhibit 4, the Summary of the Proposed Changes; Exhibit 5, the Technical Information that we relied upon to build the rule; and Exhibit 6, which is the 13 Public Comments received as of the close of the Public Comments period.

CHAIRMAN KIENZLE: Sprinkle Holy Water on those. They're admitted into evidence. Exhibits 1 through 6. Stewart, could you please introduce the Proposed New Rule for 19.31.16?

STEWART LILEY: Mr. Chairman, members of the Commission, as we've discussed at the previous two Commission meetings, for the Turkey Rule, the main things are adjusting the Youth Seasons for the calendar date shifts, adding additional youth draws in GMU 30, opening additional areas for Spring Turkey Hunting, and also additional areas for Fall Turkey Hunting.

We received 13 public comments. We held three public meetings, one in Farmington, Las

Cruces, and Albuquerque, and most of the comments were looking for additional hunting opportunities and also in agreement with the rule. Again, the rule will create a Spring Youth Hunt on the Washington Ranch in GMU 30. It would be one weekend during the regular youth season and up to 10 tags. We'd increase the number of tags in GMU 8 from 10 to 15 and we'd open additional areas for Spring Turkey such as GMU 2b, 33 and 50. We'd also open all WMAs except for the following list of WMAs for Spring Turkey. Additionally, we'd open fall areas for turkey such as 2b, 4, 5a, 39, 51 and 52, and all WMAs except for the following listed below. With that, I would take any questions.

CHAIRMAN KIENZLE: No public comment, correct? Still no public comment. Okay. Any questions from Commissioners? Comments? Yes, sir?

COMMISSIONER RICKLEFS: I noticed, Stewart, that you've removed all the language for Manner and Method in preparation for that previous.

STEWART LILEY: Mr. Chairman, Commissioner Ricklefs, that is correct. So we are removing all Manner and Method from all the species rules to put in the one rule that you will see later this summer and into the fall.

CHAIRMAN KIENZLE: Any other questions or comments? Are there any other exhibits anyone wants to enter into the record at this time? Seeing none --

DIRECTOR SANDOVAL: Mr. Chairman, we actually do need to enter into Exhibit No. 7, which is the signature sheet for comments, reflecting that no comments have been made.

CHAIRMAN KIENZLE: It's totally blank. Okay. Exhibit 7 is admitted into the record as well. So we're going to hold off on voting on this one. Let's roll up, since these two are fairly uncontested, we'll roll them up together. Hearing Item Number 2, the informational portion

rulemaking hearing on final rule changes on the Migratory Bird Rule 19.31.6 NMAC for the 2018-2019 seasons. I'm pleased we're getting to this early instead of late. This hearing is now open. Are there any exhibits for proposed amendments to Rule 19.31.6 for the record?

STEWART LILEY: Mr. Chairman, we'd like to enter six exhibits. Exhibit 1, the Notice of the Rulemaking; Exhibit 2, the Initial Proposed Rule; Exhibit 3, the Presentation being presented today; Exhibit 4, the Summary of the Proposed Changes; Exhibit 5, the Technical Information we relied upon to develop the Rule; and Exhibit 6, the 15 Public Comments received as of the close of the comment period.

CHAIRMAN KIENZLE: Exhibits 1 through 6 are admitted into the record. Would you please introduce the proposed new rule for 19.31.6?

STEWART LILEY: Mr. Chairman, as we've gone through in the previous two meetings, we adjust the rule annually based on the federal framework set by the U.S. Fish and Wildlife Service. Those federal frameworks were published in June of 2018, so this rule will correspond with the final frameworks that were published in the rule. The changes that did happen was moving the Youth Sandhill Crane Season later into the year to take advantage of later migratory birds; changed the regular season dates according to the federal frameworks, and luckily, this year we were able to receive an increase in our pintail bag limit from one to two based upon the federal frameworks. Real quick, we received 15 public comments on this rule through the making. Three public meetings. Really, most of it was things out of the control of the Department and goes back to the federal frameworks, and we relay that back to the U.S. Fish and Wildlife Service every year on it. Some of it would like to see some later duck season hunts and dates. By Federal Law, we must close the last Sunday of January by hunting. So we will work with the Federal Government. There is a bill in Congress right now to maybe make it to where it

Draft Copy

goes a little bit later. So it almost takes congressional action to change hunting seasons for water fowl. So just so you guys know, it's not as easy of a task. Real briefly, these are the hunting dates that are proposed and that were set forth in the Federal Register and approved by the federal law that will coincide on our hunt dates in New Mexico for goose, dove in the central flyway, and duck. Our Sandhill Crane allocation, we were under allocation last year, so we were able to up some of our hunts. Our middle Rio Grande Valley, we have to report the actual take of individual birds. This season's structure shall allow some increase success rates but still maintain our allowable take as set by the Federal Government. Specific flyway, these were the dates that were set forth in the Federal Register as well. This will correspond in our rule and adopted if adopted today. With that, I would take any questions.

CHAIRMAN KIENZLE: There's no public comment. Any questions or comments from Commissioners?

COMMISSIONER RICKLEFS: I notice Manner and Method is in this rule. Is that a federal requirement?

STEWART LILEY: Mr. Chairman, Commissioner Ricklefs, the reason Manner and Method is in that rule is the season starts September 1st. The Commission will not have approved a new Manner and Method Rule before this rule has to take effect, so that's why. Next year when we open this rule, we'll propose removing Manner and Method from it.

COMMISSIONER RICKLEFS: Thank you.

CHAIRMAN KIENZLE: Any other questions or comments? Any other exhibits anyone wants to enter into the record at this time? We'll do No. 7, which is the blank sign-in sheet. Exhibit 7 is admitted into the record. I don't think we've got anything further. Everyone present is on the

Attendance Sheet. Yes? No? If you haven't signed it, speak up now. At this time, the Attendance Sheets, they've already been marked as Exhibit 7 for both hearings. Comments submitted and testimony heard during this Rule Hearing will be reviewed by the Commission and discussed during open session of today's meeting. The Commission will vote on the proposed rules at that time. Thank you for being here. Let the record show that this Rulemaking Hearing was adjourned at 12:41. Moving on to the action item portion of this. Can I get a motion on Item 1a, please?

COMMISSIONER RYAN: Mr. Chairman, I move to adopt the proposed changes to 19.31.16 NMAC as presented by the Department and allow the Department to make minor corrections to comply with filing this rule with State Records and Archives.

COMMISSIONER SALOPEK: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed? None. Can I get a motion on Item 2a, please?

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

COMMISSIONER RICKLEFS: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed? None opposed. Okay. You're off the hook.

COMMISSIONER RYAN: Finally.

CHAIRMAN KIENZLE: Can I get a motion to go into Executive Session?

COMMISSIONER RYAN: So moved.

CHAIRMAN KIENZLE: Somebody's got to read the blurb.

COMMISSIONER RYAN: Oh, yeah.

COMMISSIONER: That's what I'm looking for.

COMMISSIONER RAMOS: Mr. Chairman, I move to adjourn into Executive Session closed to the public pursuant Section 10-15-1(H)(2) NMSA 1978 to discuss limited personnel matters relating to complaints and discipline pursuant to Section 10-15-1(H)(8) NMSA 1978 to discuss property acquisition and pursuant to Section 10-15-1(H)(7) on matters subject to the attorney-client privilege relating to threatened or pending litigation in which the Commission and/or Department is or may become a participant as listed in Agenda Item 19, Subsections A, B and C.

CHAIRMAN KIENZLE: Roll call.

VICE CHAIRMAN MONTOYA: Second.

CHAIRMAN KIENZLE: Roll call.

DIRECTOR SANDOVAL: Commissioner Peterson.

COMMISSIONER PETERSON: Yes.

DIRECTOR SANDOVAL: Commissioner Ramos.

COMMISSIONER RAMOS: Yes.

DIRECTOR SANDOVAL: Commissioner Ricklefs.

COMMISSIONER RICKLEFS: Yes.

DIRECTOR SANDOVAL: Commissioner Ryan.

COMMISSIONER RYAN: Yes.

DIRECTOR SANDOVAL: Commissioner Salopek.

COMMISSIONER SALOPEK: Yes.

DIRECTOR SANDOVAL: Vice Chairman Montoya.

VICE CHAIRMAN MONTOYA: Yes.

DIRECTOR SANDOVAL: Chairman Kienzle.

CHAIRMAN KIENZLE: Yes.

DIRECTOR SANDOVAL: So for the purposes of this Executive Session [Audio lost].

CHAIRMAN KIENZLE: This Commission had adjourned into Executive Session closed to the public. During the Executive Session the Commission discussed only those matters specified in its motion to adjourn and it took no action as to any matter. I'm going to announce the five candidates for the Director Position. All five candidates will be interviewed. The interview date will be June the 29th. We will start at 8:00 am and we will take all the candidates in alphabetical order. There will be a special meeting then on July the 24th to choose a new Director. If I recall correctly, on both of these there will be -- I don't think it's an actual meeting on the 29th. Is it a special meeting? Okay. Special meeting. So somebody will get me a notice out for the 29th?

DIRECTOR SANDOVAL: Yes. Mr. Chairman, the preferred way -- a 10-day is the way we've done it. Three days is the emergency, I think. Ten days or three days. I think it's 10 days. No? I apologize. So it's three days.

CHAIRMAN KIENZLE: So three days. We'll do interviews on the 29th, so make sure that notice goes out correctly, sooner rather than later. And then we'll have another special meeting on the 24th of July, and that will be the actual date when we choose a Director. All five interviews will be on the 29th, again, starting at 8:00 am, alphabetical order, one right after the other until we're complete. In no particular order because I couldn't alphabetize quickly enough, our five candidates: Michael B. Sloane; Michael is with us today. Mathias Sayer. I may not pronounce this correctly, Darrel Ratajczak. R-a-t-a-j-c-z-a-k. Anyone facile with names may be able to correct me. Michael J. Perry and Christopher D. Chadwick. So those are the five. We're going to interview all five on the 29th. And so Chadwick, I guess, would be first. Is Chadwick the first one? Sayer will be last. Sloane will be last. Sayer will be second to last. Ratajczak will be third. Perry and then Chadwick will be first. So you're 8:00 am. For the rest of you, I'm not sure when we'll get to it, but we will finish on that date. You will hear from -- Jacob, who's the, who will they hear from in your shop?

JACOB: I'm going to call all of them just to make sure they know that date, and then the day of the 29th I'm out of town, so Mike Thomas I'm sure can be there in my stead.

CHAIRMAN KIENZLE: Okay. So make sure when you visit with them to give his telephone number and email address.

COMMISSIONER RYAN: This will be at the Albuquerque District Office.

CHAIRMAN KIENZLE: Albuquerque District Office. Correct. All right? Any questions? Any comments?

COMMISSIONER RICKLEFS: And this is not a record finish, 9:00—

CHAIRMAN KIENZLE: No.

COMMISSIONER RICKLEFS: Nine o'clock at night was my longest. Remember that one, Alexa?

DIRECTOR SANDOVAL: Yes, I sure do.

CHAIRMAN KIENZLE: If there's no further business, I will entertain a motion to adjourn.

COMMISSIONER SALOPEK: So moved.

COMMISSIONER RAMOS: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Ayes have it.

NEW MEXICO STATE GAME COMMISSION

Thursday, June 21, 2018
Raton Convention Center
901 S. 3rd Street
Raton, NM 87740
9:00 a.m. –5:00 p.m.

C E R T I F I C A T E

I, Cheryl Melgarejo and I, Rose Leonard
DO HEREBY CERTIFY that the
above captioned transcription was prepared by me;
that the RECORDING was reduced to typewritten
transcript by me; that I listened to the entire
RECORDING; that the foregoing transcript is a

Draft Copy

complete record of all material included thereon, and that the foregoing pages are a true and correct transcription of the recorded proceedings, to the best of my knowledge and hearing ability. The recording was good.

I FURTHER CERTIFY that I am neither employed by nor related to nor contracted with (unless excepted by the rules) any of the parties or attorneys in this matter, and that I have no interest whatsoever in the final disposition of this matter.

Cheryl Melgarejo Rose Leonard
(Name of Transcriptionists)

Quality Assurance and transcript provided by:

Premier Visual Voice, LLC

www.premiervisualvoice.com: 216-246-9477

**APPROVAL OF MEETING MINUTES
NEW MEXICO STATE GAME COMMISSION**

Alexandra Sandoval, Director and Secretary

Date

Paul M. Kienzle III, Chairman

Date

New Mexico State Game Commission

AS/scd

DRAFT