

MEETING MINUTES
NEW MEXICO STATE GAME COMMISSION

Friday, October 5, 2018
New Mexico Department of Game and Fish Northwest Area Office
7816 Alamo Road NW
Albuquerque, NM 87120

8:00 a.m. – 5:00 p.m.

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1 APPEARANCES

- 2 Chairman Paul Kienzle
- 3 Vice Chairman William Montoya
- 4 Game Commissioner Craig Peterson
- 5 Game Commissioner Ralph Ramos
- 6 Game Commissioner Robert Ricklefs
- 7 Game Commissioner Thomas Salopek
- 8 Game Commissioner Chance Chase

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11 ABSENT

None

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1 CHAIRMAN KIENZLE: Good morning. I'll call us to order. I think we have done a
2 semi-ceremonial opening and tour of the new office. This is a great place. So as I
3 said earlier, I hope the public and our employees enjoy this facility because it is pretty
4 cool, and the views are spectacular. Roll call, please.

5 DIRECTOR SLOANE: Chairman Kienzle.

6 CHAIRMAN KIENZLE: Present.

7 DIRECTOR SLOANE: Vice Chairman Montoya.

8 VICE CHIARMAN MONTOYA: Here.

9 DIRECTOR SLOANE: Commissioner Peterson.

10 COMMISSIONER PETERSON: Here.

11 DIRECTOR SLOANE: Commissioner Ramos.

12 COMMISSIONER RAMOS: It's a privilege and an honor to be at this new facility.
13 Chairman, Director, I am present.

14 DIRECTOR SLOANE: Commissioner Ricklefs.

15 COMMISSIONER RICKLEFS: Here.

16 DIRECTOR SLOANE: Commissioner Salopek.

17 COMMISSIONER SALOPEK: Present.

18 DIRECTOR SLOANE: Commissioner Chase.

19 COMMISSIONER CHASE: Here.

20 CHAIRMAN KIENZLE: He's here. Why don't you take 10 seconds and introduce
21 yourself?

22 COMMISSIONER CHASE: Thanks everybody, for having me today. My name is
23 Chance Chase, from Artesia, New Mexico originally. Now in Roswell. Background is
24 in oil and gas but grew up hunting in New Mexico and Wyoming and very thankful to
25 be here.

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1 CHAIRMAN KIENZLE: Right on, welcome aboard.

2 DIRECTOR SLOANE: Welcome aboard, Chance.

3 CHAIRMAN KIENZLE: Commissioner Ramos, Pledge of Allegiance.

4 ATTENDEES: I pledge allegiance to the Flag of the United States of America, and to
5 the Republic for which it stands, one Nation under God, indivisible, with liberty and
6 justice for all.

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

8 COMMISSIONER RAMOS: So moved.

9 COMMISSIONER SALOPEK: Second.

10 CHAIRMAN KIENZLE: All in favor?

11 COMMISSIONERS: Aye.

12 CHAIRMAN KIENZLE : Ayes have it. Let's go around the room. Lance, you want to
13 go first?

14 LANCE CHERRY: Good morning Mr. Chairman, Commissioners. I am Lance
15 Cherry, I am the Chief of Information and Education Division for the Department of
16 Game and Fish.

17 JIM COMINS: Good morning Mr. Chairman, Commissioners, Members of the Public.
18 My name is Jim Comins and I am one of the Assistant Directors for the Department
19 of Game and Fish.

20 UNIDENTIFIED SPEAKER: Hello everybody, my name is [indiscernible] part of the
21 public.

22 JACOB PAYNE: Chairman, Commissioners, Members of the Public. My name is
23 Jacob Payne, I'm General Counsel for the Department.

24 UNIDENTIFIED SPEAKER Mr. Chairman and Commissioners, Members of the
25 Public. My name is [indiscernible].

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1 UNIDENTIFIED SPEAKER: Hello Mr. Chairman, Commissioners, Director Sloane.

2 [indiscernible]

3 STAR GONZALES: Good morning, Chairman and Commissioners. My name is Star

4 Gonzales [phonetic], Information and Education Division with the New Mexico

5 Department of Game and Fish.

6 CHAIRMAN KIENZLE: And keeper of the big scissors.

7 STAR GONZALES: I told you they were sharp.

8 CHAIRMAN KIENZLE: They were, they were indeed.

9 UNIDENTIFIED SPEAKER: Good morning [indiscernible].

10 STEWART LILEY: Good morning Mr. Chairman, Commissioners, Members of the

11 Public. Stewart Liley, Chief of Wildlife.

12 UNIDENTIFIED SPEAKER: Good morning Mr. Chairman, Commissioners.

13 [indiscernible] Department of Game and Fish.

14 RUSS BENJAMIN: Good morning Mr. Chairman, Commissioners. I'm Russ

15 Benjamin [phonetic] and I'm the construction project manager for the Department of

16 Game and Fish.

17 CHAIRMAN KIENZLE: He's the man.

18 UNIDENTIFIED SPEAKER: Good morning, everyone. My name is [indiscernible]. I'm

19 the sitting program coordinator for the New Mexico Department of Game and Fish.

20 UNIDENTIFIED SPEAKER: [indiscernible], Albuquerque.

21 LOWELL WHITTEN: Lowell Whitten, Board of Directors for the New Mexico Aviation

22 Aerospace Association.

23 UNIDENTIFIED SPEAKER: Jennifer [indiscernible].

24 UNIDENTIFIED SPEAKER: [indiscernible] Pilot's Association.

25 UNIDENTIFIED SPEAKER : [indiscernible] Roscoe [phonetic] [indiscernible].

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1 UNIDENTIFIED SPEAKER: Good morning my name is [indiscernible] I am also here
2 for the aircraft [indiscernible].

3 UNIDENTIFIED SPEAKER: [indiscernible]

4 UNIDENTIFIED SPEAKER: [indiscernible]

5 RON KELLY: Ron Kelly [phonetic] New Mexico representing [indiscernible].

6 UNIDENTIFIED SPEAKER: [indiscernible]

7 UNIDENTIFIED SPEAKER: Good morning. I'm Kirk [indiscernible] for the
8 Department.

9 UNIDENTIFIED SPEAKER: [indiscernible]

10 UNIDENTIFIED SPEAKER: Good morning, [indiscernible] with New Mexico Wildlife
11 Federation.

12 UNIDENTIFIED SPEAKER: Good morning, my name is [indiscernible] also known
13 as [indiscernible].

14 UNIDENTIFIED SPEAKER: Good morning, my name is [indiscernible] National
15 Forest [indiscernible].

16 UNIDENTIFIED SPEAKER: Good morning, I am [indiscernible].

17 MIKE THOMAS: Good morning, I'm Mike Thomas [phonetic], I'm the Deputy
18 Attorney [indiscernible].

19 UNIDENTIFIED SPEAKER: Good morning, Steve [indiscernible].

20 UNIDENTIFIED SPEAKER: [indiscernible] Mr. Chairman, Commissioners
21 [indiscernible] with the northwest area [indiscernible].

22 UNIDENTIFIED SPEAKER: Chairman, Commissioners, good morning. I am
23 [indiscernible].

24 UNIDENTIFIED SPEAKER: [indiscernible]

25 UNIDENTIFIED SPEAKER: Good morning [indiscernible].

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1 UNIDENTIFIED SPEAKER: Good morning, I am Wes [indiscernible] with New
2 Mexico Trappers Association [indiscernible] I'm representing New Mexico
3 [indiscernible].

4 UNIDENTIFIED SPEAKER: Good morning, I am [indiscernible] I'm environmental
5 science instructor [indiscernible].

6 UNIDENTIFIED SPEAKER: Good morning, my name is [indiscernible] national
7 resource instructor at Southwest [indiscernible].

8 UNIDENTIFIED SPEAKER: [indiscernible].

9 UNIDENTIFIED SPEAKER: Good morning, I am [indiscernible].

10 RAY SANCHEZ: Good morning, Ray Sanchez [phonetic] New Mexico Department of
11 Game and Fish [indiscernible].

12 UNIDENTIFIED SPEAKER: Good morning, I'm [indiscernible].

13 UNIDENTIFIED SPEAKER: [indiscernible]

14 UNIDENTIFIED SPEAKER: Good morning Chairman, Commissioners. I'm
15 [indiscernible], I'm the Communications Director for the Department.

16 UNIDENTIFIED SPEAKER: Good morning [indiscernible] for the Department.

17 UNIDENTIFIED SPEAKER: Good morning, Jackie [indiscernible].

18 UNIDENTIFIED SPEAKER: Good morning Mr. Chairman, Commissioners.
19 [indiscernible].

20 UNIDENTIFIED SPEAKER: Good morning – excuse me, I'm Sandra [indiscernible]
21 Assistant to the Director.

22 CHAIRMAN KIENZLE: [indiscernible]

23 [crosstalk]

24 All right, we know who is who. Good morning, everyone. Welcome. Can I get a
25 motion to approve the minutes of our August 23, 2018 meeting in Gallup?

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1 COMMISSIONER PETERSON: So moved.

2 COMMISSIONER SALOPEK: Second.

3 CHAIRMAN KIENZLE: All in favor?

4 COMMISSIONERS: Aye.

5 CHAIRMAN KIENZLE: Ayes have it. Agenda Item No. 7: Revocations. Colonel

6 Griego or his surrogate. How are you this morning?

7 DARRELL COLE: All right, how are you doing?

8 CHAIRMAN KIENZLE: Good. You came in the last second, I saw you there. Traffic.

9 Speaking of that, Director Sloane, are we going to get -- is there a movement afoot to
10 get a permanent sign off of what is it? Coors? To direct people to this facility?

11 DIRECTOR SLOANE: Mr. Chairman, there is a movement afoot.

12 CHAIRMAN KIENZLE: Okay. If you will follow up on that. It is not hard to find but it is
13 a little challenging.

14 DIRECTOR SLOANE: That's correct.

15 CHAIRMAN KIENZLE: Thank you. Go ahead. Let the record reflect that Carrie

16 Romero was late.

17 DARELL COLE: Chairman, Commissioners. Today for revocations --

18 CHAIRMAN KIENZLE: Can't hear you, Darrell.

19 DARRELL COLE: Check, check.

20 CHAIRMAN KIENZLE: Much better.

21 DARRELL COLE : Is that better?

22 UNIDENTIFIED SPEAKER: Yes, sir.

23 DARRELL COLE: All right. Under the -- for suspensions and revocations under the
24 Parental Responsibility Act, the Department suspended 103 people -- 103 individuals
25 who are out of compliance with Parental Responsibility Act and also 69 individuals

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1 who failed to pay penalty assessment. And then we only have two groups today. I'm
2 sorry – there we are. We have two groups today. Group one is revocation of seven
3 individuals who accrued 20 or more points within a three-year period. Were sent
4 notices of contemplated action and did not request a hearing.

5 CHAIRMAN KIENZLE: Were any of those individuals here today and does anyone
6 here [indiscernible] any of the names? I don't think they were. You want to do a
7 motion as to group one?

8 COMMISSIONER RAMOS: We need a motion?

9 CHAIRMAN KIENZLE: Yeah.

10 COMMISSIONER RAMOS: Mr. Chairman, I move to accept the recommendation of
11 the Department and revoke all license privileges of the seven individuals for the
12 length of time recommended.

13 COMMISSIONER SALOPEK: Second.

14 CHAIRMAN KIENZLE: Any discussion? All in favor?

15 COMMISSIONERS: Ayes have it.

16 DARRELL COLE: Mr. Chairman, Commissioners. Group two his three individuals
17 who entered into stipulated agreements with the Department.

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

19 VICE CHAIRMAN MONTOYA: Mr. Chairman, I move to accept these three
20 stipulated agreements as written and agreed upon by both the Department and the
21 violators.

22 COMMISSIONER PETERSON: Second.

23 CHAIRMAN KIENZLE: Any discussion? All in favor?

24 COMMISSIONERS: Aye.

25 CHAIRMAN KIENZLE: Ayes have it.

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1 DARRELL COLE: Thank you.

2 CHAIRMAN KIENZLE: Thank you. Brevity, I love it.

3 UNIDENTIFIED SPEAKER: Well, now wait a minute.

4 CHAIRMAN KIENZLE: Unless I am getting paid by the hour. Agenda Item No. 8:
5 Fiscal Year 2018 Depredation and Nuisance Abatement Report. Stewart Liley.

6 UNIDENTIFIED SPEAKER: This one is always interesting.

7 STEWART LILEY: Good morning Mr. Chairman, Members of the Commission. As
8 stated, I am before you today to discuss last fiscal year's depredation and nuisance
9 abatement. Last year we had a total of 754 complaints and a resolution rate of 97
10 percent or 735 complaints resolved. Some of the reason why some of those
11 complaints aren't resolved. As you see the period is from July 1, 2017 to June 30,
12 2018. Some of those complaints were actually filed on the last couple of days of
13 June, it might be June 28th or June 30th 2018, so they are resolved as of now, but we
14 report on the fiscal year, so there are some unresolved complaints due to that. Other
15 things would be, for example, in the elk where we have in process where we are
16 getting ready to provide fencing materials. The fencing materials hadn't arrived by the
17 end of that year. So there are resolution rate nears 100 percent in total of the
18 complaint, but in the time reporting it was 97 percent, which is still a great percentage
19 of resolution.

20 In terms of the species, our top species was bear, like historically we've seen,
21 followed by raccoon, elk, cougar then beaver. We've seen deer complaints drop in
22 the last few years. And also elk complaints started to drop a little bit in the last few
23 years. Seven percent of our total complaints being elk, raccoon, and bear being, as
24 you can see there, the majority of those complaints. In terms of -- that was by
25 percentage. But complaints by number, you'll see bear again being the main

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1 complaint. That's bears coming into trash, people reporting a bear in their backyard.
2 It's not necessarily a full-on depredation where the bear is causing problems, but
3 someone filed a complaint about a bear being in their backyard, et cetera. Raccoons
4 are really starting to get a lot higher, mainly in the Albuquerque metro area and also
5 Santa Fe. Complaints of raccoons in chimneys, et cetera, backyards, and dog food,
6 other things. So high percentage of raccoon. Elk complaints were a little bit up this
7 fiscal year from the last year, but again, not a substantial resolution rate. Elk are
8 probably the hardest one to resolve. A lot of that is on hay fields where we are
9 waiting for fencing supplies, or maybe we are trying to work or some other
10 interventions before we get to finalizing on fencing. Some individuals refuse to take
11 fencing materials, so those complaints stay open just because they don't want -- the
12 individual owner does not want to put up a fence. And then kinda getting down into
13 the lower tier of them. Deer has been dropping through time, you will see there. Less
14 than 40 complaints all last fiscal year. And then we had some kind of random
15 complaints. Some of these complaints in here, as I get to the really few ones. Bighorn
16 sheep, we call it a complaint but what it is is when we issue a population
17 management hunt as you guys are familiar with in rule, we actually have to open up a
18 complaint for that. By policy we open up a complaint because we are creating that
19 hunt, the hunt was for population management, so a lot of those are initiated by us.
20 For example, that ibex. If you recall last spring, we had an ibex population
21 management hunt. That complaint was opened and resolved by the Department by
22 that. So that was this case with three of the five bighorn sheep complaints is three
23 population management hunts for ewes in the Rio Grande Gorge, two complaints
24 actually on bighorn eating ornamental trees around the Rio Grande Gorge. But with
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1 that, I would take any questions that you may have on the depredation report for this
2 year.

3 CHAIRMAN KIENZLE: Questions or comments?

4 COMMISSIONER RICKLEFS: Mr. Chairman?

5 CHAIRMAN KIENZLE: Yes, sir.

6 COMMISSIONER RICKLEFS: Stewart, resolution. What is your criteria? Landowner
7 says everything is okay? You handle those captured or what is the --

8 STEWART LILEY: Mr. Chairman, Commissioners Ricklefs. Yeah, it depends on the
9 situation. For example, if it's a bear and it was just a complaint of a bear being there,
10 left the area, and it never came back, that was a resolved complaint. If it is something
11 that we to remove an animal for nuisance behavior, that's a resolution. Or if it's, for
12 example, elk, like I said, is some of our hardest reoccurring back on hayfields. Our
13 resolution may be that some of our tactics, whether it be scare tactics, or finally
14 getting to the stage of fencing. Fencing was put up and the complaint is no longer
15 there. So it really does come to the resolution of either the animal left, or we did
16 something on the site to prevent the depredation from occurring for the future.

17 COMMISSIONER RICKLEFS: Do you question the land owner or the complainant?

18 STEWART LILEY: Mr. Chairman, Commissioner Ricklefs. That is correct. We work
19 with the landowner to resolve that complaint. So when they are satisfied with the final
20 resolution --

21 COMMISSIONER RICKLEFS: [indiscernible] once they're satisfied. Thanks.

22 CHAIRMAN KIENZLE: Further questions or comments? All right. Good Lord willing, I
23 will hear this again next year. So let's see what happens. Thank you. Agenda Item
24 No. 9: Final Biennial Review of State Listed and Endangered Species.

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1 STEWART LILEY: Mr. Chairman, Members of the Commission. As you recall, we
2 started the biennial review process back in, I believe it was April of this year, we
3 opened up the biennial review for comment. We opened the 90-day comment period
4 from -- excuse me, March 15th to June 13th. We received no comments during that
5 period. We went through and analyzed all the species listed on -- either as
6 threatened or endangered on the state threatened or endangered list. We made the
7 determination there was no need to move species from threatened to endangered or
8 endangered to threatened. So the recommendation before you today on the final is
9 no changes to the listing of the species listed as state threatened or endangered. We
10 opened a 14-day comment period after the draft was presented at the August 23rd
11 commission meeting. Again, we received no comments at all. We posted
12 [indiscernible] newspapers across the state and received no comments. And then we
13 are before you today to accept the Department's recommendation on no changes to
14 the listing of state threatened or endangered species. With that, I will take any
15 questions.

16 CHAIRMAN KIENZLE: I don't have to run this through the House Bill 58 procedure?

17 STEWART LILEY: Mr. Chairman, no, this is not a rule making but it does take a
18 motion to approve the Department's recommendation.

19 CHAIRMAN KIENZLE: It's old school. I can handle that. No problem.

20 UNIDENTIFIED SPEAKER: [indiscernible].

21 CHAIRMAN KIENZLE: That's a good question, I don't know. We are without our
22 attorney general assistant attorney general today. Any questions or comments on
23 this?

24 COMMISSIONER RICKLEFS : Mr. Chairman.

25 CHAIRMAN KIENZLE: Yes, sir.

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1 COMMISSIONER RICKLEFS: Do you see any species on either list that have a
2 possibility to being removed?

3 STEWART LILEY: Mr. Chairman, Commissioner Ricklefs. So we will do -- there is
4 some fish species, I think the fishery division is working on looking at a removal. So
5 the biennial review doesn't allow us to remove a species from the list. It just allows us
6 to up list it or down list it. A removal is a whole different process where we come in
7 front of the Department -- or excuse me, in front of the Commission to ask for -- start
8 the process. There is a long spelled out process in the statute on how we delist a
9 species. There are, like I said, fisheries, I think, is looking at potential on species
10 delisting. If we get further along with our [indiscernible] turkey restoration in the next
11 couple years, I see that as a potential delisting, it is listed as threatened. Right now,
12 we are close to our -- as you recall, we did a recovery plan not too long ago. We are
13 close to our goals and that's when we would probably come in front of the
14 Commission, hopefully in the next couple years, to start to the delisting process on
15 that. We are in the process on the peregrine falcon right now under review of the
16 delisting, so we are in a couple stages right now for delisting.

17 UNIDENTIFIED SPEAKER: That was a sizable book that you sent. I looked at about
18 the first 40 pages.

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

21 COMMISSIONER RAMOS: Mr. Chairman, I move to approve the 2018 biennial
22 review of state listed threatened or endangered species.

23 COMMISSIONER RICKLEFS: Second.

24 CHAIRMAN KIENZLE: Any further questions or comments? Discussion? All in
25 favor?

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1 COMMISSIONERS: Aye.

2 CHAIRMAN KIENZLE: Ayes have it. Agenda Item No. 10: Subsequent Discussion
3 for Potential Rule Changes on the Hunting and Fishing Manner and Method Rule -
4 19.31.10 NMAC. Good morning, gentlemen. Ready when you are.

5 BOBBY GRIEGO: Mr. Chairman, Commissioners. This is the subsequent discussion
6 over Manner and Method. As you are aware, we removed Manner and Method from
7 the species rules and combined them into one 3110 Manner and Method, so it is all
8 in one spot. It's been about a six- or seven-month process in reviewing that, working
9 with some NGOs that wanted to work with it and then various public meetings. During
10 that process we did amend or newly defined some terms in Manner and Method.
11 They were pretty basic. Some of the big additions to Manner and Method was a
12 license or permit to just give additional ways to possess and clarify the possession of
13 protected wildlife through a donation certificate, or, what we are calling now,
14 possession certificate. For example, of those taken -- game taken by another, it
15 allows an individual to have that possession certificate rather than actually donating
16 to that individual. Another change we had was selling game animal parts and really
17 what we did is we just added some specifics that you can legally sell, such as
18 rendered bear fat, teeth, or glands, castor from fur bearers. You still cannot sell meat
19 or internal organs, which is what the rule was there, the statute was there, to protect.

20 Possession of game animal parts found in the field. What that is going to do is
21 allow conservation officers the ability to seize shed antlers that are collected in
22 violation of closers or criminal trespass or driving off-road on public land. Importation
23 or possession of unpermitted wildlife. Currently, Statute 17332 requires that any
24 wildlife imported into the state of New Mexico must have an importation permit, which
25 also requires that they have a health certificate. With this rule, which the game

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1 Commission has authority, we are requiring again all wildlife must have that
2 importation permit but it will also hold that -- right now what we are having the issue
3 with is if we cannot prove that importation, we have no legal mechanism to deal with
4 that without wildlife, whether it's an alligator or a cobra, we have to prove that
5 importation. And what this rule is designed to do is that if they have no importation
6 permit with that that it could be seized. And if it's brought in to the state legally and
7 they had that importation permit and for some reason they sell or give it to somebody
8 else, that importation permit would be the paperwork that would require to stay with
9 that animal to show proof of legal importation into the New Mexico to protect from
10 those undesirable species or disease.

11 Use of roads and hunting. Looking at amending the rule, basically, the
12 shooting from the road rule. Currently, if there is no right of way fence, you have to be
13 40 feet from the edge of the road. If there is a right of way fence, you have to be on
14 the other side of it. We are proposing to amend it slightly that it would allow
15 individuals if it's -- if there's no right of way fence, the individual could step off the
16 edge of the maintained service and legally harvest protected species. If there is a
17 right of way fence, they could go to the right of way fence and have their firearm at
18 least halfway across the right of way fence to legally harvest protected species. Use
19 of aircraft. We are recommending changing it slightly to make it unlawful for the
20 purposes of hunting, and that would be important, to locate a protected species with
21 the aid of an aircraft or drone during the periods of August 1st to January 31st of
22 each license year. This rule would not apply to commercial or direct flights, or any
23 other flight that was not for the purpose of hunting. And obviously, with the crowd
24 here, we will go more in-depth on that that one. Driving off-road vehicles off
25 established road. Currently, is unlawful to drive or ride in a motor vehicle off-road. We

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1 are proposing that we would allow, on private property, that a private landowner
2 could give written permission to drive off-road. You could still not harass wildlife, but if
3 they chose to allow someone to drive across their pasture, they could do so on their
4 private property. It would not apply if they had a unit-wide license or during the new
5 antelope. If the public was allowed on that ranch also, they could not -- would not
6 have that option of giving permission to certain individuals to drive off-road and not
7 the others. But if it was just strictly private and they controlled the access, they could
8 give that written permission to do so.

9 Mobility impaired. Really it was just a basic change, but it was important.
10 Currently, under the mobility impaired rule, it states that handicapped licenses or
11 handicapped license holders can shoot from a vehicle, and the reality is, that is
12 supposed to be mobility impaired license holders. They are certified by a doctor, they
13 recertify that every four years. A handicapped license is just a license that you get a
14 reduced fee, so we just clarified that to make it consistent with the intent of the rule.
15 Also, on that one, we are recommending that the mobility impaired hunter can
16 designate one person, in writing, to assist them on their hunt. Currently in the rule,
17 they can have an individual assist them if they clearly wound an animal, that
18 individual that is assisting them can help reduce that animal to possession i.e. they
19 can finish it off, track it down and finish it off. We are just recommending that they do
20 it in writing and they can have -- if for some reason their assistant can only be there
21 for the weekend, they can designate a new one at any time to help finish the hunt.
22 We are just asking to designate it in writing so when the officers are checking them in
23 the field they have some document that says they are them.

24 COMMISSIONER SALOPEK: Real quick. Would that be the hunter having -- he
25 didn't have to go to game and fish office, I mean, he just has it on himself?

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1 STEWART LILEY: Mr. Chairman, Commissioner Salopek, that is correct. It would be
2 between the hunter and that assistant they wouldn't have to deal with the
3 department.

4 COMMISSIONER SALOPEK: I'm just trying to clarify.

5 COMMISSIONER RAMOS: Mr. Chairman, Colonel. On that, so I know currently the
6 hunter can print out his hunting license and the bottom half there is a lot of space
7 available or on the backside of that. Could they just document it there?

8 STEWART LILEY: Mr. Chairman, Commissioner Ramos. Yeah, they could
9 document it anywhere. They could do it on a napkin or on the back of a license. Just
10 some sort of documentation that is showing that officer in the field, when he checks
11 literally an individual with a rifle that's unlicensed, it gives some documentation
12 [indiscernible] back to and just make that contact that much more pleasant.

13 COMMISSIONER RAMOS: Just to simplify it. Thank you, sir.

14 STEWART LILEY: Thank you. Proof of sex or bag limit. Really all we did now is gave
15 the option -- currently for our female or antlerless type hunts, you are required to
16 have the scalp and both ears. We are just giving the option that if they choose to,
17 they can keep the genitalia naturally attached to one of the quarters if they don't want
18 to carry out a head or the scalp, and that would be sufficient. So just giving another
19 option, really. One change that would occur that is not required right now is for
20 javelina hunters, and that would be as proof of sex, because javelina they're not
21 required to remove the meat from the field for human consumption. We are just
22 asking that they would be required to bring out that head and tag that head to show
23 proof of bag limit. I think the vast majority, 99 percent plus, when they are hunting
24 those javelina, they are bringing that head out anyways, those skulls are pretty neat,
25 and they seem to carry those out. Far more often than they care out the meat. We

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1 have several that carry out the meat also, and that would just go into the simple
2 tagging. They would tag it on the hock. It would not be an issue. But this is dealing
3 with those instances where nothing was brought out.

4 Tagging. We are proposing to add electronic tagging license. Hunters, upon
5 harvest, they would immediately access the electronic tagging application. The app
6 will provide, when they push that button, will provide an etag number, their customer
7 identification number, and the date of kill. The hunter will then write that information
8 on any durable material with permanent ink and attach that those documents the
9 same way they would attach the paper carcass tag. Just to keep that consistent. The
10 Department issued carcass tag -- the system would remain the same, other than we
11 have made changes to the face of the license. The sticky carcass tags now are
12 smaller, and they are going to have the license information on the top portion. There
13 will be an antler tag and a carcass tag, but for those species like turkey or lion where
14 the bag limit is two, that antler tag will actually be an additional carcass tag. So that
15 will clarify a lot of that that issue.

16 Contiguous deeded property. Here what we are proposing is that we have
17 several ranches around the state that are contiguous and overlapping to various
18 game management units or multiple game management units. We are proposing that
19 those individuals would be able to go to an area office, at least a week before the
20 hunt, and show proof of ownership and we would -- area captain would then give
21 them a memo stating that they could hunt the contiguous deeded property, their
22 ranch, in multiple game management units. They would have to pick per species, if
23 they wanted to do this. If they choose to do it, it's for all -- if they choose to do it for
24 deer, it would be for all the deer hunts they are hunting in both those GMUs. They
25 couldn't later on hunt both GMUs and then one GMU when that specific hunt was

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1 open, and it would apply to whatever GMU the majority of their ranch fell within.

2 Those will be the hunt dates that they would work off of.

3 COMMISSIONER MONTOYA: Mr. Chairman.

4 CHAIRMAN KIENZLE: Yeah.

5 COMMISSIONER MONTOYA: A week before the hunt. Is that every year, or once
6 and it's done, or --

7 STEWART LILEY: Mr. Chairman, Commissioner Montoya. It would be every year
8 just so we can stay on top of if ranches or private property sells. But we are
9 anticipating that the process to be pretty simple, where it won't be a big issue to do it
10 annually like that.

11 COMMISSIONER RAMOS: Chairman, Colonel. That is where I was going with that
12 question. But I wonder if it could even be simplified a little bit more? So I know they
13 apply for every year a ranch only or unit wide and at that point in that same process
14 they can specify that they are going to go ahead and include two sections that are
15 outside of that unit into that whichever unit they are wanting to go with?

16 STEWART LILEY: Mr. Chairman, Commissioner Ramos. The main thing that we are
17 wanting is just to protect on if the property is sold or not. Just so we can ensure that
18 what they owned last year is still what they own this year, that we don't have any
19 confusion. Especially with, since is just going to be at an area office we are trying to
20 simplify it, that those officers in the field don't inadvertently start an investigation or
21 cite somebody when they legally could have done that. It's just to give that
22 notification.

23 COMMISSIONER MONTOYA: And this has to be with an acreage plat of the
24 property or how do you verify that you have those two or three pieces in different
25 area office -- different game management units?

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1 STEWART LILEY: Mr. Chairman, Commissioner Montoya. Yes, it will be with a plat
2 or a deed of some sort that we can determine, even if it's not the exact acreage, if we
3 can see on the map that, obviously, the majority of that property is in a specific GMU,
4 we wouldn't need to know down to the numbers of there's 12,000 in this GMU, and
5 8,000, which is obvious the majority, that would be the hunt dates. But we would want
6 to see some sort of proof, that way we don't have anyone -

7 COMMISSIONER MONTOYA: Larger one.

8 STEWART LILEY: Correct.

9 COMMISSIONER RAMOS: Excuse me, one other, just for clarification and
10 simplicity. Also, if a rancher can't go to an actual area office, can all of this be taken
11 care over phone, e-mail, et cetera?

12 STEWART LILEY: Mr. Chairman, Commissioner Ramos. That is correct.

13 COMMISSIONER RAMOS: Thank you.

14 STEWART LILEY: And I believe that once they have done it once and went in
15 person -- and a lot of our officers and our captains, they know specific landowners. It
16 will get easier and easier each year once they show that "hey, I didn't sell any
17 property" or "actually, I gained property" there might be a longer discussion at that
18 point, but once they know that individual and it's the same property over and over, it
19 will be easier and easier each year.

20 COMMISSIONER RAMOS: And that's kind of where I was going with the simplicity
21 of that annual whenever they determine if they are going to be ranch only or
22 whatever, but I do understand that if they do change owners what not but just to kind
23 of keep it there because what I don't want to happen is that the rancher for this first
24 hunt wants the whole unit with the other two sections from the other neighboring unit

25

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1 to be included, and then the second hunt “no, we are going to hunt that” and, you
2 know, so let's kind of see if we can narrow it down for them going back and forth.

3 STEWART LILEY: Mr. Chairman, Commissioner Ramos. Under this proposal, that
4 would not be allowed. They are all in are all out for that year.

5 COMMISSIONER RAMOS: Thank you.

6 STEWART LILEY: So miscellaneous rules that we propose to amend is the use of
7 dogs. Currently, you have to register blood tracking dogs with the department. We
8 are recommending that rather than registering with the department, we would just
9 allow up to two dogs for any individual, as long as they kept them on a leash. And to
10 move forward from there.

11 CHAIRMAN KIENZLE: On your cameras, SD cards, something you physically have
12 to go check on a regular basis to get the information out of it is okay.

13 STEWART LILEY: Mr. Chairman, that is correct. This is only dealing with cellular or
14 Internet, something that his live time that would not have to be checked.

15 CHAIRMAN KIENZLE: Can't sit in a meeting like this check my satellite camera.

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

17 CHAIRMAN KIENZLE: I got it.

18 STEWART LILEY: And we did add some clarification in that cell camera rule during
19 our public process, we did have some concerns about “well, what about my cell
20 phone?” It is a cellular device, it does have a camera, so rather than have that just
21 lingering out there, we went ahead and put it in the rule and exception for, obviously,
22 your cell cameras -- your cell phones or satellite phones that are carried on your
23 person. So the intent of this is the trail cameras.

24 CHAIRMAN KIENZLE: Great. Thank you.

25

1 STEWART LILEY: Use of bait. We are recommending that bait must be completely
2 removed, to include feeders, for at least 10 days prior to any hunt, which is consistent
3 with the federal rule, and that's really what most of our sportsmen they understand,
4 and that's the rule they have in the back of their mind when it comes to dealing with
5 hunting over bait. So just making it consistent with that. Hunting captive big game
6 species. Really, just looking at getting ahead of an issue we are starting to see with a
7 lot of the game proof fences we build over the last 20 years. We are coming up on
8 the 20-year mark where they are no longer under contract, and we just want to
9 ensure that, again, under that fair chase auspice that we don't have individuals that
10 are simply parking a vehicle or putting a person in front of a gate that is open and
11 having these deer or elk trapped and hunting them. Just trying to stay in front of that.
12 Obviously, if they close that that would currently be illegal because it would be
13 Unlicensed Class A park at that point. Collars and tracking devices. Currently, it's
14 unlawful to put tracking or collar -- tracking devices or collars on bears and lions. We
15 are just extending it to all species, we're starting to see that. We had a case where a
16 barbary sheep had a tracking collar on it, so just trying to stay ahead of that.

17 CHAIRMAN KIENZLE: You live long enough you will see everything.

18 STEWART LILEY: Yes, sir. Fishing had some minor changes. Really on trout lines.
19 Currently, you have to put your name, address, license number. Rather than have all
20 that personal information, we are just recommending that they can put their customer
21 identification number on those trout lines and that would be sufficient. Spearfishing
22 and bow fishing. You have all seen some of the public comments on that. The
23 proposal is to not allow spearfishing or bow fishing for species that require a length
24 limit. Talking to various groups that it sounds like a very enjoyable sport, very difficult
25 sport, but we have had some tell us that there is a learning curve and it can be

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1 difficult to decipher a 13-inch walleye from a 16-inch walleye depending on the water,
2 definitely on the refraction if you are above it, so that was just our proposal on that.

3 CHAIRMAN KIENZLE: So it is allowed but --

4 STWEART LILEY: Currently, it is allowed.

5 CHAIRMAN KIENZLE: And it will be continued to be allowed?

6 STEWART LILEY: We are recommending to not allow it if those species have a
7 length requirement.

8 CHAIRMAN KIENZLE: Okay.

9 COMMISSIONER SALOPEK: But right now, it is allowed? As of today, it's allowed to
10 spearfish?

11 STEWART LILEY: Mr. Chairman, Commissioner Salopek. That is correct. Except for
12 certain waters. They did remove spearfishing from Bill Evans and, I believe, Lake
13 Roberts to protect some of those trophy bass. That has been passed, I believe, but
14 everywhere else --

15 CHAIRMAN KIENZLE: Does your prowess with the bow extend to taking fish too, or
16 no?

17 COMMISSIONER RAMOS: My question with that one is I think you're targeting
18 walleye here, for example. What is your bag limit, normally, on a lake like that? With
19 the length requirements? Is it two, is it six?

20 UNIDENTIFIED SPEAKER: Mr. Chairman, Commissioner Ramos, it's five but
21 primarily what we are talking about here is going to be bass, black bass, so
22 largemouth and smallmouth, but also walleye. And so, it's five; however, it is also
23 depending on the species, either a 12- or a 14-inch length requirement. So it's not
24 just any [indiscernible] like it is for trout or something like that.

25

1 COMMISSIONER RAMOS: Right. And I understand that you want to allow the fish to
2 grow to maturity, you know, length or age, I guess, to be able to produce offspring.
3 But the other thing is, is there that many spear hunters out there? Spear fishermen
4 out there, that it's going to impact our population to have a length requirement or
5 could we tweak it where if you are spearfishing, you can only harvest maybe two or
6 three versus five? Where are we at with that?

7 STEWART LILEY : Mr. Chairman, Commissioner Ramos. I don't believe that there is
8 a lot of spear fishermen and bow fishermen out there. Probably not enough to affect
9 the resource, entirely, as far as the length limit. Fortunately for all of us, your
10 secretary is a fisheries biologist and might have a better answer on the [indiscernible]
11 requirement. Sorry.

12 UNIDENTIFIED SPEAKER: Mr. Chairman, Commissioners. I don't really feel like the
13 spear fishermen would have an impact on the resource at all. I think we are trying to
14 reduce the risk of creating criminals by having them shoot an undersized fish. But
15 again, that's potentially a risk that people take and they get to choose whether they
16 want to accept that level of risk or not. So I think we can go either way on this
17 particular rule.

18 COMMISSIONER SALOPEK: I guess I'd like to go leave it the way it is. If we are
19 worried about not potentially making them illegal, now we are going to make them all
20 illegal because we have a rule that says you can't spear fish. And whether it's 10
21 people or 100 or whatever in the state, as long as, I guess, we're going to leave Lake
22 Roberts out and Bill Evans, which is fine, I would personally like to leave spearfishing
23 the way it is, no size difference, just leave it the way it is today just so that the ones
24 that want to spear fish can still spear fish across the state. Because, I believe, now
25 Elephant Butte -- is a catfish considered a game fish?

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1 STEWART LILEY: Mr. Chairman, Commissioner Salopek. It is [indiscernible] --

2 COMMISSIONER SALOPEK: I know there's a few people -- I've had some friends
3 that are state police that have done it in years past. If we're going to limit that, well,
4 that's going to create just a big turmoil. I would like to leave it the way it is, personally,
5 the way it is right now.

6 UNIDENTIFIED SPEAKER : Mr. Chairman, Commissioner Salopek. I would note
7 that only walleye and bass and have length limits.

8 COMMISSIONER SALOPEK: And I don't worry about the length limit. I'm just saying
9 if we don't -- I would rather not name it spearfishing at all because we're just going to
10 create havoc for the people that have been doing it.

11 COMMISSIONER RAMOS: Mr. Chairman, Colonel. I just want to simplify it. I think,
12 you know, they put the time, the effort, we want people out on the lake. If it's a new
13 sport to encourage people to go out and look at our natural resource and, you know, I
14 think we have plenty of biologists. I know this gentleman back here could definitely
15 monitor that and let's see what the data tells us, you know, and if we feel that, you
16 know, how about a survey for these spear fishermen and see what they harvest? I
17 don't know, we've got to come up with a better way to kind of monitor that and if it
18 does scientifically impact our populations then I think we should act on it, but I would
19 kind of like to see it not just have a length restriction and kind of simplify things and
20 see where it grows.

21 STEWART LILEY: Mr. Chairman, Commissioner Ramos. I guess, just for clarification
22 on my part as we move forward, that was kind of two different things. Do we want to
23 allow spearfishing and bow fishing as currently is or do we want to remove the length
24 requirement where it would not have an affect at that point?

25

1 COMMISSIONER RAMOS: I would say remove the length requirement and I think
2 that would kind of support those fishermen. No different than some of our
3 muzzleloader units that are allowing traditional equipment, you know, I think it's kind
4 of the same type of let the data tell us where we're going.

5 STEWART LILEY: Mr. Chairman, Commissioner Ramos. That's where I would have
6 to rely on our fisheries biologists on the importance of that length requirement on
7 what that's doing to the total fishery. We could, as Commissioner Salopek brought
8 forward, we can keep the size restriction or the size limit, and just allow and except
9 that collateral damage if they do make a mistake under the water. Obviously, if they
10 shoot an undersized fish and release it, although it will swim off for the next two
11 minutes, it is dead. We are not going to find those. So that's -- I just need to make
12 sure we --

13 UNIDENTIFIED SPEAKER: Mr. Chairman, Commissioner Ramos. Just one other
14 point of clarification. If we were going to change either bag limit for them or a length
15 limit, reduce it or eliminate it, or anything, that would require a change in the fisheries
16 rules. So currently, that does not live in this rule.

17 COMMISSIONER RAMOS: Okay. I just think we can simplify it somehow and not --

18 COMMISSIONER SALOPEK: In my opinion, simple as keeping it the way it is right
19 now. Let them spearfish in the lakes that are not closed and let's go. It's pretty
20 simple.

21 CHAIRMAN KIENZLE: Seems like an original compromise. So do you want that
22 included in the final version of the rules?

23 COMMISSIONER SALOPEK: I would like to see it the way it is right now. Let them
24 spear fish. These are dedicated people and they are going to do their best to make
25 sure they are within the law and we are going to take it away, I don't think it's right.

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1 STEWART LILEY: Mr. Chairman, we just need to have a pretty good foundation as
2 we've got to present this -- or give this to the registrar on the 18th.

3 CHAIRMAN KIENZLE: Sure.

4 STEWART LILEY: And at that point we've got to be pretty solid.

5 CHAIRMAN KIENZLE: I think you take -- I think you keep it the way that it is, that
6 seems to be the sense of the Commission right now. If everyone were spearfishing
7 and bow fishing and it were a major problem, I think we would treat it differently. Let's
8 back it out.

9 STEWART LILEY: That's fine. Mr. Chairman, Commissioners. I guess it's not on
10 here, but another one that far and away has got the most public comment over the
11 last week is we proposed eliminating the two-fly limit in the San Juan. We probably
12 have, at this point, probably about 30 public comments that we received via the
13 Internet or our website against taking that restriction away. So that is another one
14 that we would need clarification on. Do we want to keep -- it's a two fly limit on the
15 San Juan versus allowing people to make that choice and if they choose to use
16 three.

17 COMMISSIONER MONTOYA: Mr. Chairman.

18 CHAIRMAN KIENZLE: Yeah.

19 COMMISSIONER MONTOYA: Is that a problem that we run into very often? In other
20 words, are we two flies, three flies, does it make us any difference? It's another one
21 of those things [indiscernible] --

22 STEWART LILEY: Mr. Chairman, Commissioner Montoya. I don't think it makes us
23 any difference. We've had very few violations of individuals using more than two flies
24 in several years. Again, we were just under, when we started this, trying to simplify as
25 much as we could, but we have gotten some pretty significant pushback in the last

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1 week. I don't know if word finally got to them or how it occurred, but in the last week
2 those people on the San Juan feel pretty strong on keeping a two-fly limit. They feel
3 that it's going to have an impact on the resource.

4 CHAIRMAN KIENZLE: Director Sloane, what do you think? As the Director of the
5 Department of Fish.

6 UNIDENTIFIED SPEAKER: And other stuff.

7 DIRECTOR SLOANE: Mr. Chairman, this particular issue has some history to it. I
8 don't know, five or six years ago that limitation -- probably longer than that, maybe
9 10, was placed into rule because we were beginning to see a large number of
10 outfitters using the technique for individuals that were not particularly skilled at fly
11 fishing and they would drift it along and there was a significant concern raised by a
12 large group in the San Juan about foul hooking and we put that in there. The
13 technique, I don't think is as popular as it has been in the past, or was at the time. So
14 that's -- it was largely in there to prevent foul hooking and due to, I guess, the
15 concern of anglers. So it's potentially as much a social issue as it is a resource issue.
16 I guess that if a large number -- that number increased well above what it was when
17 we put the rule in place, you could potentially have an impact, but it would take a
18 pretty large number of folks to have an impact.

19 COMMISSIONER SALOPEK: Is a catch and release only on the San Juan?

20 DIRECTOR SLOANE: On the special trout waters, yes.

21 COMMISSIONER SALOPEK: So it's all catch and release. So if you have two flies,
22 three flies, you're still going to have to release that fish; is that correct?

23 DIRECTOR SLOANE: That is correct. The concern is with the foul hooking and the
24 wrapping and the three to five feet worth of extra line with hooks on it.

25 CHAIRMAN KIENZLE: So your proposal is to keep it the same or change it?

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1 STEWART LILEY: Mr. Chairman, our proposal was to eliminate the mandate that
2 you could only use two flies. And really, again, where this came forward is our
3 mindset early on was to simplify and also looking similar to our weapon restriction
4 where we are proposing getting rid of, as you all know, for elk, barbary sheep, oryx,
5 bighorn sheep the restriction is .24 caliber or larger at this point. We are
6 recommending, also with that to eliminate, because our sportsmen typically self-
7 regulate. They choose the proper weapon type to go out there with. We are looking
8 at it through the eyes of should it be illegal? Again, it would be extreme to take
9 someone to jail for using three flies, but it could happen, should it be illegal. And
10 that's where we were going, and I understand there's some social issues with this
11 and we've got to balance those, but that was the eyes we went at this with was trying
12 to simplify as much as we could.

13 CHAIRMAN KIENZLE: So three flies would not be illegal under that proposal?

14 STEWART LILEY: Mr. Chairman, that is correct. If you were caught with three flies,
15 you would be cited, it would be illegal.

16 COMMISSIONER SALOPEK: One more. So Bobby, does this apply just to the San
17 Juan or is it any special trout waters?

18 STEWART LILEY: Mr. Chairman, Mr. Salopek. This currently applies only to the
19 San Juan.

20 COMMISSIONER SALOPEK: I'd like to change, personally [indiscernible] but
21 whatever.

22 UNIDENTIFIED SPEAKER: Changed to allow?

23 COMMISSIONER SALOPEK: Change to allow it to go back to three, I mean, yes. I
24 like the way you all have it now going forward for a change.

25

1 CHAIRMAN KIENZLE: Any -- we can keep going through this, but any further
2 questions or comments on this one? I think the change is okay. I think we've shown,
3 at least with this Commission, none of this is written in stone. If we run into a problem
4 we will address it. And so, you know, I think what you proposed is a fair and
5 reasonable compromise. Maybe not on a difficult issue, but it makes sense to me.

6 COMMISSIONER SALOPEK : One more quick question. If a fly fisher woman or
7 man were to get a ticket, would it stand up in court?

8 UNIDENTIFIED SPEAKER: Mr. Chairman, Commissioner Salopek. Right now, it's
9 one of the listed penalty assessments. We have, as best I can tell, only three
10 citations have ever been written for this violation, all look like they were part of the
11 same occurrence. This does not appear to be an issue that is rampant.

12 COMMISSIONER SALOPEK: Thank you. That's where I was trying to lead it to.

13 COMMISSIONER RAMOS : And what was the outcome?

14 UNIDENTIFIED SPEAKER: I believe, if I recall correctly, they were all penalty
15 assessment. They accepted the penalty assessment. In other words, they just paid
16 the fine like a speeding ticket.

17 CHAIRMAN KIENZLE: All right. Let's move on. What else you got for me?

18 STEWART LILEY: We simplified the language in bait fish and then simplified the
19 language in use of boats and motors across the state. Same thing with penalty
20 assessments, we just clarified the language and made it consistent with our public
21 meetings, we've had -- we've had four public meetings. The first one was in Las
22 Cruces then Albuquerque or -- I'm sorry, Las Cruces then Roswell, Albuquerque and
23 then Raton. Marginal participation in Albuquerque. The pilots outnumbered everyone
24 10 to 1 at that one and had some pretty good discussion. This is just a breakdown,
25 this is as of Wednesday evening, so we have had a pretty good influx of some more

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1 public comments since then with the aircraft rule. We had 13 against, this is probably
2 closer to 18 against now, and 4 in favor. Electronic tagging. We had 6 against
3 electronic tagging, 8 against the draw lock rule and the draw lock rule is that we are
4 proposing to not allow draw locks on archery hunts, which that's a mechanism that
5 locks your bow at full draw. We're considering it a crossbow. Those 8 on draw lock
6 comments appear to be all the same family. They have an individual in the family that
7 is an amputee that uses one and they are concerned about that. But we do have
8 ways to address that through the Director's accommodation or simply if that individual
9 has a mobility impaired card, he can continue to use that. So I think we've got that
10 addressed. We had 2 public comments against shooting from the road that were sent
11 in. We did have various verbal comments at the meetings that were a little bit
12 concerned with it. Some felt it was confusing. We did have 5 or 6 comments at a few
13 of the meetings that felt that we were -- we put a lot of significant effort into
14 combating road hunting and they felt that this was --

15 CHAIRMAN KIENZLE : A step backward.

16 STEWART LILEY: A step backwards towards that road hunting. You know, the
17 similar comment was on that. Everyone liked the fact that when there's not a right-of-
18 way fence that you can just step off the maintained edge of the road and legally
19 harvest a protected species. Where they got the hang up was when there is a right-
20 of-way fence, they thought it was simpler to just get over the right-of-way fence
21 versus resting a rifle on it or not. They just felt that that was somewhat promoting
22 road hunting and would be a black eye on hunting, was the comment that we got.

23 CHAIRMAN KIENZLE: You just need to bring a pair of snips with you, right? To get
24 through [indiscernible] --

25

1 STEWART LILEY: Right. So that is one that I would, because it came up
2 consistently, that I think we need to discuss. Do we want to go forward as is or just
3 that one? The broadhead rule, we just had the one. We did have a handful against
4 the weapon caliber restriction. Again, saying a .22 is nonsense to allow .22's to hunt
5 for elk and we agree, but we -- just in my 21-year career, I've never seen anyone go
6 under gunned, and I don't think we ought to -- I think it's an unnecessary regulation.
7 The cell camera rule is probably 1, again, so probably 3 in favor of it now. We did
8 have the concerns, like I said, on the cell phones, but we addressed that. The
9 javelina head tagging. That 1 against was really more so of "we should not be
10 required to take out the meat" and we'll have to address that statutorily. The San
11 Juan. The flies, again, obviously, there was significant comment against it. And then
12 the tracking dog use, we had 1 in favor. And then various comments that did not
13 pertain to the rule. Elk comments, we should allow spotlighting, various things like
14 that just that just did not pertain.

15 CHAIRMAN KIENZLE: I've got one question. I asked Mr. Payne earlier. It looks like
16 there is an updated definition of license or permit. Can either one of you, or one of
17 the three of you, tell me what that's looking like? Because I want to do an account for
18 the brave new world of electronic tags and then paper as well.

19 UNIDENTIFIED SPEAKER: Mr. Chairman, would you like me to just read this?

20 CHAIRMAN KIENZLE: Yeah, that would be helpful.

21 UNIDENTIFIED SPEAKER: Okay. So we are proposing right now to place this in
22 Section 10 of this rule underneath the header of Permits and Licenses Issued. And it
23 currently the way that we have it written it says: Proof of License. Each licensee or
24 permittee must have a copy of their hunting, fishing, or trapping license or their
25 Department issued collection permit in their possession while hunting, fishing,

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1 trapping, or collecting protected species in New Mexico. Licenses or permits may be
2 in electronic or paper format. The authorization number for fishing or game hunting is
3 also valid pursuant to Section 17-3-5C NMSA1978. The license authorization or
4 permit must be produced upon request by any law-enforcement officer authorized to
5 enforce Chapter 17.

6 CHAIRMAN KIENZLE: Okay, I think that covers it. Do you feel like you got most of
7 what you wanted in this updated rule? Not the one he just read, but across-the-board
8 for law enforcement?

9 STEWART LILEY : Mr. Chairman, I do.

10 CHAIRMAN KIENZLE: Nothing is ever perfect.

11 STEWART LILEY: No, nothing is ever perfect, but we clarified a lot of minor things
12 that are going to make a significant difference. I think we are in a good spot, without
13 a doubt.

14 CHAIRMAN KIENZLE: And I appreciate your flexibility on this, a lot of work went into
15 it.

16 STEWART LILEY: Yes, sir.

17 COMMISSIONER SALOPEK: I want to thank you, Bobby and Ty, for the meetings
18 we've had. And communication, we're not – you can't keep everybody happy and
19 everything, I guess, real world. I have one question on javelina head. Has it always
20 been where you didn't have to bring it out of the fields or did that change recently?

21 STEWART LILEY: Mr. Chairman, Commissioner Salopek. It's been like that my
22 entire career, statutorily.

23 UNIDENTIFIED SPEAKER: But it says edible portions and there's a big question
24 there.

25 STEWART LILEY: It's one of the species that's not listed as required.

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1 COMMISSIONER SALOPEK: It's with bear and cougar.

2 STEWART LILEY : Bear, lions, javelinas, squirrels, fall out of that requirement. And I
3 would agree with you on the edible portions, but we have a lot of people bring it out
4 anyways. I personally, when I hunt javelina, I bring it out. I typically donate it as quick
5 as I can to somebody.

6 COMMISSIONER SALOPEK: You answered my question. No, we always have. I'm
7 shocked that is not part of the deer and elk and everything else that you have to bring
8 it out. It's amazing what you learn if you're around long enough.

9 COMMISSIONER RAMOS: Chairman, Colonel. Is there anything that the
10 Department can do down the road, you know, to set it up to change it -- change the
11 statute on that?

12 STEWART LILEY : Mr. Chairman, Commissioner Ramos. Yeah, that would be
13 something that the Department would have to go to the Governor's office and
14 propose to see if they want to move forward with that, find that sponsor. I think it
15 would likely be an easy one. It's just never been -- we're combating so many issues
16 each legislative session that that one has not been high on the priority list.

17 COMMISSIONER RAMOS: Same things with squirrels, I was not aware that
18 squirrels were on that list as well. So there's four species. Cougar, bear, squirrels,
19 and javelina?

20 COMMISSIONER SALOPEK: So you don't have to bring squirrels out?

21 COMMISSIONER RAMOS: I didn't know that.

22 COMMISSIONER SALOPEK: [indiscernible] you don't have to [indiscernible].

23 CHARIMAN KIENZLE: Let's take some public comment. Joel Gaye [phonetic].
24 Where's Joel?

25 COMMISSIONER SALOPEK: Wow. I didn't even see him back there.

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1 CHAIRMAN KIENZLE: He snuck in.

2 JOEL GAYE: I walked in late.

3 CHAIRMAN KIENZLE: Well, it's nice to see you again. that looks like it.

4 JOEL GAYE: Mr. Chairman, Commissioners. Director Sloane, congratulations.

5 DIRECTOR SLOANE: Thank you.

6 JOEL GAYE: I'm Joel Gaye, representing Backcountry Hunters and Anglers. And
7 while we support most of the changes proposed by the Department, there was a
8 couple that we did want to specifically address. The first one is the .22 caliber. We
9 just don't think that size of bullet has the power mass to quickly and ethically kill a
10 large-thick skinned animal like a [indiscernible] oryx. We see no need to change the
11 current rules which allow .22 caliber bullets and center fire for certain small game
12 only -- smaller game, not small game. On the shooting from the road, we do not
13 support the proposed change. The proposal would allow a hunter, on a dirt two track
14 road, which is basically where most of us hunt, with no right of way fence, to basically
15 step out of their vehicle and fire. The existing regulation requires the shooter to move
16 40 feet from the edge of the road which does not seem like an unreasonable
17 requirement for both safety and ethical reasons. On the banning of the use of aircraft,
18 we support the proposed changes from August 1st to January 31st. BHA believes
19 this regulation will help to ensure ethical and fair chase hunting in New Mexico by
20 decreasing the likelihood that aircraft and drones will be used to spot, pursue, and
21 harass and hunt big game animals unlawfully. We also agree with the Department
22 that this section should not apply to the operation of aircraft in the usual manner
23 where there is no attempt or intent to locate game. On the cellular cell camera issue,
24 we strongly support the concept of fair chase and ethical hunting and support the
25 general idea of prohibiting the real-time remote location of animals. But as written,

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1 this change is overly broad and insufficient to meet the rapidly changing technologies
2 that might be applied in the fairly near future. So we would prefer a more generic rule
3 that prohibits the action rather than focus on the technology of real-time remote
4 location of animals. And last on the tagging of harvested game, the regulation as
5 drafted says that the proper location for a carcass tag is attached to the hock tendon.
6 If you debone an animal, that is problematic. So we would just suggest adding to the
7 current language the proper location is either a hock tendon on the hind legs or, if the
8 animal is deboned in the field, to the largest portion of the meat.

9 CHAIRMAN KIENZLE: You want to do that? To account for that?

10 STEWART LILEY: Mr. Chairman, we could do that. We just felt -- we thought about
11 boned out meat also and a lot of times I bone out my own meat. But you can leave
12 that hock tendon attached to that quarter of meat, that chunk. It was, just again, to
13 keep it consistent across-the-board. We don't want to add additional issues.

14 CHAIRMAN KIENZLE: No, I understand.

15 STEWART LILEY: That was our thought, but either way.

16 COMMISSIONER RAMOS: So Bobby, on that, because I have been facing that as
17 well. I bone all my meat out. Where does that go? You have multiple bags, you have
18 one carcass, we have just been leaving it on the license and carrying it in
19 possession. Where does it go?

20 STEWART LILEY: Mr. Chairman, Commissioner Ramos. By the rule you are
21 supposed to attach it to that carcass or that boned out meat. Again, just trying to be
22 as consistent as possible by leaving it on that hock tendon, at least we know. Even
23 when it's boned out we know that quarter -- you can tell which game bag typically that
24 quarter is going to be in.

25

1 It was a consistency issue, you know, whether for boned out meat we have it on the
2 hock tendon or with the largest amount.

3 CHAIRMAN KIENZLE: We'll think about it. What you are suggesting is not
4 unreasonable. Maybe some of the other things are, but I will agree. But you can see
5 we agree on a lot, we don't disagree on everything. So that's good news. We will visit
6 on that and see if we need to broaden the definition or not.

7 STEWART LILEY: Mr. Chairman, the important thing is that just that carcass tag isn't
8 floating around somewhere.

9 COMMISSIONER SALOPEK: It's got to be on a piece of meat.

10 CHAIRMAN KIENZLE: It's got to be on something.

11 STEWART LILEY: Something that is consistent.

12 CHAIRMAN KIENZLE: Okay. Thank you, Joel. Mr. Crenshaw. How are you, sir?
13 Didn't I just see you in Chama, did we just share a table together?

14 JOHN CRENSHAW: Yes, we did.

15 CHAIRMAN KIENZLE: And I got the raw end of that deal.

16 JOHN CRENSHAW: Yes, you did, sir.

17 CHAIRMAN KIENZLE: I think I did all right, though.

18 JOHN CRENSHAW: The legislators at that end on Committee had the Chairman
19 cornered. I had a pretty easy ride there. My name is John Crenshaw, I'm President of
20 New Mexico Wildlife Federation. Thanks for the opportunity here. Generally, the
21 Federation's sports idea of consolidating these rules into one and have made a lot of
22 improvements. I will confess to maybe my age and my naïveté, it's a sad day when
23 we have to have approval against putting a radio tracking collar on big game so
24 somebody can go shoot it later.

25 COMMISSIONER SALOPEK: I would agree.

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1 JOHN CRENSHAW: And I would hope when we would get to the revocation section
2 that that becomes a 20 pointer, if it's not already, and I don't think it's in there,
3 specifically, that I know of. And that if an outfitter is engaged in that and caught and
4 convicted, that his license is jerked and torn up. That said, we'll examine some of
5 these things more closely and be in contact and be aggravating you folks with any
6 changes. But some of what, again, may be showing my age and naïveté but the thing
7 from shooting from the edge of the road, we share [indiscernible] concerns.

8 Commissioner Montoya could maybe help me on this, but I tend to think that was
9 done quite a number of years ago as a fair chase, the 40-foot rule, to again, keep
10 that distance and not be able to use the vehicle as a shield and just stand right
11 beside it to kind of disappear into it. And again, the .22 caliber, I understand what
12 Colonel was saying. Most people are over gunned, as opposed to under gunned, if
13 there is, you know, go either way. But as we just seen with the rule on the radio
14 collaring and radio tracking, there are darn fools out there and it's not hurting to have
15 that in there. We think it should stay and if there haven't been any violations, that's
16 wonderful. And it may be that there weren't any violations or people caught with .22's
17 hunting an elk is because that rule is in there. And on the camera use, I believe you
18 all are working on that. We did have some concerns, we do support the aircraft role.
19 And with that, thank you very much.

20 CHAIRMAN KIENZLE: Thank you, Mr. Crenshaw. Kerrie Romero.

21 KERRIE ROMERO: Thank you, Mr. Chairman. Good morning, Commissioners,
22 Director Sloan. Kerrie Romero with the New Mexico Council of Outfitters and Guides.
23 Thank you for allowing me to be fashionably late, once again. The outfitting industry
24 does agree with the majority of the proposed changes to this rule. I just have a
25 couple of points to make. As the proposal relates to shooting from the road, the

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1 outfitting industry does not have an official position. However, it does seem
2 unnecessary to give hunters the ability to shoot directly from a paved highway,
3 especially in the absence of a right of way fence. It also seems like it could create
4 confusion as to which paved highways are included. For example, a two-lane paved
5 highway that has a third passing lane every couple of miles. So overall, this change
6 seems unnecessarily lenient. On to my other point, I am sure it will come as no
7 surprise to any of you that I am personally opposed to the proposed changes as they
8 relate to the aircraft rule. The outfitting industry, however, does not have an official
9 position on the issue. In fact, the overwhelming majority of outfitters will be
10 completely unaffected by this rule change. They don't care whether the rule is 48
11 hours or 12 months, it has absolutely no impact on their business. Which should tell
12 you something. An industry that is supposedly solely responsible for all of the air
13 traffic during hunting season, has no opinion on a major rule change? This is a
14 solution in search of a problem. The only thing that will be accomplished with the rule
15 change is to encourage hunters, who know nothing about aviation, to falsely report
16 the tail number of any single engine aircraft flying low and slow over the forest. I
17 personally think this change will be an enforcement nightmare and the unintended
18 consequences, which will be felt by the aviation industry, should not be ignored by
19 the Commission. Thank you.

20 CHAIRMAN KIENZLE: Thank you. Dave Jesurun, J-E-S-U-R-U-N, I am sure I got
21 that wrong.

22 DAVE JESURUN: Good morning, Chairman and Commissioners. I am Dave
23 Jesurun, the Founder and CEO of High Country Air Service, and as I am sure you
24 can conclude from the name of my business, I have a keen interest in the aircraft
25 rule. As someone who is founding a business to move hunters, anglers, and trappers

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1 around the state, I am keenly interested in the proper implementation of such a rule.
2 As I am sure you also all agree, we all support a fair chase doctrine, and no one is in
3 favor of using airplanes to unfairly hunt game in the state. But I am concerned that
4 the way that the rule is currently written may be vague and unnecessarily restrict
5 lawful aviation activities as Ms. Miss Romero just eluded to. And so for those
6 reasons, I would encourage you to refer to the New Mexico Pilots Association
7 alternative language, that I think that they have submitted in some previous
8 comments and consider that as a possible alternative to what is already been written.
9 Specifically, in Paragraph E the New Mexico Pilots Association language has an
10 excellent reference to the 48-hour rule, which I think works very well. Additionally, in
11 Subparagraph Number 2, I would delete the word airline and add the word or
12 chartered so that the exception does not specifically only limit itself to large airlines
13 but would also allow an exception for chartered operations to move people on their
14 direct flights from one part of the state to the other so that those hunters or anglers
15 can go capture their game. Thank you very much for your time.

16 CHAIRMAN KIENZLE: Mr. Morrow [phonetic].

17 ROB MORROW: Good morning, Mr. Chairman and Commissioners. I am Rob
18 Morrow, a retired person and Director Emeritus of the Recreational Aviation
19 Association. I also worked for the Aircraft Owners and Pilots Association as a
20 regional representative and I still volunteer for it. AOPA is the world's largest such
21 organization. I won't repeat their written comments, which you have received, but I
22 will discuss some related matters. First, the proposed rule regarding aircraft is so
23 overreaching in scope and so deleterious to the interest of pilots not only in New
24 Mexico, but to all pilots who may wish to fly here, that it is roused the concern and
25 opposition of AOPA and its members. It is so broad and subjective in

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1 misinterpretation and misapplication that it presents a clear threat to pilots and their
2 passengers to have unimpeded access to the states' navigable airspace, thus
3 discouraging the use of it. This violates the intent of Congress in assigning aviation
4 regulations solely to the Federal Aviation Administration. We are also concerned
5 about the negative economic impacts of the proposed rule. It appears to make illegal
6 any aerial scouting over most of the state for half of each year and will also likely
7 discourage many pilots from flying in New Mexico. We have a joint campaign with the
8 U.S. Forest Service, BLM, Tourism, Economic Development, and many other
9 agencies and groups to promote the state as a destination, yet the rule would likely
10 undermine that effort. Yet we see no evidence that an economic impact statement
11 has been prepared or such impacts even considered. Discouragement of aviation
12 also appears to violate the purposes for which funds were granted to your agency
13 under the Pittman Robertson Act which states, in part, that the funding is to be used
14 to provide recreational access, not to hinder such access. Discouragement of
15 aviation -- excuse me, note that recently Secretary of the Interior Ryan Zinke sent a
16 directive to all of his departments' agencies that access to public lands for
17 recreational purposes is one of his top priorities. We do know you have enforcement
18 problems which must be addressed. Instead of proposing unenforceable and harmful
19 rules, we ask you, again, to work with us to develop rules that work in both of our
20 interests. Please implement the replacement language that we have proposed.

21 Thank you and I will be happy to take any questions.

22 CHAIRMAN KIENZLE: Any questions of Mr. Morrow? Okay.

23 ROB MORROW: Thank you very much.

24 CHAIRMAN KIENZLE: Clayton Stansel [phonetic].

25

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1 CLAYTON STANSEL: Good morning, gentlemen. I am going to pick up where Mr.
2 Morrow sort of left off with economic impact. Most of the guys who fly are not the
3 guys [indiscernible], these are the out-of-state hunters who come and buy gunners
4 tags. Gunners tags were a million-dollar input to the Game and Fish Department this
5 year. Right, Mr. [indiscernible]? Those guys are not going to come here if they can't
6 fly. They are going to Colorado, where they can fly 24 hours. The old rule is good, it
7 works fine, we don't have any convictions on record. Is that because we can't enforce
8 it or is that because most everybody is a good actor? There are a couple bad actors,
9 we all know who they are, I know who they are, you guys can find them. And I would
10 propose that there's more -- what we call it? Impact on the resource from poachers
11 between Teerarmorea [phonetic] and the Colorado border then legally or illegally
12 taken animals observed from the air. If you make a new rule, those bad actors, they
13 are not going to pay any attention to the new rule just any better than they paid
14 attention to an old rule. So why spend the time? Why fix something that isn't broken?
15 A couple things, if you want to change the rule, the Pilots Association wording is well
16 written, and it continues to -- it allows an industry to continue. I know the outfitters
17 don't weigh in on this rule as a group, mostly because while there are six or eight
18 Governor tags, those are the guys that fly and so there are six or eight outfitters who
19 get those guys, and that's why the majority of the outfitters don't care. I guess that's
20 really about it. I would question the numbers that there are only 13 comments against
21 the rule, because gosh, there's more people than that just came out to the meeting,
22 it's pretty easy to sit down and type on a comment. There's my two minutes. Thank
23 you.

24 CHAIRMAN KIENZLE: Thank you. I believe that's written comments, right?

25

1 STEWART LILEY: Mr. Chairman, that is correct. And that is written comments as of
2 Wednesday evening. Like I said, we received [indiscernible] --

3 CHAIRMAN KIENZLE: There very well may have been more people at the meeting. I
4 understand what you're saying.

5 CLAYTON STANSEL: It just doesn't seem right to me because we have more than
6 that many people at the [indiscernible] meeting.

7 CHAIRMAN KIENZLE: I understand.

8 CLAYTON STANSEL: Like I said, I'm going to go home and type out a comment.

9 CHAIRMAN KIENZLE: That doesn't always happen. Ronald Roscoe [phonetic].

10 RONALD ROSCOE: Thank you very much, Chairman, Commissioners. And I also
11 want to thank the Game and Fish folks, Colonel Griego, and all of those that are out
12 there in the field trying to enforce our regulations. I consider myself a law-abiding pilot
13 and a hunter, and I have flown under this 48-hour rule for decades here in New
14 Mexico. I've never harassed animals, I've used aircraft to fly 48 hours before a hunt.
15 We look for water, we look for where there's been rain, we look for fire burns, we look
16 at camping areas. That's what we are doing. If you spot an elk, for example, from the
17 air, I guess you'd consider yourself lucky. That's not the purpose of the flights that I
18 do. I go in there to look and get a lay of the land. Hunting in a new area, where
19 there's roads, where there is not roads, that's what I use the 48-hour rule for. I don't
20 know of a single conviction under the current rule and I appreciate the enforcement
21 nightmare that it must be. Some guy flies in, you get a call that says, "Hey, somebody
22 was flying in here, looks like they were herding elk." What do you do? It's very difficult
23 and I appreciate that. But to take that current regulation which say okay, in 48 hours
24 we're going to enforce it and extend it to six months without addressing how we are
25 going to enforce it under the 48-hour rule, just doesn't make sense. If we can't

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1 enforce it in 48 hours, how on earth are we ever going to do it for six months? So
2 from other speakers and in a letter I submitted, we made some direct suggestions on
3 how we'd like to work more closely with Fish and Game. As pilots, we have an idea of
4 maybe who might be doing it or there's various things that we'll be suggesting in our
5 letters, on how we can work directly with Fish and Game to try to catch these guys.
6 It's a bad name for pilots and it's a bad name for hunters and we want to eliminate it.
7 Thank you for your time.

8 CHAIRMAN KIENZLE: Thank you. Stephen Fleming [phonetic].

9 STEPHEN FLEMING: Mr. Chairman, Commissioners, good morning. I'm a pilot and I
10 have some concerns. While I'm a member of the organization's previously
11 mentioned, I'm here representing an individual viewpoint. In any endeavor, there are
12 always bad actors and they require reasonable and lawful efforts to minimize those
13 impacts. I understand the enforcement officers have a difficult job in apprehending
14 and prosecuting these violators who harvest game illegally. However, the proposed
15 changes to the Manner and Method Rule not only do not achieve the intended
16 purpose but attempt to regulate matters beyond the authority of the Commission and
17 the Department and this attempt greatly and unlawfully upend the justice principle of
18 innocent until proven guilty. My concerns are these: The language of the proposed
19 rule is excessive in scope and application, the rule attempts to regulate matters not
20 under the Commission nor Departmental authority, arbitrary and capricious
21 enforcement is made more, not less likely, and requirements for probable cause in
22 these violations or presumed violations are ignored. I request that action on this
23 portion of the proposed rule be tabled until further review and consideration to be
24 accomplished. I submitted a letter and I believe you have it in your packets this
25 morning. And I appreciate the opportunity to comment today. Thank you.

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1 CHAIRMAN KIENZLE: Thank you. Ron Keller [phonetic].

2 RON KELLER: Hello Mr. Chairman, Commissioners, Director Sloane. My name is
3 Ron Keller, I'm a pilot and a hunter in New Mexico. With respect to the proposed rule
4 change regarding use of aircraft, I would like to point out that several partnerships
5 have been forged between aviation groups and federal, state, and private entities.
6 First of all, the recreational aviation foundation, a 9,000-member group, entered into
7 a memorandum of understanding with both the U.S. Forest Service and the Bureau
8 of Land Management several years ago to foster a cooperative relationship to
9 preserve, maintain, and create airstrips for recreational access. This was done at the
10 national level and has the full support of the Secretaries of Agriculture and Interior.
11 Additionally, the New Mexico airstrip network, of which I am a founding member, was
12 formed to foster cooperative relationships at a state level. U.S. Forest Service, BLM,
13 New Mexico Aviation Division, Recreational Aviation Foundation, New Mexico Pilots
14 Association, Aircraft Owners and Pilots Association, New Mexico Economic
15 Development, New Mexico Tourism Department, and several others were all
16 signatories on MOU. Lastly, a partnership exists between Recreational Aviation
17 Foundation and New Mexico Pilots Association to maintain the ability to access
18 recreational areas of New Mexico by utilizing backcountry and recreational airstrips.
19 It is my view that changing the use of aircraft rule to lengthen the time frame from the
20 current 48-hour rule will have a detrimental effect on all of the progress made to date
21 with the aforementioned partnerships. Therefore, I am adamantly opposed to such a
22 rule change. Thank you.

23 CHAIRMAN KIENZLE: Thank you, sir. Joyce Woods [phonetic].

24 JOYCE WOODS: Mr. Chairman, Commissioners, and Director Sloane. I'm Joyce
25 Woods, the President of the New Mexico Pilots Association. We represent 4,300

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1 pilots statewide. I'm an active pilot and although not a hunter, I grew up always
2 looking for wildlife, and I still do daily in my flights in the air or driving around on the
3 ground. So locating game is something that I do. Though not for hunting. NMPA
4 opposes a broad six-month restriction on aircraft use. The way it's written reflects the
5 excessive overreach that's already been mentioned offering no better way to enforce
6 it. It makes pilots responsible for compliance, rather than hunters. We comply with
7 the FAA regulations, we don't -- somebody like me may be aware of a 48-hour rule,
8 but I don't go look at hunting regulations. You've received a lot of letters from our
9 members and partner organizations, both locally and nationwide. And they all look to
10 us for providing solutions and we are definitely interested and happy to hear about
11 the flexibility because we do, as you noted, there were at least four comments in
12 support of the rule and I know that for the people that I've talked to, they don't really
13 realize some of the subtleties of the rule and once you talk to them about it, they
14 realize. I think it comes down to an and or an or. And so I want to talk about what we
15 are recommending, to make sure you understand this. We found that the language in
16 the Idaho rule, and you should have my letter, and the second page is the Idaho rule
17 and is marked where the aircraft language is, we found that to be simple, which I
18 know in this whole Manner and Method Rule change you are trying to make this
19 simpler, but it separates the spotting and finding game and relaying it to the ground
20 from casual flying overhead. And we think that that is the positive way to do so. Idaho
21 does it as same day, we kept the 48-hour because we think that would be more
22 understandable by most pilots. So the proposed language we think incriminates law-
23 abiding pilots, we think that either you should leave the language alone and do with a
24 48-hour that you currently have. The Idaho language is acceptable to us. Another
25 alternative would be to just keep the current language and delay. And let's work

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1 together on a win-win solution for this that isn't incriminating. I don't know if that and
2 or or makes sense, but we looked at the proposal and if you changed the or to and --

3 CHAIRMAN KIENZLE: Which or or and?

4 [MULTIPLE PEOPLE TALKING]

5 JOYCE WOODS: So in E, Number 1, the way it's proposed, and I didn't give you the
6 current language, so maybe I need to read that. What it says is it is unlawful for any
7 individual, for the purpose of hunting, to locate or assist in locating a protected
8 species from or with the aid of aircraft or drone and the next or to relate the location.
9 So if it was to fly and relay then it is very close to the Idaho language and the six
10 months doesn't matter, is that you don't do it period. And I think that's what I'm talking
11 about the oppositions, most people who do -- or, I mean, the people who are
12 supporting this rule as written, believe that it is that you can't spot and tell someone
13 on the ground, you know, right now go here. So that's what I think that and or that or,
14 is what makes it so wide reaching. Does that make sense?

15 CHAIRMAN KIENZLE: I understand what you're saying.

16 JOYCE WOODS: And the Idaho language is just even more clear and simpler and it
17 actually addresses the helicopter issue that some of our members, and I think some
18 of your previous discussions, have talked about herding with helicopters and that's
19 not necessarily addressed in the proposed language.

20 CHAIRMAN KIENZLE: Thank you. Any questions of Miss Woods? Okay. Thank you.
21 We have you're written comments, as well.

22 JOYCE WOODS: Thank you.

23 CHAIRMAN KIENZLE: Thank you. Any further questions or comments on any part of
24 this rule? It's not quite speak now, or forever hold your peace, but when do we need
25 to publish this by?

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1 UNIDENTIFIED SPEAKER: Mr. Chairman, it needs to be submitted to archives on
2 the 18th.

3 CHAIRMAN KIENZLE: On the 18th.

4 UNIDENTIFIED SPEAKER: Of this month.

5 CHAIRMAN KIENZLE: Okay. So if there's any tinkering to be done, will that -- we
6 suggested a few things today. Will that go back up on website somewhere? The final
7 version?

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

9 CHAIRMAN KIENZLE: Okay. When you get a final version, Director Sloane, will you
10 email it to all of us?

11 DIRECTOR SLOANE: I certainly will.

12 CHAIRMAN KIENZLE: Okay. No further questions or comments on this one.
13 Let's take a quick break and we will pick up on --

14

15 CHAIRMAN KIENZLE: I don't usually stand on formality, but let's keep the noise
16 down. I did see a puppy earlier. Did anybody see the puppy? Just went outside, you
17 know, it's really nice to have a puppy in a public meeting every now and then. It
18 lightens the mood. Agenda Item No 11: Subsequent Discussion for Potential Rule
19 Changes on the Revocation Rule 19.31.2 NMAC.

20 BOBBY GREIGO: Mr. Chairman, Members of the Commission. I will be presenting
21 this one. This is, as you know, second discussion, at least, on this topic. This will be
22 under the same timeframe as Manner and Method, so this will be up for final action at
23 the November 30th meeting. We will publish this October -- or send it for publication
24 October 18th and it will be published on October 30th and then we will vote it
25 November 30th.

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1 This one is a relatively simple one. There is quite a few changes in it. However, in
2 discussions with our counsel, legal counsel and others, I think that most of this is just
3 clarification or simplification, again, of this rule. There's a lot of duplicate language
4 that was left in there. The biggest change, or the biggest substantive changes, are
5 going to be increasing points for hunting on private property without written
6 permission. This is not criminal trespass, this is just hunting private property without
7 written permission. That would be an increase from 10 points where it is now, to 17
8 points. As you're aware, it takes 20 points to be revoked, 20 points within any three-
9 year period. This would not get them to that 20-point threshold unless they had other
10 violations, either associated with this, or within the past three years. A new one that
11 we would like to put in this is to increase military discount, Basically, falsely claiming
12 a military discount or fraudulently claiming it, from 5 points -- it's not specifically listed
13 in there, just falls under the default, so that is a 5-point violation, we would like to
14 increase that to a 20-point for those individuals who are not military but are claiming
15 it. And again, just going through clarification language, standardizing time frames and
16 rules. I will give you an example of the standardizing time frames. Once someone is
17 sent a notice of contemplative action for a revocation, they have 20 days to respond
18 to us. And then once they respond to us, we have -- and request that hearing, we
19 have 20 days to send them a letter saying that they are going to have a hearing on
20 this date, and this time, in this place, and here is your hearing officer. However, there
21 is also a portion of the rule that says we must respond or provide discovery within, I
22 think it's either 10 or 15 days of that request. So if they immediately mail them back
23 to us, there's a conflict there of do we have to send them all of that stuff within 10
24 days or within 20 days? So we lengthened that discovery to 20 days. Again, to just
25 make it standard so we can send all that stuff at the same time which is how we

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1 typically do that unless they specifically request it. Again, clarification language on
2 wildlife either compact suspensions. It was a little confusing in the way it was written,
3 it said they shall be immediately suspended and revoked and then it said they can
4 have a hearing and that after the hearing they will be suspended and revoked, so it
5 wasn't clear when they became -- or when they got revoked, so we are clarifying that.
6 We removed the word certified conviction and replaced that with a certified conviction
7 or a filed copy of a conviction with any court of competent jurisdiction. And in there, in
8 that same paragraph, we also removed the word magistrate, it talked about a
9 magistrate court conviction, however some of these convictions come from district
10 court or even higher, so we wanted to, as long as they have competent jurisdiction
11 over that, we want that [indiscernible] to work for us. Duplicate language. Particularly
12 towards the end of this rule there were several sections that just stated the same
13 thing on how we hold our hearings and we wanted to consolidate that to one location.
14 We hold our hearings the same for each of these processes. This rule, amended rule,
15 was posted on the website, we did hold four public meetings, this was in conjunction
16 with Manner and Method. This was received significantly less interest. We did have a
17 few comments, but overall, not a whole lot. The biggest -- really what we got was we
18 did receive one written comment yesterday, I think, or day before, concerned -- and
19 we received several written comments, concerned that it may be a little bit too harsh
20 of a penalty for it to be a 17-point violation on hunting on private property without
21 written permission. And the concern is, again, this is not a criminal trespass case,
22 criminal trespass is a different matter, you know, there is a posting requirement
23 there's quite a bit that has to be met there. This is -- this would apply to cases where
24 someone crosses essentially an imaginary line where it goes from BLM to private or
25

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1 state land to private. There may or may not be a fence there. That was their concerns
2 with this. So that's really for you all to decide on that.

3 CHAIRMAN KIENZLE: We are still at 10 points right now.

4 BOBBY GREIGO: We are at 10 points, that's correct.

5 CHAIRMAN KIENZLE: It's not going to go away.

6 BOBBY GRIEGO: That's correct.

7 CHAIRMAN KIENZLE: [indiscernible]

8 BOBBY GRIEGO: Again, I went over our timelines. And with that, I will stand for any
9 questions that you have.

10 CHAIRMAN KIENZLE: Mr. Payne, it looks like there's some legal stuff in here with
11 timing and procedures. Have you looked over this?

12 JACOB PAYNE: Mr. Chairman, I have looked over this and I worked closely with the
13 field office to try and finalize. A lot of is timelines and I think this makes it simpler for
14 everyone, and less confusing for everyone, so I do support it.

15 CHAIRMAN KIENZLE: So you are satisfied that you got it where you need it?

16 JACOB PAYNE: Yes, sir.

17 CHAIRMAN KIENZLE: Okay. Any questions or comments? You had October 30th as
18 publication, we are going to publish on the 18th.

19 BOBBY GRIEGO: We are going to send it for publication on the 18th, it will be
20 published on the 30th. Yes, sir.

21 CHAIRMAN KIENZLE: I believe Director Sloane and I visited on this private property
22 issue, as I recall. And you wouldn't be revoked -- we wanted to try to get away I
23 mean, you're still going to have a problem, it's a 10-point no matter what. You can
24 sort of be an innocent walking across private property, perhaps, to get to another
25 piece of property, or you can wander across the line when it's not posted. I'm just not

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1 sure there's – I don't know that we can fix those problems. I mean, it is what it is.

2 Know where you're hunting, I guess, is the [indiscernible].

3 BOBBY GREIGO: Mr. Chairman, that is correct. Just that violation by itself,
4 obviously, will not get you to 20 points. However, our smallest other point category is
5 3, so if there is any other violations associated with this, or that has occurred in the
6 past three years, that would get them to that 20-point threshold.

7 CHAIRMAN KIENZLE: I think we wanted to account for, not the innocent person. It
8 was the person that was doing it, perhaps, with knowledge and chances are, they
9 might be doing something else wrong at the same time that could lead to 20 points
10 and I think that's the rationale for it. I guess, again, know where you are hunting. And
11 ignoring the point violations, that's important no matter what.

12 COMMISSIONER SALOPEK: Mr. Chairman. So on the other side, say you walk
13 across, you're hunting, and it happens to be a landowner that – so are we going to
14 write that hunter – let's say we write him a ticket. Now, we go to the landowner and
15 he says, "I really don't care who crosses my land, they can cross, I didn't give them
16 permission, but they can cross." Does that come into play where we take that ticket
17 away?

18 BOBBY GRIEGO: Mr. Chairman, Commissioner Salopek. That would be taken into
19 consideration with the officer on the field -- on the ground there in the field.

20 CHAIRMAN KIENZLE: It didn't say prior consent, right? It just is without consent.

21 BOBBY GRIEGO : It says with written permission and there is a specific definition in
22 Manner and Method of what written permission constitutes or what it entails. The
23 real-world application of this is there are folks, landowners, who will give permission
24 to people but don't want to write it down, necessarily.

25 COMMISSIONER SALOPEK: And that's where I --

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1 BOBBY GRIEGO : And that is dealt with on the ground by a case-by-case.

2 CHAIRMAN KIENZLE: As a practical matter, you're only going to catch the folks
3 where the landowner complains.

4 BOBBY GREIGO: That's correct.

5 CHAIRMAN KIENZLE: You are not monitoring every piece of private property, so I
6 think what you're saying is right.

7 STEWART LILEY: Mr. Chairman, at times we've run into instances where we
8 happen to catch them on private property and they did not have it, but they knew the
9 landowner and they got written permission after the fact. They may have been cited
10 but once they brought that written permission and we talk to the landowner they were
11 like, "yeah, I'm good with them being out here" we dismissed it.

12 CHAIRMAN KIENZLE: As long as the implementation of it has some flexibility and it
13 sounds like it does, I'm okay with it.

14 COMMISSIONER RAMOS: My deal is, you know, the private owner who really
15 wants it enforced, normally has a trend of having their private property also posted
16 correctly. Those that don't, what's the deal on those private properties where there is
17 no fence, no indicator there for the sportsman?

18 STEWART LILEY: Mr. Chairman, Commissioner Ramos. Where this is going to be --
19 the most common scenario, I guess, would be the pasture may be fenced, but it's in
20 conjunction of half BLM, half private, and the line between that BLM and private may
21 not have a fence. The pasture is fenced, so that's the common scenario. We do have
22 some where it's not fenced properly, or it's not posted properly, but it is halfway
23 posted, I guess, where we will fall back on hunting on private without written
24 permission because we can't meet the elements of criminal trespass. But there's very
25 few properties out there that get excited about trespassers that don't even have a

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1 fence. Typically, if they don't fence it, it's not a significant issue to the landowner. But
2 where it is in those pasture fences were there's just not a fence along the private
3 property boundary.

4 COMMISSIONER RAMOS: Sure. And one other last comment, and I know we have
5 a new Director, Doctor Sloane, I still challenge our Department to be more visible
6 with our website and, again, our land owner authorizations with ranch only versus
7 unit wide ranches and being a little bit more open where at least you can go to our
8 new app and say, "hey, is this private owner ranch only or not" and, you know, I really
9 think we need to be more transparent with that. And I know it's in the making and I
10 know that I've spoken to the people in the southwest office and we're getting very
11 close to being a 100 percent, at least in the Gila [phonetic] and the southwest area to
12 be able to do that, and I think that's a great pilot to see if it's going to work or not.

13 CHAIRMAN KIENZLE: Any further questions or comments on this one? We will see
14 this in November then, right?

15 BOBBY GRIEGO: Yes, sir.

16 CHAIRMAN KIENZLE: Mr. Crenshaw. Is the puppy back? All right.

17 JOHN CRENSHAW: Mr. Chairman, Commissioners. John Crenshaw with New
18 Mexico Wildlife Federation. I just -- looking online on my computer of that 17 point
19 violation would actually make that equitable and I was kind of surprised, but at any
20 rate, currently a private land only licensee who strays onto other private land or on to,
21 particularly on to public land and gets outside of the ranch boundaries, that's a 17-
22 point violation, am I right?

23 CHAIRMAN KIENZLE: Yes.

24 JOHN CRENSHAW: So this would seem to be a fair quid pro quo, I just noticed that.
25 And we do want to be sure that it's equitable for all concerned. I was a little more

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1 concerned with 20-point violation, but that's for criminal trespass, which is a separate
2 violation all onto itself. That seems like maybe a little extra, we'll talk about that,
3 maybe. And I would reiterate, the more I think about it, the madder I get. The violation
4 of radio tracking big game. That's simply a technological advance in canned hunting,
5 it's offensive, and I would really hope that we can make sure that there's something in
6 there, frankly, I think if it's an outfitter who does it, or a guide, that they should be
7 banned from hunting. It's just something that we should not, should not, cannot
8 tolerate, and I will get off my soapbox. Thanks very much.

9 CHAIRMAN KIENZLE: Thank you. Agenda Item No. 12. I think we're done with that
10 one. Thank you, gentlemen. Agenda Item No. 12: Discussion of Potential Rule
11 Changes for Trapping, Mandatory Trapper Education, Setback Requirements,
12 Closures, Non-resident Bag Limits, and Penalties. Mr. Comins.

13 JIM COMINS: Mr. Chairman, Members of the Commission. I am here today to report
14 the results of the stakeholder trapping meetings and have a discussion on potential
15 rule changes to the trapping rule. As you may recall, in May of 2017 Senator Pete
16 Campos gave a presentation to the Commission and asked that the Department be
17 directed to hold meetings with stakeholders to discuss the issues surrounding
18 trapping. The Department was then directed to hold these meetings and report the
19 results back to the Commission. From November of 2017 to March of 2018, four
20 meetings were held with a variety of stakeholders in attendance. The purpose of
21 these meetings was to identify the issues with trapping and attempt to seek common
22 ground amongst the different stakeholders. As you can imagine, there were opposite
23 viewpoints on trapping from the different stakeholders and the only area of common
24 ground that was identified during those meetings was trapper education. As a result,
25 a working group was put together to develop a trapper education course and a

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1 brochure on recreating safely on public lands with an emphasis on trapping. The
2 working group is scheduled to meet later this month to continue working on these two
3 items. Signage was also discussed at these meetings, but what I will call the pro-
4 trapping groups were opposed to signing their individual trap or trap locations but
5 entertained the idea of some type of signage at trail heads. Setbacks were discussed
6 as well, but ultimately the pro-trapping groups were opposed to opening the rule in
7 fear of that they would have to make additional concessions. Under the current rule,
8 there is no trapper education requirement in order to trap in New Mexico. The current
9 rule establishes a setback of a quarter mile from the designated and signed roadside
10 rest areas, picnic areas, or occupied dwellings except by permission from the
11 occupant of the dwelling or landowner on his own land. It establishes a setback of a
12 half-mile from established maintain public campgrounds or boat launching areas, a
13 setback of 25 yards from the edge of any public roadway or trail, except on private
14 land with written permission, or on the opposite side of a fenced roadway, and a
15 setback of 50 yards from any man-made livestock or wildlife catchment, pond, or tank
16 containing water, again, except on private land with written permission. The current
17 rule contains closures which include the Wild Scenic Rivers Recreational Area, the
18 Valle Vidal and Greenwood areas, the Via Caldera [phonetic], the McGregor Military
19 Range, and a large portion of Los Alamos County. Under the current rule or the court
20 rule does not establish or set bag limits for fur bearers and penalties for trapping
21 violations are limited by statute.

22 Moving forward, I believe there is some agreement among stakeholders on
23 trapper education. With setbacks, we have input ranging from not opening the rule to
24 increasing setbacks up to 700 percent in some cases. With closures, again, we have
25 input ranging from not opening the rule to completely closing the number of ranger

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1 districts within the national forest to trapping. As for bag limits, we have
2 recommendations ranging from not establishing any bag limits to setting bag limits at
3 five per species. Again, penalties are limited by statute. So at this point, we are
4 looking for direction from the Commission on how to proceed with potential changes
5 to the trapping rule.

6 CHAIRMAN KIENZLE: Let's take some public comment first and then we will pick up
7 on the Commissioner comments. Tanner Anderson [phonetic].

8 TANNER ANDERSON: Mr. Chairman, Members of the Commission. Good morning,
9 I really like your new office here. He did real good on that, it looks real cool. My name
10 is Tanner Anderson, I represent the New Mexico Farm and Livestock Bureau and its
11 19,000-member families and the New Mexico Farm and Livestock Bureau is in
12 support of current trapping practices as they are. So, thank you.

13 CHAIRMAN KIENZLE: Thank you. Gerald Chavez [phonetic].

14 GERALD CHAVEZ: Commissioner, Board Members. My name is Gerald Chavez,
15 I'm a small ranch operation that I maintain by Manzano [phonetic] and I am in support
16 of keeping the rules as they are, because as a small ranch operation, I barely make
17 enough to pay for my hay and hopefully one or two beef for my family. It's a self-
18 sustenance operation and I do depend on trappers to help me, so I don't lose calves.
19 Thank you.

20 CHAIRMAN KIENZLE: Question. Are you doing the trapping, or do you have some

21 GERALD CHAVEZ: No, I have people in the area that trap. I depend on them
22 because if I lose one or two calves, I won't have a beef for that year. So it's not me.

23 CHAIRMAN KIENZLE: So do they trap on your deeded acreage? Tell me a little bit
24 about how that --

25

1 GERALD CHAVEZ: Yeah, I have some leased land and I have some on my private
2 property, yes. And they trap on my land. Yes, on both.

3 CHAIRMAN KIENZLE: What species?

4 GERALD CHAVEZ: Coyote mostly, that usually what takes my animals, coyotes.
5 There might be some bobcat sometimes and it could be some mountain lion, but it's
6 mostly coyote.

7 CHAIRMAN KIENZLE: Okay. I'm sensitive to that fact because you're not going to
8 be the only one in this position that's going to tell us this, so I understand completely
9 what you're saying.

10 GERALD CHAVEZ: Thank you Commissioners.

11 CHAIRMAN KIENZLE: Aaron Baca [phonetic].

12 AARON BACA: Good morning, Commissioner and Councilmen. My name is Aaron
13 Baca, I'm with New Mexico antipoaching unit. We train and recruit people to do
14 antipoaching operations in Africa, but I'm also a New Mexican resident. I came here,
15 and I thought it was going to be more of a roundtable discussion, I wasn't familiar
16 with the setting, but I had a perspective, a negative perspective, on trapping mostly
17 from first-hand situation with friends and animals and they're bad animals getting
18 caught off trails. Other situations where animals have been trapped and have not
19 been retained or skinned, they've just been left to die. So I'm not sure if those are
20 common occurrences, I have a lot of ignorance about this thing. I've already engaged
21 the individuals back here from New Mexico Trappers Association and I've learned
22 some good facts. So, I guess, I'm mostly here to just bring up some things I've
23 observed, but I'm certainly not an expert on anything of this nature, and I just mostly
24 want to get a discussion involved -- I'm sort of late to the game, apparently, there's
25 already been a talk. So mostly just voicing opinions regarding what I've seen on

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1 trailheads in the Sandias or the Santa Fe area. I believe there's an instance there
2 and also in the Hilo Wilderness [phonetic]. Just something I think we should think
3 about perhaps doing setback requirements. They've already addressed the thing
4 about bag limits, perhaps it's not necessary. And I really backed the concept of
5 trapper education. I think both people on both sides should perhaps do that, learn,
6 get some common ground and get some discussions. So it's pretty much all I had to
7 say today.

8 CHAIRMAN KIENZLE: You are in on the front end of it.

9 AARON BACA: Okay.

10 CHAIRMAN KIENZLE: There's been no decisions on anything, so your timing is
11 perfect.

12 AARON BACA: Interesting. Yeah, I guess my main thing is I want to get involved in
13 discussion. I'm not alienating any groups, I want to get more involved with these
14 individuals and learn more about the situation. But thank you for your time.

15 CHAIRMAN KIENZLE: He's got an open mind, I like to hear that. Thank you.

16 Elisabeth Dicharry. You're not going to talk about wolves, are you?

17 ELISABETH DICHARRY: I'm not the wolf person, I'm the coyote person.

18 CHAIRMAN KIENZLE: I knew it walked on four legs. Welcome.

19 ELISABETH DICHARRY: Good morning.

20 CHAIRMAN KIENZLE: Welcome back.

21 ELISABETH DICHARRY: Thank you. And thank you, Commissioners, for hearing
22 me. My name is Elisabeth Dicharry, I am the Director for Wildlife Conservation
23 Advocacy Southwest. We are a small organization in Valencia County and I am here
24 to speak about the discussion for, hopefully, the trappers and the nontrappers will
25 come to some sort of agreement. I have not been a part of that discussion. Or those

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1 meetings. However, I am very much a part of trying to [indiscernible] species and
2 where there are no bag limits, and that includes coyotes. And that's through
3 education, advocacy, research, and service. My concern is that we have open
4 season on coyotes and we can trap -- or not me, but the trappers can trap pretty
5 much all year long, if they choose to do so. And that is a really big concern. My other
6 concern is I do live in a rural area, I live near open space, I live near water, I have
7 animals, I have horses, and it is a danger. I also have grandchildren and when you
8 are afraid to take a walk with your grandchildren, it tells you that we have a problem.
9 I'd also like to see more bag limits. It's really frustrating that some of our most
10 amazing native species are trapped without bag limits. I'm particular concerned about
11 bobcats, because the price of bobcat pelts has gone up substantially. We have out-
12 of-state people who are coming in here to trap and they are trapping more here
13 because trapping is limited in Colorado, as well as in Arizona. So I really hope that
14 the stakeholders will move forward and find some sort of consensus to keep all of us
15 safe, to preserve safety, and preservation of wildlife. Also, protection of both people
16 and animals, livestock, and pets. Thank you very much.

17 CHAIRMAN KIENZLE: You haven't missed anything. This is just starting, so stay
18 involved. Thank you. Wesley Burse [phonetic].

19 WESLEY BURSE: Good morning, Chairman of the Commission and the
20 Commissioners. I'm Wesley Burse and I represent myself and I also represent the
21 New Mexico Trappers Association. As far as mandatory trapper's education, we been
22 wanting that for many years. We've asked for ever since I can remember. I'm one of
23 two people that is still alive that helped put New Mexico Trappers Association
24 together. So this is something we been wanting for a long time because people don't
25 understand trappers. And trappers, that are new trappers, don't understand what they

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1 are doing out there lots of times. So we do need trapper's education. We have
2 worked on this a number of times. There's been several times that we have worked
3 directly with the Game Department and we worked with hunter's education people
4 trying to educate them how to teach trapper's education. It doesn't work because
5 they are not trappers. But we do need a program put together, just like hunter's
6 education. This is what we need for trapper's education. And the trappers are well
7 aware of that, and we've been aware of that for many years, but I've been working
8 with some of the local wardens and going to hunter's education and helping them out
9 and I see where we can put a trapper's education program together that works just
10 like hunter's education. It would be the same thing. Where it would be on film, you
11 could follow through with it, and then you could put hands on ideas in place at that
12 time. So that's what I -- where we stand on trapper's education. Now for setbacks,
13 setbacks -- if you change the setbacks right now, it's 25 yards from a designated trail
14 or roadway. If you change that, it isn't going to make any difference. If a dog is on a
15 leash, they are not going to get in a trap it's 25 yards from the road or the trail. But if
16 the dog is not on the lease, which many times they are not, it does not make any
17 difference whether that trap is 10 yards from the road or 200 yards from the road, the
18 dog's going to it. If you would like me to --

19 CHAIRMAN KIENZLE: No. Keep going, sir.

20 WESLEY BURSE: Okay. Anyway, setbacks and people walking out there, a trap
21 doesn't hurt a person. If you step in a trap it just throws and it goes off onto your foot.
22 There's no reason to worry about a setback because of a person stepping in it. If a
23 little bitty baby stepped in it, it might catch them. But a grown person, or somebody
24 walking out there, a trap is not going to catch them, it's not that way, it's not that big,
25 your foot is not going to fit in. So setbacks, to me, any different than what it already

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1 is, isn't going to accomplish anything. It's okay as it is, we can get by with it as it is.
2 But if we had to walk 200 yards or a different distance like that, through every trap we
3 had along a roadway, we would never get anything done. So it eats into our job and
4 people don't realize what our job is today. Now closures, I don't see any reason for
5 closers, anywhere, because we have predatory animals everywhere, you know, and
6 a predatory animal are fur bearers. In the state of New Mexico only about 50 percent
7 of the state is all that we ever touch as trappers, because you can't get to it, you
8 know, unless we went horseback, or we went across -- or made roads, there's no
9 way to get to it. So there's a lot of area that you never touch trapping so you're not
10 going to bring down the population on bobcats or fox or anything else. And coyotes
11 and mountain lion, you cannot hurt the population. That's been proven back in the
12 days of the biological survey and animal damage control. They trapped them 365
13 days a year, all the time, and they never did any damage, they never brought them to
14 the point of extinction. And even though they had some intentions of extending -- or
15 getting rid of the coyote completely, and some of you may know about that, but that's
16 a different story. But closures, I don't see a reason for it at all. And as bag limits, why
17 would you put a bag limit on something that is -- there's many of them. The
18 [indiscernible] sack on bobcats that's what it was put in place for was so they could
19 determine how many animals we were taking and so they could keep track of them
20 and they would know what the population is. That's the principle of it. And, like I said,
21 we can't get but about 50 percent of the state, so you're not going to take out all of
22 these animals and we don't want to.

23 We are trappers, we are ranchers, we are farmers, we live just like everybody
24 else does. We want those animals there because they serve a purpose, they serve
25 our purpose.

1 And another thing, trapping, when you look at trapping itself, it's not like hunting deer
2 or hunting elk or something else, trapping is not a sport. Trapping is a way of life,
3 trapping is a necessity, it's a wildlife conservation, it's animal damage control, its
4 disease control, and these things are something we have to do. It's a necessity. If
5 you stop it, then somebody else is going to have to take up the program. You can
6 look right now, what used to be animal damage control is now wildlife services. And I
7 know a number of those people, I've known them all my life. I've been around them
8 on my life. And today there is a number of those people that are quitting wildlife
9 services because they cannot do their job. Because of the Mexican wolf, they can no
10 longer use them .44s and they don't use foothold traps, they haven't for a long time.
11 And the only coyote damage control that they are doing now is aerial gunning. So the
12 trapping is falling back on the private trapper today, we're being asked more all the
13 time by ranchers and farmers and landowners and even some of the government
14 agencies talk to us. I know the local BLM people and they will tell me where they are
15 having coyote problems and things like that. So that is falling back on to the private
16 trapper because animal damage control and wildlife services are no longer doing the
17 job. So our place in all of this is becoming more important all the time because
18 there's nobody else doing what we're doing. And since damage animal damage
19 control quit killing mountain lions in 1965 the population has increased and increased
20 and increased. And I know last year the Game Department set it up so that we can
21 trap a lion because they could not take the number that they needed to take because
22 of overpopulation. So I don't know what else to say, you know, all I can tell you is
23 trapping is very necessary and we change our traps, we've worked on our traps for
24 many years. The BMP program, which is best management practices, which is a
25 scientific method of how traps are used, they went and tested every trap that they

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1 could test. They did a complete program on this and it's an ongoing thing. And we
2 modify our traps to meet those standards, so this is something that we work on, we
3 don't just go out there and do things just to do it.

4 CHAIRMAN KIENZLE: So Mr. Burse, I don't mean to cut you off but -- and there is
5 no suggestion, everything is on the table, but there is no suggestion that we do away
6 with trapping.

7 WESLEY BURSE: I know that.

8 CHAIRMAN KIENZLE: So please, keep that in mind as this does or does not go
9 forward. But I welcome your input and your organization's input. Certainly, you're a
10 big part of the dialogue.

11 WESLEY BURSE: And if I can be of any help, I will be glad to answer questions or
12 talk about it any time.

13 CHAIRMAN KIENZLE: I am sure we will hear from you again. I appreciate your
14 comments. Thank you, sir. Kerrie Romero.

15 KERRIE ROMERO: Thank you, Mr. Chairman. Carrie Romero with the New Mexico
16 Council of Outfitters and Guides. I just want to, first, make note that our organization
17 was never invited to participate as a stakeholder. So all that I know about these
18 discussions are what I have learned today.

19 CHAIRMAN KIENZLE: So put that in perspective. What Mr. Comins is referring to on
20 his report is wholly separate from what we are dealing with today. So give a little bit
21 more background on that.

22 JIM COMINS: On the actual meetings, Mr. Chairman?

23 CHAIRMAN KIENZLE: Well, just on the process that led to the report Senator
24 Campos.

25

1 JIM COMINS: Yeah, so as you may be aware, it wasn't last legislative session but
2 the legislative session prior to that, Senator Campos introduced a bill that would
3 essentially have, what I will say, outlawed trapping in the state of New Mexico. And
4 so he got a lot of public comment from both sides regarding that bill, so that bill never
5 went forward. So he came to the Commission, gave a presentation to the
6 Commission, and again, asked the Commission to direct the Department to hold
7 these meetings, these stakeholder meetings, to talk about the issues with trapping.
8 So, I believe, that's what you're looking for, Mr. Chairman?

9 CHAIRMAN KIENZLE: Yeah. And so to the extent, got notice, didn't get notice, it
10 matters. So I'm not ignorant that you may not have input at that point in time. But
11 that's just a report and that report doesn't bind us, it doesn't bind the Department, it
12 was done, in some respect, as a courtesy to the Legislature to start get our arms
13 around this. That having been said, to the extent there is any rule change, it all starts
14 today. So you are on the front and of it, as I said earlier, so don't, you know, nobody
15 needs to panic that they've missed something or will not get their opportunity to
16 weigh in on these issues. Anyway, I interrupted.

17 KERRIE ROMERO: That's okay. Yeah, I mean just as far as this particular
18 presentation, I think that maybe, myself included, and some other people in the
19 audience, are a little confused because it almost references like there was some
20 other meetings that took place prior to where there were all these discussions that we
21 were not privy to. So basically, all I can go off of is what is on the screen right now
22 and what I've learned from the Trapper's Association. So I would say, I mean, in
23 general, the outfitting industry is likely in favor of mandatory trapper education. In
24 terms of any of these other points, these setback requirements, nonresident bag
25 limits, I think there would need to be further discussions where we are included to

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1 see if there would be any type of a middle ground that we could make with some of
2 these other organizations and so --

3 CHAIRMAN KIENZLE: And it may be the case that is not even a middle ground
4 concept. I mean, these are simply bullet points and there could be more bullet points
5 or fewer of them. This is merely, I mean, this is as bland a discussion as were going
6 to have. I mean, it's really wide open, so no one needs to assume any or all of these
7 things are going to get done. Again, remember where this came from. This is a
8 request from Senator Campos and, I assume, more broadly from the Legislature and
9 as a matter of courtesy, you know, we need to take this issue up, at least to talk
10 about it. If there is common ground, then we will keep going down that trail. If there
11 isn't, maybe we won't. But I believe we have to engage in this dialogue; otherwise,
12 trapping as a whole is at risk. So I am sure more than half of the room in here doesn't
13 want to see trapping go away altogether. And so let's go through this process and
14 see if there's common ground, if some of these things make sense, great. If they
15 don't, then we will table them and somebody else, sometime down the road, can pick
16 them up instead of this Commission. We are going to go through this process, again,
17 as a matter of courtesy to the Legislature and I think that is not unreasonable.
18 Coming from the Legislature, they speak as broadly for the people as we do, so I
19 respect that fact.

20 KERRIE ROMERO: Thank you, Mr. Chairman.

21 CHAIRMAN KIENZLE: Right on. Thank you. James Dawson [phonetic].

22 JAMES DAWSON: My name is James Dawson, I'm here representing the Trappers
23 Association and myself. As Wes stated earlier, just about everything he said is right
24 on the money. I mean, he's a hard act to follow getting up here and talking but
25 basically, I would just like to say, as a landowner and a cattle owner myself, if I lose a

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1 calf, and I got 12-15 head, if I lose one calf, I mean, that's pretty devastational. Just in
2 itself. And what we need to do is, we need to forget about some of these things like
3 we're talking about. Mandatory education is definitely the thing that we've been
4 working at for a while. I was here with Wes about three years ago at the Game and
5 Fish Department and we educated the hunter education people then, and I don't
6 know what happened to the program after that, but it got dropped. As far as the
7 setbacks go, it's just ridiculous, I mean, people are talking about their dogs, but how
8 many incidents have we had in the state, really? How many times do you get a call --
9 that Game and Fish gets a call saying that their dog has been injured? Or law
10 enforcement officials, I mean, it's very few. The ones that do get reported, get blown
11 out of proportion. But there are very few, and there's a lot of trappers for the amount
12 of incidents. I mean, it's very, very, small. I mean, I think, what do we get? Probably
13 less than five incidences a year? And so we need to work really hard at educating
14 these people about where the traps are, what's going on, the fact that it's illegal, it's
15 illegal to trap, and that they need to monitor their dogs and watch their selves. And as
16 far as the safety goes, Wes is absolutely right. I walk on a ton of traps and it just
17 snaps, I mean, there is no danger to even to little kids from a trap, if it is set right. You
18 know, as long as it's a legal trap here in the state of New Mexico. So I would just like
19 to also mention that as far as the bag limits, all of the research has been done and
20 there's just absolutely no reason, scientifically, to enforce any kind of bag limits for
21 coyotes, or cat, or fox, any of the things that we trap at this point. I mean, if there
22 was, I would be all for it, I have a degree in wildlife management myself and there's
23 just no way that I would want to do that, you know, but overall, we're all better off if
24 we have trapping in the state and we continue the way we're going. So with that, I
25 would like to thank the Commission for hearing me and you have a good day.

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1 CHAIRMAN KIENZLE: Thank you. Stay engaged, I appreciate your comments.

2 Joseph Lund [phonetic].

3 JOSEPH LUNA: Joseph Luna [phonetic].

4 CHAIRMAN KIENZLE: Well, doggone it, that is an a, isn't it? My apologies.

5 JOSEPH LUNA: Chairman, Commissioners. Congratulations to Director Sloane, on
6 your job. Well, like he said, it's a hard act to follow there with Wes. He pointed out a
7 bunch of stuff. I've got some bullet points, I will read them off real quick and, kind of,
8 ad lib. Since 1998 over \$20 million of research has substantiated that according to
9 the International Standards of Organizations, the ISO, modern trapping is humane.
10 They did the studies. Since the early '90s, the U.S. has spent over \$40 million to see
11 that trapping is humane, and that's the BMPs that they studied and have done and
12 they're still working on them. Consumer benefits in the U.S. have trapping presence
13 run at least now they say \$251 million annually, if not more. Over 30 endangered
14 species have been protected by trapping. Protected. Things that trappers have
15 helped to reintroduce with biologists helping them out. The cruelest thing we can do
16 to the wildlife is to fail to manage it. Our use of cell phones, electricity, urban sprawl,
17 all of it has dramatically altered natural balances. To stop trapping would be akin to
18 causing an oil spill, and then walking away saying let nature take its course. So with
19 that said, the BMPs, and I think if I'm right, Colonel Griego and Captain Ty Jackson
20 there, they already use the Game of Fish to implement the BMP's. As people keep
21 saying, I think it's the education we need to go with, because I was at every single
22 one of those meetings that we had. I actually sat and Senator Campos during all that
23 stuff that was going on, when they kind of tabled it and they dictated to the Game and
24 Fish to get us together with mediators. Well, the common ground that you see up
25 there it is a mandatory trapper's education. That's about the only thing that we saw

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1 and we want it, we are for it. Now, I dug into our archives to tell you how long fall
2 [indiscernible] into the cracks and I think we're already going to be pretty much done
3 with it. When Mr., I think, Nicholas, is that his name? Nicholas Froman? I dug that
4 out, if you would like to see that real quick, I can show you.

5 CHAIRMAN KIENZLE: Sure.

6 JOSEPH LUNA: That was worked on since 2001, almost 18 years ago. So it's not
7 that we have not been -- the program is there, the teachers ed part is there,
8 everything is already in place. And other states have even told us, flat out, you can
9 borrow from us, plagiarize, do whatever you need to do to tweak for New Mexico's.
10 There's no need to reinvent this wheel, lots of states already have. And that was, to
11 tell you truth, all those meetings when the first one I didn't even think was going to
12 last an hour, it lasted every bit of the four hours. So I can even say there was actually
13 pretty good --

14 CHAIRMAN KIENZLE: You mean meetings with Senator Campos?

15 JOSEPH LUNA: No, this was the four meetings that were dictated by the Game and
16 Fish to host.

17 CHAIRMAN KIENZLE: Got it.

18 JOSEPH LUNA: And they lasted --

19 CHAIRMAN KIENZLE: Sorry to interrupt you. Did Senator Campos attend all of
20 those or some of those?

21 UNIDENTIFIED SPEAKER: He attended the first meeting and the last meeting.

22 CHAIRMAN KIENZLE: You'll have time to continue speaking, but along those lines,
23 what did Senator Campos offer in terms of what he wanted to see, if anything?

24 UNIDENTIFIED SPEAKER: Well, I think at the first meeting -- I'm sorry, Mr.
25 Chairman, I believe that the first meeting he wanted to -- he encouraged people to

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1 work together throughout this process. If you would agree with that. And then at the
2 last meeting, again, it was just kind of a follow-up to all the meetings. I don't believe
3 that he knew what the common ground was, that was reached during those
4 meetings. I am trying to remember.

5 CHAIRMAN KIENZLE: He didn't give any overall guidance or "hey, I would like to see
6 this, that, or the other thing?"

7 UNIDENTIFIED SPEAKER: Mr. Chairman, he did not.

8 CHAIRMAN KIENZLE: Have we provided him with a copy of the report?

9 UNIDENTIFIED SPEAKER: Mr. Chairman, we have.

10 CHAIRMAN KIENZLE: Okay. That's sufficient, thank you.

11 JOSEPH LUNA: If I could just follow what he was saying, Mr. Chairman. Senator
12 Campos wanted us all to meet together. Of course, the core was to see if there was
13 any common ground with this contentious issue of trapping, which is legal in the state
14 of New Mexico, the most highly regulated thing. You can look in the proclamation of
15 all the hunting rules, is trapping. It's probably the most regulated in the whole U.S.,
16 probably at least in the Western states. So it's not that it's not being already with laws
17 looked at, it's just that people are uneducated to the fact of what traps -- what they
18 do and how they operate.

19 CHAIRMAN KIENZLE: Right. And I understand that fact and some extent the
20 Department can get the word out, but that's a broader, I mean, that's not beyond our
21 mission. But we can't solve that problem overnight. We can put the word out that it's
22 legal, but that's up to your organizations and other private organizations to get the
23 word out as much as us.

24 JOSEPH LUNA: Well, Mr. Chairman, with that said, there is actually right now work -
25 - and Project Coyotes is back there, I met the gentleman in the back, very nice man.

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1 There's a pamphlet being worked on right now, so that we can. And Mr. Crenshaw
2 was at some of those meetings also.

3 CHAIRMAN KIENZLE: I'm going to get to Mr. Crenshaw last. So wrap it what you
4 have to say. I appreciate your point of view.

5 JOSEPH LUNA: And I say Mr. Crenshaw, I'd like to actually point out, they did a
6 survey about trapping. I couldn't find my copy that you all sent out for your
7 organization, and it's something I think you all should see as far as non-trappers that
8 are just strictly hunters. All trappers are mostly people just having an extra skill set.
9 We all hunt, fish, but some of us trap. That's --

10 CHAIRMAN KIENZLE: Yeah, again, to the folks that are in favor of trapping, do not
11 perceive this effort as antitrapping. So I am getting that vibe and that's not accurate.
12 So be a constructive part of the process, I'm not suggesting that you're not, but if you
13 are starting to see this as thus versus them, you're bringing the wrong mindset. So in
14 some respects, and you may disagree with me, it is perhaps the Commission, the
15 Department, trying to help trappers looking to the future and what Legislatures, even
16 as soon as January, may wish to take up. So I believe we can play some defense
17 and we can move to constructively forward on some or all of the bullet points that
18 were on the slide earlier, or we can scotch the whole effort and let the chips fall
19 where they may. So I would recommend participate in the process, let's see if we can
20 cooperatively come to, perhaps, a proposed rule and let's get on down the road.
21 Because, I believe, having sat up here for seven years now, and put my finger up in
22 the air and see which way the wind is blowing, you know, trapping while perhaps not
23 endangered, it is in the crosshairs. And so that's a concern to me, because we are
24 hunting, fishing, and trapping and so it's a three-legged stool and it's important.

25

1 So one of those legs, if we lose one of them, I believe we lose an important
2 management tool. And then, as I said earlier, when Mr. Chavez was speaking, I am
3 very much sympathetic to the folks that deal with, what I would call nuisance animals,
4 in and around their deeded property, their homes, their farms, and the ranches. So I
5 get that. So anything further?

6 JOSEPH LUNA: Just one more thing. Being the President of New Mexico Trappers
7 Association, a lot of the folks that are in our membership that trap, we want the rules
8 to stay the way they are right now with the Game and Fsh population, just to
9 summarize that.

10 CHAIRMAN KIENZLE: Understood.

11 JOSEPH LUNA: That's what we are for.

12 CHAIRMAN KIENZLE: So I'm going to say again, nobody panic. Let's go down this
13 trail, let's go through this process, and let's see what we get on the other end. All
14 right?

15 JOSEPH LUNA: Chairman, Commissioners, thank you.

16 CHAIRMAN KIENZLE: Thank you. Mr. Crenshaw. Mr. Luna, I'm sorry. Director
17 Sloane, can you lay your hands on a copy of what he -- the manual he had, or do you
18 want to make arrangements to get a copy, somehow?

19 DIRECTOR SLOANE: Mr. Chairman, I think I'm pretty confident that we have a copy
20 in the office, but if we don't, I know where to find Mr. Luna.

21 CHAIRMAN KIENZLE: Okay, perfect, perfect. Because it looks like a good resource.
22 Mr. Crenshaw.

23 JOHN CRENSHAW: Good afternoon, Mr. Chairman. And I've neglected, welcome to
24 the Commission, Mr. Chase. I look forward to working with all of you. Again, for the
25 record, I'm John Crenshaw, President of New Mexico Wildlife Federation. We were

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1 invited, and I personally participated in all of these meetings of this committee. It was
2 considering the depth of emotion that attains to trapping, it was very civil. I am proud
3 of everybody for keeping it that way. Again, there was some --

4 CHAIRMAN KIENZLE: Can you give us some bullet points?

5 JOHN CRENSHAW: Some deep divisions between -- almost polarized or may be
6 not almost polarized, of individuals and groups. The Wildlife Federation has been
7 very consistent in what we've said in committee hearings, that beginning in 2013
8 when the first bill dropped to ban trapping on public lands in New Mexico, and again
9 in 2015 and 2017. Essentially, what we said is our organization supports trapping in
10 New Mexico and we want it to continue. Both for protection of livestock and game, for
11 endangered species reintroductions and transfers, and as a viable means for many
12 people, a bit of additional income in areas in particular where jobs are hard to come by
13 and seasonal. At the same time, we would use the words regulated and ethical, and I
14 would add just plain common sense, and we try to strike some middle ground. One of
15 the things we also consistently said was that we felt this was something that the
16 Commission and the Game Department and everybody else should really pull
17 together and try to address, somewhat preemptively, if I may use that word. To
18 reduce the conflicts between trappers and non-trappers and setbacks is one of the
19 things that came up. So did bag limits. I put those into my thoughts to the Game and
20 Fish Department and to the committee. I went back to the 2011 meeting of the State
21 Game Commission and I think one of the major changes that came out was the
22 making trappers have to check their traps daily, as opposed to every three days.
23 Commissioner Salopek, and I believe Commissioner Montoya, for sure, were both
24 there, maybe others.

25 UNIDENTIFIED SPEAKER: I missed that party.

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1 JOHN CRENSHAW: This is not a new issue and at that time the Game Department
2 recommended 50-yard setbacks, although they would've accepted the smaller traps.
3 And also recommended that the Commission consider five cat limits for nonresidents
4 on bobcats, and I don't know if that was really biological or not. My own assessment
5 is that some of the anecdotal evidence or comments that we have a lot of, seem to
6 have been conflicts between non-trappers and the nonresident long line trappers who
7 seem to be, at least some of them, have been pretty arrogant and perhaps this would
8 bring them in a bit. The enhanced penalties we did look at perhaps changing the
9 revocations rule. Mr. Comins explained to me yesterday there is some conflicts
10 where my suggestions would not work, the revocation statute and the trapping statute
11 conflict, so there may not be an opportunity to increase those there. All in all, we
12 would prefer that there is not any legislation. I don't know that we can ever going here
13 to preclude that.

14 CHAIRMAN KIENZLE: [indiscernible] legislation [indiscernible] my goal.

15 JOHN CRENSHAW: To at least reduce the probability of its passing because the
16 Commission and the trappers and the Game Department and everybody else is
17 trying to address them in a rational manner and impose, certainly, the mandatory
18 trapper education has been universally accepted, the pamphlet three of us are
19 working on even more now, I hope might help. But I think there's a real need to
20 seriously look at the trapping rule. I know that our friends at the Trappers Association
21 don't agree with that. The recommendations our organization made did not go far
22 enough for some of the other side of the business here. And too far for the trappers
23 and others there. On the other side. It's a little lonesome in the middle, you guys are
24 kind of there too. With that, if you have any questions, I'll stop.

25

1 CHAIRMAN KIENZLE: No. Thank you, Mr. Crenshaw. I always appreciate your
2 comments. Director Sloane, this is what I would like to see. It seems to me that
3 mandatory trapper education appears to be common ground. I would prefer to see
4 that be online, so it's as easy as possible within the bounds of actually being
5 meaningful. So why don't you work on a proposal in that regard with your staff. With
6 regard to these other items, set black items, disclosure, nonresident bag limits and
7 penalties, why don't you confer your staff, take a look at your report and I'm sure I will
8 visit with you and then we will see if a proposal is appropriate to come out of that. But
9 I'm certain that the top line item there, mandatory trapper education, is appropriate to
10 consider. And then the content of that, and kind of like the youth hunter education, I
11 leave to the good judgment of the Department, I'm not going to drill down to what the
12 content is, but it needs to be meaningful, and that's why I suggested get a hold of the
13 manuals and other items that we've got, and I'm sure you've got, law enforcement will
14 have some good ideas along with all of the other stakeholders in this. So this is not,
15 this is not the last time we are going to hear this, this is going to be process. Anyway,
16 one man's opinion. What else do you all want to say?

17 UNIDENTIFIED SPEAKER: If I could just go and continue where you left off,
18 Chairman Kienzle. Director Sloane, I'm totally for the hunter education and definitely
19 the mandatory. I think our department has a lot of research to do here, just looking at
20 this manual that came up, it looks like a 1978 county extension manual that was
21 developed who knows when, I know there's a lot of good stuff in there. But an online
22 model out there, somewhere, I'm sure there is something that goes right along with
23 that. But not only that, but I think our department needs to -- I know there's a report
24 that's given to us, I don't know if it's biannual or what, on the scientific data driven on
25 coyote harvests and things like that. I know it's very detailed. I think I have it on my

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1 cell phone somewhere, but I know we are not even getting close to any quotas. I
2 know the harvest rate is very low with the current practice as taking place. So I just
3 think that we need a good report, you know, on everything we're doing here, but
4 definitely, I challenge our education department, Lance and Craig, we have a lot of
5 education to do right now, and I'm going to go ahead and add one last thing.

6 Currently, there is a celebration at my school at [indiscernible] middle school in Las
7 Cruces, we are offering online hunter education and we've been doing it now for two
8 years. But I also want to add that starting in November, we are going to have part of
9 our curriculum in the classroom of a physical education happening there, hopefully
10 that leads to other schools throughout the state to continue to do this. I know we've
11 reach out to the state Department of Education to try to have meetings with that but
12 I'm a firm believer on education and public awareness. So I think we have a huge
13 task here with that statement. Thank you for your time.

14 CHAIRMAN KIENZLE: Thank you. Any other Commissioners got questions or
15 comments at this point in time? Again, this is not the last time we went to see this. All
16 right, I think –

17 UNIDENTIFIED SPEAKER: [indiscernible]

18 CHAIRMAN KIENZLE: Yes, sir.

19 UNIDENTIFIED SPEAKER: I do completely favor trapper education. But on the other
20 hand. I think it's imperative that the trappers and the Department make it clear to the
21 public that trapping is a valid management tool and all the things that the trappers
22 have been doing, the best management practices, the changes in the traps, and so
23 forth, and I feel that that will help head off those antitrapping bills. If we can get some
24 of that education out to the public, I think that's another education tool besides the
25 mandatory trapper education.

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1 COMMISSIONER SALOPEK: I have a question.

2 CHAIRMAN KIENZLE: Yes, sir.

3 COMMISSIONER SALOPEK: Jim, when we did the setbacks in '11 or whenever it
4 was, what did we move from city limits? Did we move to two miles? What is the
5 setback within city limits?

6 JIM COMINS: Mr. Chairman, Commissioner Salopek. I don't know. I wasn't involved
7 in that process.

8 CHAIRMAN KIENZLE: It's a mile or a half-mile from a --

9 COMMISSIONER SALOPEK: I thought we moved it to two miles or three, I'm not
10 quite sure. I'm sure it's going to be looked at, I was just wondering.

11 JIM COMINS: Mr. Chairman, Commissioner Salopek. There is a copy of the rule in
12 your binder. If we want to look at that, we could.

13 COMMISSIONER SALOPEK: I don't need it, I just wanted it for record.

14 CHAIRMAN KIENZLE: Okay. Let's -- we'll pick this up again. It should go on our -- I
15 know it's crowded, but we are probably going to put it on November, just to keep
16 driving it. Okay. Did I get everybody who was going to speak? And then, can I get a
17 motion to move on public comment?

18 COMMISSIONER SALOPEK: So moved.

19 COMMISSIONER RAMOS: Second.

20 CHAIRMAN KIENZLE: All in favor?

21 COMMISSIONERS: Aye.

22 CHAIRMAN KIENZLE: Joel or Mr. Crenshaw. You guys can tag team me, comedy
23 routine.

24 UNIDENTIFIED SPEAKER: Thank you, Mr. Chairman, Commissioners. Backcountry
25 Hunters and Anglers of New Mexico has been grappling with this the e-plus issue for

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1 some time. It's controversial to a lot of New Mexico hunters and even on our board,
2 but we finally came up with a statement that I would like to read that today.

3 Backcountry Hunters and Anglers of New Mexico recognizes the value of private land
4 management to the future of healthy habitat of wildlife. Many landowners provide a
5 tremendous service to our wildlife and hunters through good stewardship of their
6 lands. That requires significant investment of time and money. Many landowners also
7 open their gates to public draw hunters creating access that would not otherwise
8 exist. We believe that landowners who actively manage their lands for the betterment
9 of wildlife and habitat should be incentivized or and compensated for their efforts. But
10 we also believe that allocating elk tags through e-plus as compensation for private
11 land habitat work and hunter access violates many aspects of the North American
12 model of wildlife conservation. E-plus will need far more than the small reforms
13 proposed before it actually works in the best long-term interest of wildlife hunters and
14 landowners. Therefore, we do not support the e-plus proposal as it currently exists or
15 as revised. Over the last century, the North American model has become the gold
16 standard and envy of the world and wildlife conversation fishing and hunting
17 management. One of its primary tenants is that wildlife is a public resource that
18 belongs to all and it's open to all with no special priority given to status, income, or
19 occupation. The privatization of big game and hunting opportunity is the European
20 model, not ours. Because of e-plus, New Mexico has the most liberal allocation of elk
21 tags to private landowners in the western U.S., with roughly half of all elk hunting
22 opportunity allocated outside the draw. New Mexico BHA believes that landowners
23 should be able to sell access to their deeded land but there's no defensible reason
24 they should be given a valuable public resource, tags, to monetize. Arizona,
25 Montana, and other Western states have successful landowner incentive programs

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1 that increase draw hunter access on private land, improve habitat, and support
2 healthy big game herds and they accomplish these objectives without using tags as
3 compensation. We strongly believe that the North American model of wildlife
4 conservation is the best system in the world and that we must fight back against
5 efforts to erode it. Our objective is to work toward new systems that incentivizing or
6 compensating landowners in New Mexico that do not include the privatization of tags
7 and hunting opportunities and, therefore, more closely align with the North American
8 model. Thank you.

9 CHAIRMAN KIENZLE: Thank you. Mr. Crenshaw. I'm giving you two minutes. Then I
10 will politely, but rudely, cut you off.

11 JOHN CRENSHAW: Mr. Chairman, I can just barely state my name, rank, and serial
12 number in two minutes.

13 CHAIRMAN KIENZLE: That much I know.

14 JOHN CRENSHAW: Going along what Joel just said, and again, it's often said you
15 guys did not create this problem, but you have inherited it. In terms of the rule itself
16 as recommended, it does a lot administratively to make the system fairer and run
17 better for the private landowners. What it does not do, which is what we continue to
18 try to get, is to put more elk licenses into our New Mexico resident hunter's hands.
19 We made a couple of suggestions along those lines, specifically to the Commission
20 and to the Department earlier. I don't think they are gained much traction, but we do
21 feel like that they were fair and should receive full consideration. One would be that
22 the unused permits that are now redistributed annually to big landowners be put into
23 the public draw. The big landowners won't miss them because they didn't use them.
24 The current rule would have those go instead and be reassigned into the small
25 contributing in ranches program. We'd submit they won't miss them because they

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1 never had them. There would be a way to boost the landowner -- or the resident
2 licenses there, and we also propose that for every four licenses that a landowner
3 gets, that one of those be required to go to a resident of that landowners choosing.
4 We are not suggesting a draw or something like the [indiscernible] system that we
5 just got rid of where there would be a draw, and some [indiscernible] would be
6 opposed on the landowner and they can choose the person and whatever
7 arrangements they made, monetarily or otherwise, that would be between them. I
8 have five seconds left?

9 CHAIRMAN KIENZLE: You're done, actually.

10 JOHN CRENSHAW: Thanks very much.

11 CHAIRMAN KIENZLE: I think I get your point of view. Joyce Woods. I will give you
12 the same admonition, two minutes. I suspect I know you're going to say.

13 JOYCE WOODS: Well, Chairman and Commissioners and Director and the
14 enforcement folks that we've discussed this with, we really want to help with win-win
15 solution and the first thing that you need to do to do that is to identify where there's
16 differences. And I think, through the discussion of the public meeting and some of our
17 discussions today, we've really begun to understand what you're trying to
18 accomplish, and therefore, we can figure out how to resolve that and that is our
19 intent. It is apparent to us, or it appears to us, that several of the Commissioners, and
20 maybe some of the enforcement folks as well, really want to address the guide
21 business, in general. I mean, that was flat out said at the public meeting.

22 CHAIRMAN KIENZLE: I didn't say that.

23 JOYCE WOODS: You weren't at the public meetings.

24 CHAIRMAN KIENZLE: If anyone knows anything about me, do not put words in my
25 mouth. So that is incorrect because to me --

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1 JOYCE WOODS: And I'm not talking --

2 CHAIRMAN KIENZLE: With all due respect, I did not hear that from any member of
3 the Commission today, so please be careful with reference.

4 JOYCE WOODS: And I appreciate that because that is what we understood when
5 we left the public meeting and that is what I heard from a couple Commissioners in
6 private conversations today. Okay. So that's why we really do see that as
7 overstepping bounds, and regulating industry or part of our industry, that we don't
8 think is fair. Now, I don't think, you know, whether that's a personal thing or whether
9 it's a Commission or Department approach, but if that's what you're trying to do, then
10 we have a disagreement on it and we need to deal with it. So if it's not, and I
11 appreciate that, Chairman, then that's terrific because I think this [indiscernible]
12 language works.

13 CHAIRMAN KIENZLE: The rule as proposed is clear. It is for hunting purposes and
14 so we have not singled out private pilots, we have not singled out outfitters and
15 guides, we haven't singled out anyone. And so I don't like it when someone tries to
16 ascribe motives to me. Now, you can do it with other folks and they can get angry, as
17 I am, but that is simply not fair. The rule as written applies across the board, it does
18 not single anyone out.

19 JOYCE WOODS: So Chairman, I apologize for --

20 CHAIRMAN KIENZLE: You don't have to apologize. It's not --

21 JOYCE WOODS: For you thinking that I was making an accusation, because that
22 was not my intent, and certainly not with you personally, I didn't even really talk to
23 you about that. So --

24 CHAIRMAN KIENZLE: So let's wrap it up.

25

1 JOYCE WOODS: Yeah. I think we all agree that the idea of scouting and pointing
2 out game and -- to somebody on the ground, is the issue. And all of the ones that
3 have supported the proposal believe that. I do think that Idaho rule separates that
4 completely from the manner of flying. And when you say hunting purposes, I think it
5 was Commissioner Chase and Commissioner Ramos, we were talking about, off-line,
6 about what kind of things could be hunting purposes that we don't think should be
7 made illegal? Things like dropping supplies, things like dropping off a hunter, there's
8 quite a few things that are for hunting purposes. The new rule does not address
9 taking, it really is a very broad for hunting purposes which is not defined, so locate is
10 defined and it's defined related to aircraft only, but --

11 CHAIRMAN KIENZLE: Okay, I understand. So we've covered this ground before and
12 I'm going to cut you off, with all due respect. Thank you.

13 JOYCE WOODS: Well, and I do appreciate that both the Director and Colonel
14 Griego have invited us to [indiscernible] --

15 CHAIRMAN KIENZLE: Thank you. You can continue the dialogue with them. Mr.
16 Daks [phonetic].

17 MICHAEL DAKS: Mr. Chairman, Commissioners, Director Sloane. I am Michael
18 Daks, Defenders of Wildlife. I had a couple things I just wanted to touch on. I hate to
19 kind of be a stickler for the statutes, but for the composition of the Commission,
20 they're supposed to be five geographical representatives and two at-large. One
21 representing conservation and one representing agriculture, and I just kind of quickly
22 went through the website today, and congratulations, Mr. Chase on your
23 appointment, I was just trying to figure out who's who and I think there's just a little bit
24 of discrepancy. According to the website, Commissioner Kienzle, you're district five,
25 here in Albuquerque. Commissioner Salopek, you're district two in the Southwest.

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1 CHAIRMAN KIENZLE: Mr. Daks, you can run through it, but you are not going to get
2 the answer that question. We do not seat ourselves. As you know, so cut to the
3 chase, make your point so you can go press release it, but we do not seat ourselves.

4 MICHAEL DAKS: I know you don't seat yourselves, but it's on the website as such
5 and as far as I can figure out, there is not an agricultural rep since Commissioner
6 Ricklefs, you are the district four rep, you are not the agriculture rep, so I think for the
7 public who wants there to be a conservation rep and wants there to be, you know,
8 really wants to understand how those seats are appointed, I think that clarity is
9 helpful to for us and it is in statute written a certain way, so I understand that you
10 guys don't seat yourselves as being specifically this rep or that rep --

11 COMMISSIONER RAMOS: I do see myself as specifically at-large.

12 MICHAEL DAKS: Okay, so --

13 COMMISSIONER RAMOS: So I don't know what you're insinuating.

14 MICHAEL DAKS: I'm just trying to get clarity. So the at-large reps, one is supposed
15 to be the agricultural rep and one is supposed be the conservation rep.

16 CHAIRMAN KIENZLE: Commissioner Ramos, it's not worth arguing about. You can
17 discuss it if you choose to. But we do not seat ourselves, so we are chosen by the
18 Governor, and in some cases, confirmed by the Senate. But that is not, we don't
19 choose our members. I don't say he is this or he is that or you don't fit in this so
20 therefore you're bounced. I mean, we don't do that.

21 MICHAEL DAKS: Okay. But there is some clarity. I appreciate that you might not
22 have all the answers, but I think that maybe if these are questions that are worth
23 answering, even if you guys aren't the ones who do them, which I appreciate that is
24 not your job. But, you know, I think they are valid questions.

25

1 CHAIRMAN KIENZLE: I am not suggesting they're not. I'm just saying that you are
2 not asking the right people to answer that question. As I mentioned, you were at the
3 national resources committee meeting, we do not seat ourselves, we are chosen, and
4 again, some cases confirmed by the Senate, so there is a level above us, if you will,
5 that has made that decision.

6 MICHAEL DAKS: Okay. I appreciate that. And, if I may, just one more point, not on
7 that issue. But on the trapping discussion I wasn't involved at those meetings, so I
8 didn't really want to comment during that section, but via the North American Wildlife
9 Conservation, one of the primary tenants is the elimination of [indiscernible] species.
10 A lot of the pelts that are trapped end up being sold overseas for those pelts and so
11 as these conversations go forward, I think that's a really important part to look at is
12 the fact that they're not just being trapped for ranches for depredation, but they are
13 being trapped for markets, which runs contrary to the North American Wildlife
14 Conservation.

15 CHAIRMAN KIENZLE: Thank you. Mary Ray [phonetic]. Welcome back.

16 COMMISSIONER SALOPEK: It's been a while.

17 MARY RAY: Commissioners, Mr. Chairman. I'm Mary Catherine Ray, Wildlife Chair
18 for the Rio Grande Chapter of the Sierra Club and I want to talk about the trapping
19 group report that you got. Even though I'm mentioned by name as a participant in the
20 final report about that group, what is not in the report is that between the third and
21 fourth meeting, my own dog was caught in a leg hold trap on national forest land near
22 my home. The experience was as traumatic and as disturbing as people say. My dog
23 was on a leash and the trap was right in the middle of the path we were walking, but
24 it was legal in every way. A game warden came out to check. The current rules did
25 not protect us. The setback rules did not apply because the path was just a cow

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1 track, not an official trail. Luckily, I was able to open the trap. Though I know how,
2 there are some traps that I cannot open without a tool or without help. With my dog
3 screaming and biting, I was still able to get the trap off in about a minute and even
4 so, my left hand was injured, I couldn't use it for a day and it remained swollen for a
5 week. My dog was also injured, she limped at first, had swelling, also for about a
6 week, and a laceration on the back of her foot. This was after just one minute in the
7 trap. The experience was dramatic enough that I did not go back to that place for
8 about five months, way beyond the time when a trap could have been present.

9 If you open the trapping rules, whatever changes you make, I hope they are such
10 that this kind of experience stops happening. I am more convinced than ever that no
11 one should have to go through this. Our state invites people to come explore its
12 beauty, but this felt like a physical assault on me and mine for doing just that. Please,
13 I ask you to just make this stop.

14 CHAIRMAN KIENZLE: Where was this incident at?

15 MARY RAY: Cibola National Forest, Magdalena [phonetic] District, near my home.

16 CHAIRMAN KIENZLE: Okay, thank you. Seeing no further comments we need to go
17 into Executive Session.

18 COMMISSIONER RAMOS: Mr. Chairman, I move to adjourn into Executive Session
19 closed to the public pursuant to section 10-15-1(H)(2) NMSA 1978 to discuss limited
20 personnel matters relating to complaints and discipline pursuant to section 10-15-
21 1(H)(8) NMSA 1978 to discuss property acquisition and pursuant to section 10-15-
22 1(H)(7) on matters subject to attorney-client privilege relating to threatened or
23 pending litigation in which the Commission and/or Department or may become a
24 participant as listed in Agenda Item 13, Subsection A, B, and C.

25 COMMISSIONER RICKLEFS: Second.

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1 CHAIRMAN KIENZLE: Roll call, I believe.
2 DIRECTOR SLOANE: Chairman Kinzel.
3 CHAIRMAN KIENZLE: Yes.
4 DIRECTOR SLOANE: Vice Chairman Montoya.
5 VICE CHAIRMAN MONTOYA: Yes.
6 DIRECTOR SLOANE: Commissioner Chase.
7 COMMISSIONER CHASE: Yes.
8 DIRECTOR SLOANE: Commissioner Peterson.
9 COMMISSIONER PETERSON: Yes.
10 DIRECTOR SLOANE: Commissioner Ramos.
11 COMMISSIONER RAMOS: Yes.
12 DIRECTOR SLOANE: Commissioner Ricklefs.
13 COMMISSIONER RICKLEFS: Yes.
14 DIRECTOR SLOANE: Commissioner Salopek.
15 COMMISSIONER SALOPEK: Yes.
16 >> CHAIRMAN KIENZLE: Where we going? Motion to adjourn into Executive
17 Session closed to the public. During the Executive Session the Commission
18 discussed on those matters specified in its motion to adjourn and took no action
19 [indiscernible]. Can I get a motion to adjourn?
20 COMMISSIONER RAMOS: So moved.
21 VICE CHAIRMAN MONTOYA: Second.
22 CHAIRMAN KIENZLE: All in favor?
23 COMMISSIONERS: Aye.
24 CHAIRMAN KIENZLE: Adjourned.
25 [END OF AUDIO]

CERTIFICATE

1
2
3
4 I, Marsha Busson, Certified Verbatim Reporter,
5 DO HEREBY CERTIFY that the
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19 attorneys in this matter, and that I have no
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21 of this matter.

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23 Marsha Busson, CVR
24 Certified Verbatim Reporter

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

**October 5, 2018
NM Department of Game and Fish Office
7816 Alamo Road NW
Albuquerque, NM 87120
9:00 a.m.-5:00 p.m.**



Michael B. Sloane, Director

11/8/18

Date



Paul M. Kienzle III, Chairman

New Mexico State Game Commission

11/8/2018

Date

MS/scd