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6	JUNE NEW MEXICO STATE GAME COMMISSION MEETING
7	June 3, 2022
8	Held at
9	EAGLE NEST, NEW MEXICO
10	AND VIRTUALLY VIA ZOOM
11	
12	PRESENT:
13	
14	SHARON SALAZAR HICKEY, Chairwoman
15	DEANNA ARCHULETA, Vice Chairwoman
16	TIRZIO LOPEZ, Commissioner
17	ROBERTA SALAZAR-HENRY, Commissioner
18	MIKE SLOANE, Director
19	STEWART LILEY, Wildlife Management Division Chief
20	TRISTANNA BICKFORD Communications Director
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THE CHAIRPERSON: This hearing will please come to order. My name is Sharon Salazar Hickey, Chair to the Commission. I will be serving as the hearing officer and be advised by the Commission's council from the office of the attorney general. The purpose of this hearing is for the Commission to receive public comment on repealing and replacing the pronghorn rule -- Title 19, Chapter 31, Part 15, New Mexico Administrative Code -- which will become effective on April 1st, 2023.

These hearings are being conducted in accordance with the provisions of the Game and Fish Act and the State Rules Act. These hearings are being audio taped and video recorded. Anyone interested in a copy of the audio tape or video recording should contact Tristanna Bickford with the Game and Fish Department.

Public notice of this hearing was advertised in the New Mexico Register, the New Mexico Sunshine Portal, and the Department's website.

Copies of the proposed amendments have been available on the Department's website, and those wishing to comment here today must have registered to submit public comments on the Zoom webinar platform.

The rule hearing will be conducted in the following manner: Staff will present pre-filed exhibits. Exhibits admitted into evidence are available for review by the



public on the Department's website. After all exhibits are entered, we will proceed to the presentation of the proposed rule, after which testimony will be taken from the audience.

Participants are asked to raise their hand in the Zoom webinar platform and wait until they're called upon to speak. In order to ensure that the hearing is accurately recorded, only one person at a time shall be allowed to speak, and any person recognized to speak is asked to identify yourself by name and who you are affiliated with for the record each time you are recognized. And speak loud and clear to accurately record your comments.

After a person has offered comments, they will stand for questions from the hearing officer. The audience may also ask questions of anyone offering comments after being recognized by me.

These hearings are not subject to judicial rules of evidence. However, in the interest of efficiency, I reserve the right to limit any testimony deemed irrelevant, redundant, or unduly repetitious.

The Commission may discuss the proposed new rule after the public comment portion of the hearing. Final Commission action, including the adoption of the rule, may occur after the conclusion of the presentation and public comment period of each hearing.

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MR. LILEY: Hi Chair. I wish to enter six exhibits into the record: Exhibit 1, notice the rule-making; Exhibit 2, the initial proposed rule; Exhibit 3, the presentation I'll be giving today; Exhibit 4, the summary of the proposed changes; Exhibit 5, the technical information we relied upon to develop the rule; and Exhibit 6, (indiscernible) submitted for public record.

THE CHAIRPERSON: Thank you. Exhibits 1 through 6 as described are hereby admitted into record. Stewart, can you please introduce the proposed amendments to 19.31.15, please?

MR. LILEY: Madam Chair, the Department held a public meeting; two public meetings were virtual. 118 people signed up, 59 attended, and we had 83 public comments like I discussed.

The majority of the comments were on hunt base.

(Indiscernible) early on after the Department modified its recommendation and we had support for after that. So those earlier comments did change somehow and -- or excuse me, the date changes. You'll then see some comments on supporting (indiscernible) proposal (indiscernible) to fifty-two. There were both support and opposition for

that -- eleven unique comments that supported it, fifteen unique comments that did not support it, and then fourteen foreign letters that said support (indiscernible) change.

You've all seen this. I know we're running quite tight on time, so I'll go briefly. This is just the number of licenses (indiscernible) through time and the estimated harvest -- pretty constant over the last few years. I've rechanged the previous column for an (indiscernible) six or (Indiscernible) years ago. Here's a number of licenses for all those over the last year -- about 7,000 licenses.

Seventy percent is the test rate. Again, very few (indiscernible) harvest.

Real quick, I'm just going by the areas in our proposed changes. Overall, we're proposing no changes in the licenses in the northeast area. No change of licenses -- some minor adjustments (indiscernible) license changed.

Southeast area -- no change, outside of the military ranges and a decrease of one license on the military on McGregor, working within. And then, create the fifteen service member (indiscernible) Air Force Base.

The southwest area, overall, has no change in licensing (indiscernible) other than readjustment over the date, et cetera.

And then, in the northwest area where we've had an



increase in population, we are proposing a reduction in licenses from thirty-three licenses to eighteen.

And (indiscernible) area, we're proposing no changes in licenses and/or weapon (indiscernible). Again, we need to assess the (indiscernible) discussed it earlier, the proposal would be no muzzlers with -- or excuse me, no scope on muzzlers (indiscernible) there as well. And that is the Department's recommendation and that has been posted here in the hunt (indiscernible).

Again, it was a compromise from the earlier proposal (indiscernible) in March (indiscernible) push out in August. We did work with groups, and that's what we came up with in the middle and overall.

With that, I'll take any questions.

THE CHAIRPERSON: Thank you. Would anyone like to comment on the proposed amendments to 19.31.15?

MALE SPEAKER: No, Chair. I don't have any

(Indiscernible) and I don't think we have anybody on the

Zoom platform.

THE CHAIRPERSON: Okay. How about exhibits from the public?

MALE SPEAKER: Madam Chair, I don't see any.

THE CHAIRPERSON: Okay. Very good. So those that are registered and participated in the hearing will be included in the attendance sheet.



Τ	At this time, the attendance sheet shall be marked and
2	admitted as Exhibit 7. The comments submitted in testimony
3	heard during the rule hearing will be reviewed by the
4	Commission and discussed during the open session of today's
5	meeting. The Commission will vote on the proposed
6	amendments at that time.
7	I would like to thank everyone present for their
8	participation today.
9	Thank you, Chief Stewart Liley.
10	Let the record show that this rule-making hearing is
11	now adjourned at 12:26 p.m.
12	Commissioner
13	COMMISSIONER LOPEZ: I would just
14	THE CHAIRPERSON: Yes?
15	COMMISSIONER LOPEZ: I do have a small amendment,
16	please?
17	THE CHAIRPERSON: Go ahead.
18	COMMISSIONER LOPEZ: Madam, I'm trying to make a
19	motion to change the summary of proposed changes on page 22
20	of the summary of proposed changes of Rule 19.31.15, from
21	ANT-3-234 to ANT-1-234 and on page 25 of the summary of the
22	proposed changes of Rule 19.31.15 from ANT-3-302 to ANT-1-
23	303, in order to allow that (indiscernible) an opportunity
24	to (indiscernible).



THE CHAIRPERSON: Commissioner, had you discussed

these	propo	sed	change	es	with	the	Department	before
submit	ting	them	here	to	oday?			

COMMISSIONER LOPEZ: They have not been discussed with the Department, although there were in the meeting we had before.

MALE SPEAKER: Madam Chair, I believe that -- and Commissioner Lopez, you can correct me if I'm wrong -- I believe you're proposing to change a couple of hunt (indiscernible) from archery and muzzle over to rifle?

COMMISSIONER LOPEZ: It would just be a muzzleloader to a (indiscernible). So those are all the options you use (indiscernible).

MALE SPEAKER: I'm not sure, but I don't think you have the hunt codes (indiscernible) quite right.

MALE SPEAKER: Madam Chair and Commissioners, that's correct. You are looking at the old rule of codes. The new rule of codes online has different hunt codes that were proposed. You'd have to go through the new rule hunt codes that were proposed online.

The other aspect of it is you're discussing a (indiscernible) from a weapon type. Our recommendation, biologically, would be then to reduce the licenses as well, and then put a cap on the price of land hunts, because that population is a migratory herd up in the land (indiscernible) up high. There's a small number of animals

on that population that they go up there. Because you
(indiscernible) that much higher success, we would
recommend a reduction in those number of licenses and then,
potentially, (indiscernible) on there.

You'd also have to make that motion on the (indiscernible) hunt codes if you wanted to occur on private land or you could keep the (indiscernible) as a muzzle (indiscernible) hunt period code in the rule or (indiscernible) private land.

MALE SPEAKER: Madam Chair, Commissioner Salazar -- (indiscernible) -- I'm sorry, Commissioner Lopez, it is (indiscernible).

COMMISSIONER LOPEZ: (Indiscernible) cap them from zero unlimited to --

MALE SPEAKER: Madam Chair, Commissioner Lopez, my recommendation is because that is a migratory area and only (indiscernible) early fall up there, there is probably maybe thirty to forty bucks up there total. I would recommend a cap on the private land and over (indiscernible), first come first serve sold -- maybe fifteen licenses at top on rifle.

COMMISSIONER LOPEZ: I believe that's fine, because I think we can't have unlimited licenses issued in that area.

MALE SPEAKER: Madam Chair, Commissioner, I would defer to the AG on (indiscernible) of the (indiscernible).



If not, I would need to work out license numbers on the exact hunt codes. I think we need to figure out that (indiscernible), like we were discussing.

Right now, the proposal that has been posted to the Register, posted online -- there are (indiscernible) right now, antelopes 3-232, forty licenses. There's another one, pronghorn antelope 3-234, forty licenses; antelope 3-235, forty licenses.

So I would -- depending on how many of those hunts do you propose changing from muzzleloader to rifle, the recommendation would be then to reduce the number of licenses on that hunt. And then, on the private land hunt that correspondence with the new rifle, and cap the number of licenses, but not more at issue.

COMMISSIONER LOPEZ: That would be hunt ANT3-234.

MALE SPEAKER: Madam Chair, Commissioner Lopez, that would be the first hunt (indiscernible).

THE CHAIRPERSON: Commissioner Lopez, why are you proposing these changes?

COMMISSIONER LOPEZ: There has been -- I've been in contact with several hunters in the area and statewide that -- they would like to hunt antelope in that area instead of traveling down south, or even a chance to come down and hunt in that area instead of down south, based on proximity.

But also, they don't want to be restricted to if
they were to draw a one of those stages and had to go
and invest in a muzzleloader, especially now since they're
in, you know, (indiscernible) people have scopes now. And
I think they just want to have (indiscernible) so they
could have a different weapon choice if there's a
(indiscernible) muzzleloader. And they can use a
muzzleloader if they wanted to the public can it
would just be any weapon.

THE CHAIRPERSON: And had these persons commented publicly through our process to the Department of Game and Fish?

COMMISSIONER LOPEZ: They had -- through the (indiscernible) contact with the Department through the email.

THE CHAIRPERSON: Chief Liley, had you taken some of this into consideration before you made your proposal here today?

MR. LILEY: I'm sure, Commissioners. In the March meeting, Commissioner Lopez suggested that we go out for public comment for this specific proposal. We put it in there as a proposal under consideration at that time when we came to you in April for the subsequent discussion. The overwhelming comment was opposed to the changing from a muzzleloader to rifle.



After that April 11th meeting, there was further
comments that then supported moving it from muzzleloader to
rifle. But when you came to your April 11th subsequent
discussion, there was the majority of the comments were
to oppose moving from rifle or excuse me, muzzleloaders
to rifles.

THE CHAIRPERSON: So Commissioner, again, I ask why are you making this kind of change?

COMMISSIONER LOPEZ: Based on public comment, ma'am.

THE CHAIRPERSON: But it's inconsistent with what the Chief just explained.

COMMISSIONER LOPEZ: The stakeholders in the area and the stakeholders throughout the State of New Mexico have voiced their opinion through the public process. We are making a small number of changes. I do respect the opinion and the work that the Department and our chief of wildlife has completed, but it's only going to be a four-year rule. New things can happen in four years. Change does not hurt. And if we haven't come to a compromise by restricting unlimited hunting permits in (indiscernible) for that specific date and hunt code, I think it's (indiscernible) to see if the public, in fact, do want it and we can change this later on.

THE CHAIRPERSON: Do I have any other comments from other commissioners?



1	COMMISSIONER SALAZAR-HENRY: Madam Chairperson?
2	THE CHAIRPERSON: Yes, Commissioner Salazar-Henry?
3	COMMISSIONER SALAZAR-HENRY: I do know that I was
4	there when the discussion was had about this. And there
5	was concern at the time that Commissioner Lopez
6	(indiscernible) those people who were calling him and
7	emailing him directly didn't understand that they needed to
8	go the rule (indiscernible).
9	So he reinstructed them to do that with the reply, and
10	the public input changed. They thought that by merely
11	calling their commissioner that that was good enough. And
12	he redirected them otherwise, and so I just wanted to
13	explain that that's why he was he had asked for that
14	small change, (indiscernible) warranted any change at all.
15	I believe this was really insignificant as far as the
16	change, but I just needed to explain why his constituents
17	came
18	THE CHAIRPERSON: Thank you, Commissioner Salazar-
19	Henry.
20	Chief Liley, what do you think about the
21	Commissioner's proposed change?
22	MR. LILEY: Madam Chair, (indiscernible)
23	recommendation on this one. And if you will allow me for
24	just a second to get this rule, so I could recommend what
25	your motion might look like if we do this?



THE	CHAIRPERSON:	Okay.
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MR. LILEY: I would recommend the motion if you all
choose would be to amend the rule as posted to what's
antelope 3-234 be amended to antelope ANT-1-234, and
licenses be amended from forty to twenty, and then in as
in section 19.31.15.11a and in 19.31.15.11b, the following
sentence be added to the end of the paragraph I'll read
what it currently is, and then I'll tell you the new
language in a second.

Private land only (indiscernible) licenses are not restricted to only one range -- or excuse me, for (indiscernible) there's pronghorn draw, (indiscernible) -- fourteen, forty-six, forty-eight, fifty-four, and fifty-five, hunt-based eligibility requirements or restriction for and (indiscernible). And then, I would recommend on antelope -- on amending antelope ANT-3-302 where it currently says, unlimited fifteen licenses.

THE CHAIRPERSON: Okay. Commissioner Lopez, with the description that Chief Stewart Liley just added, is that your motion?

COMMISSIONER LOPEZ: There's further discussions of the motion that Chief Liley and I did (indiscernible).

THE CHAIRPERSON: Okay. Do I have a second?

THE VICE CHAIRPERSON: Second.

THE CHAIRPERSON: Okay. Director, can we please have



1	a roll call vote?
2	MR. SLOANE: Commissioner Salazar-Henry?
3	COMMISSIONER SALAZAR-HENRY: Yes.
4	MR. SLOANE: Commissioner Lopez?
5	COMMISSIONER LOPEZ: Yes.
6	MR. SLOANE: Vice Chair Archuleta?
7	THE VICE CHAIRPERSON: Yes.
8	MR. SLOANE: Chair Salazar Hickey?
9	THE CHAIRPERSON: Before I vote because this is a
10	rule hearing, and we need four is that correct?
11	MR. SLOANE: Madam Chair, I believe that's the current
12	interpretation.
13	THE CHAIRPERSON: Okay. Is the proposed change a
14	substantive change, Attorney General Sallie (phonetic)?
15	THE CHAIRPERSON: You're muted.
16	MS. SALLIE: I know.
17	THE CHAIRPERSON: Unmute, please.
18	MS. SALLIE: Thank you. I believe that the proposed
19	changes in terms of just playing with some of the
20	numbers of the different rules, and just moving some of the
21	hunts around is permissible, because that's exactly what
22	this rule-making hearing is for.
23	THE CHAIRPERSON: So it's not a substantive change and
24	<pre>it's not problematic?</pre>



MS. SALLIE: It's not problematic.

1	THE CHAIRPERSON: Okay. And this is contrary to the
2	muzzle director a proposal that the Department
3	presented?
4	MR. SLOANE: Madam Chair, it's a variation on the
5	theme. We had presented hunts there that were muzzleloader
6	hunts that are being changed over to rifle hunts. And the
7	number of licenses reduced, due to the high success rate
8	that the rifle hunt (indiscernible)
9	MR. LILEY: Madam Chair, I think with the knowledge
10	that you are going to remove (indiscernible) muzzleloaders,
11	and then also the new change applies (indiscernible), I
12	think we will be within a sustainable harvest. That would
13	put the weapon (Indiscernible) by a little bit of a
14	reduction in licenses. I do believe it'll be sustainable
15	on the pronghorn herd and
16	THE CHAIRPERSON: Okay.
17	MR. LILEY: in that area.
18	THE CHAIRPERSON: Okay.
19	MR. LILEY: (Indiscernible)
20	THE CHAIRPERSON: Then my
21	MR. LILEY: (Indiscernible)
22	THE CHAIRPERSON: answer
23	MR. LILEY: scope of muzzleloader, then yes, I do
24	not think this will have a subsequent change to the
25	population.



1	THE CHAIRPERSON: Okay. Thank you. Then my answer is
2	yes. I mean, my vote is yes. Okay.
3	MR. SLOANE: Motion passes on a unanimous vote.
4	THE CHAIRPERSON: Okay. Well, thank you.
5	Let us proceed to agenda item number 10, which is the
6	Javelina Rule.
7	So this hearing will please come to order. My name is
8	Sharon Salazar Hickey, chair to the Commission.
9	I will be serving as the hearing officer and be
10	advised by the Commission's council from the office of the
11	attorney general. The purpose of this hearing is for the
12	Commission to receive public comment on repealing and
13	replacing the Javelina Rule Title 19, Chapter 31, Part
14	21, New Mexico Administrative Code which will become
15	effective on April 1st, 2023.
16	These hearings are being conducted in accordance with
17	the provisions of the Game and Fish Act and the State Rules
18	Act. These hearings are being audio taped and video
19	recorded. Anyone interested in a copy of the audio tape or
20	video recording should contact Tristanna Bickford with the
21	Game and Fish Department.
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Note, public notice of this hearing was advertised in the New Mexico Register, the New Mexico Sunshine Portal, and the Department's website.

Copies of the proposed amendments have been available

on the Department's website. Those wishing to comment here today have registered to submit public comments on the Zoom webinar platform.

The rule hearing will be conducted in the following manner: Staff will present pre-filed exhibits. Exhibits admitted into evidence are available for review by the public on the Department's website. After all the exhibits are entered, we will proceed to the presentation of the proposed rule, after which testimony will be taken from the audience.

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After a person has offered comment they will stand for questions from the hearing officer. The audience may also ask questions of anyone offering comments after being recognized by me.

These hearings are not subject to judicial rules of evidence. However, in the interest of efficiency, I reserve the right to limit any testimony deemed irrelevant,

redundant, or unduly repetitious.

The Commission may discuss the proposed new rule after the public comment portion of the hearing. Final Commission action, including the adoption of the rule, may occur after the conclusion of the presentation and public comment period of each hearing.

Let us begin. This hearing is now open. Are there any exhibits for the proposed amendments to 19.31.21 NMAC for the record?

MALE SPEAKER: Madam Chair, I wish to enter Exhibit 1, notice of the rulemaking; Exhibit 2, the initial proposed rule; Exhibit 3, the presentation that is being given today; Exhibit 4, the summary of the proposed changes; Exhibit 5, the technical information relied upon to develop the rule; and Exhibit 6, (indiscernible) was submitted into the record.

THE CHAIRPERSON: Very good. Stewart, can you please introduce the proposed amendments to 19.31.21?

MR. LILEY: Madam Chair, Commissioners, we had two public meetings, fifty-nine attendees. We received twenty-seven comments. The majority of those comments that were (indiscernible), which increased opening upon the (indiscernible) increasing licenses and increase in (indiscernible). There were some both for and against the removal of the over-the-counter option for deer and elk

(indiscernible) trying to get more opportunities to more people, which is why we did that. I don't think people quite understood that. So overall, was in favor of the proposed changes.

Some of the comments were out of (indiscernible) control legislative action, like (indiscernible) waste issues, or (indiscernible) used for (indiscernible) of the license. So overall (indiscernible) support.

Our proposed changes are to add population management hunt options as -- mainly due to some population concerns that (indiscernible) in the area expand (indiscernible) hunting, such as River Ranch (indiscernible), remove the ability to hunt there during deer and elk hunt.

(Indiscernible) and then increase the licenses by ten percent on the statewide licenses, or excuse me, on the draw licenses and twenty percent on the statewide hunts.

And then, increase the length of the season and standardize statewide, and there's the to -- late October ones through October (indiscernible), January 1 to January 31st for archery, and February 1 through March 31st for riding.

And with that, I would take questions.

THE CHAIRPERSON: Tristanna, do we have any comments?

MS. BICKFORD: Madam Chair, we do not have any

comments on Zoom. And I don't believe we have any comments

in the room either.



1	THE CHAIRPERSON: Okay. Then those that are
2	registered in participating in the hearing will be included
3	on the attendance sheet.
4	At this time, the attendance sheet shall be marked and
5	admitted as Exhibit 7. The comments submitted in testimony
6	heard during this rule hearing will be reviewed by the
7	Commission and discussed during the open session of today's
8	meeting.
9	The Commission will vote on the proposed amendments at
10	that time. And I would like to thank everyone present,
11	particularly Chief Stewart Liley, for their participation
12	today.
13	Let the record show that this rule-making hearing was
14	adjourned at 12:46 p.m., today, June 3rd, 2022.
15	Commissioners, now let's open up some discussion on
16	what's been presented at his hearing.
17	MS. BICKFORD: Nobody has anything.
18	THE CHAIRPERSON: I hear no comments. And I heard
19	Tristanna say there's no comments from members of the
20	public or there in attendance.
21	So maybe we can proceed with a motion.
22	Would anybody like to proceed with a motion, or shall
23	I do that?
24	COMMISSIONER LOPEZ: Madam Chair?
25	THE CHAIRPERSON: Yes, Commissioner?



1	COMMISSIONER LOPEZ: Motion to adopt proposed changes
2	to rule 19.31.15 NMAC as presented by the Department and
3	allow the Department to minor corrections complying with
4	(indiscernible), state records and archives.
5	THE CHAIRPERSON: Thank you, Commissioner. Do I have
6	a second?
7	THE VICE CHAIRPERSON: Second.
8	THE CHAIRPERSON: Thank you, vice chair.
9	Director, roll call vote, please?
10	MR. SLOANE: Commissioner Salazar-Henry?
11	COMMISSIONER SALAZAR-HENRY: Yes.
12	MR. SLOANE: Commissioner Lopez?
13	COMMISSIONER LOPEZ: Yes.
14	MR. SLOANE: Vice Chair Archuleta?
15	THE VICE CHAIRPERSON: Yes.
16	MR. SLOANE: Chair Salazar Hickey?
17	THE CHAIRPERSON: Yes.
18	MR. SLOANE: Motion passes unanimously.
19	THE CHAIRPERSON: Very good.
20	(End of audio)
21	
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1	CERTIFICATION
2	
3	I, Allison Sewell, certify that the foregoing transcript is
4	a true and accurate record of the proceedings.
5	
6	
7	Allison Sewell
8	
9	Allison Sewell
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12	352 Seventh Avenue, Suite #604
13	New York, NY 10001
14	
15	Date: June 17, 2022
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