

STATE GAME COMMISSION RULE HEARING

Agenda Item 11

October 14, 2022

Held at

NEW MEXICO FARM AND RANCH HERITAGE MUSEUM

4100 DRIPPING SPRINGS ROAD

LAS CRUCES, NEW MEXICO 88011

PRESENT:

Sharon Salazar-Hickey, Chairwoman

Deanna Archuleta, Vice-Chairwoman

Gregg Fulfer, Commissioner

Tirzio Lopez, Commissioner

Roberta Salazar-Henry, Commissioner

Michael Sloane, Director

Valerie Joe, Assistant Attorney General

Stewart Liley, Wildlife Management Division Chief

Ryan Darr, Assistant Chief of Information



1 MS. SALAZAR-HICKEY: Okay. Moving right along, we're  
2 going to move to Agenda Item Number 11, where we are going  
3 to hear from Stewart Liley.

4 So with that said, this is -- this hearing will please  
5 come to order. My name is Sharon Salazar-Hickey, chair to  
6 the commission. I will be serving as the hearing officer  
7 and be advised by the commission's counsel from the Office  
8 of Attorney General. The purpose of this hearing is for  
9 the commission to receive public comment on repealing and  
10 replacing the Deer Rule, Title 19, Chapter 31, Part 13, New  
11 Mexico Administrative Code, which will become effective on  
12 April 1st, 2023.

13 These hearings are being conducted in accordance with  
14 the provisions of the Game & Fish Act and the State Rules  
15 Act. These hearings are being audiotaped and  
16 videorecorded. Anyone interested in a copy of the audio  
17 tape or video recording should contact Ryan Darr with the  
18 Game & Fish Department.

19 Public notice of this hearing was advertised in the  
20 New Mexico Register, the New Mexico Sunshine Portal, and  
21 the Department's website. Copies of the proposed  
22 amendments have been available on the Department's website.  
23 Those wishing to comment here today must have registered to  
24 submit public comments.

25 The rule hearing will be conducted in the following



1 manner. Staff will present pre-filed exhibits. Exhibits  
2 admitted into evidence are available for review by the  
3 public on the Department's website. After all exhibits are  
4 entered, we will proceed to the presentation of the  
5 proposed rule, after which testimony will be taken from the  
6 audience.

7 Participants are asked to wait until they are called  
8 upon to speak. In order to ensure that the hearing is  
9 accurately recorded, only one person at a time shall be  
10 allowed to speak. Any person recognized to speak is asked  
11 to identify yourself by name and who you are affiliated  
12 with for the record each time you are recognized, and to  
13 speak loud and clear to accurately record your comments.

14 After a person has offered comments, they will stand  
15 for questions from the hearing officer. The audience may  
16 also ask questions of anyone offering comments, after being  
17 recognized by me. These hearings are not subject to  
18 judicial rules of evidence. However, in the interest of  
19 efficiency, I reserve the right to limit any testimony  
20 deemed irrelevant, redundant, or unduly repetitious.

21 The commission may discuss the proposed new rule after  
22 the public comment portion of the hearing. Final  
23 commission action, including adoption of the rule, may  
24 occur after the conclusion of the presentation and public  
25 comment period of each hearing.



1           The hearing is now open. Hearing item number 11,  
2           rulemaking hearing on the Deer Rule, 19.31.13 NMAC for the  
3           record.

4           Now, are there any exhibits for the proposed  
5           amendments to 19.31.13 NMAC, for the record?

6           MR. LILEY: Madam Chair, I'd wish to enter six  
7           exhibits into the record. Exhibit 1, the notice of the  
8           rule making; Exhibit 2, the initial proposed rule; Exhibit  
9           3, the presentation that I'll be giving today; Exhibit 4,  
10          the summary of the proposed changes; Exhibit 5, the  
11          technical information the we relied upon to develop the  
12          rule; and Exhibit 6, the 113 public comments received  
13          during the rule making process.

14          MS. SALAZAR-HICKEY: Thank you, Stewart. Can you  
15          please introduce the proposed amendments to 19.31.13?

16          MR. LILEY: Chair, members of the Commission, again,  
17          similar to the elk this is the third time you've heard this  
18          rule hearing. Real briefly just going through the public  
19          comments as kind of similar comments to elk. You'll see  
20          the majority of the comments were on muzzleloaders as well,  
21          with four against and modify -- some of the modify was  
22          taken account in the change in language that we had on the  
23          1X scope for a person with the disability that was included  
24          in when you all passed the Manner and Method Rule.

25          And then for the most part, you'll see the four -- a



1 lot of the licenses that we are proposed in favor the  
2 license adjustments that we made across the different  
3 portions of the state; and I'll get to that here in just a  
4 second as we go through, like I do for elk, I'll go through  
5 quadrants of the state.

6 Real quick on deer, unlike elk we do not harvest  
7 females. Virtually very few females so harvest is not  
8 driving population dynamics in terms of population growth  
9 per se. We don't see more deer because of less harvest on  
10 the males, what we do see is just a different stage  
11 structure of males, older-age class with fewer -- with less  
12 harvest and vise versa. So we look to -- we hope to see a  
13 long-term trend of over thirty-five doe or fawn, excuse me,  
14 per does to maintain population. Same thing above that, we  
15 feel like it'll be a growing population. You'll see our  
16 four-year average was right at the maintain. So we're  
17 probably not necessarily growing population necessarily  
18 right now. I think a lot of that's drought among other  
19 factors. Hopefully with a little bit better monsoon season  
20 this year we'll see a better reproductive survival of those  
21 fawns this year.

22 Real quick, just in the harvest, last year we sold  
23 just over 37,000 licenses; about a twenty-eight percent  
24 success rate across the state. Again, as you'll note we've  
25 harvested almost 9,000 bucks with 138 does harvested state-



1 wide. Most of the doe harvest is occurring on agricultural  
2 fields where we're dealing with deprivation-type issues.

3 But again, we're a male-harvest strategy.

4 Like the other big-game species, the proposals are to  
5 remove scopes from muzzleloaders, that we looked at already  
6 this morning; adjust the season dates to address that  
7 calendar shift that we discussed; and then to also minimize  
8 overlap of weapon types for seasons and certain GMUs. We  
9 don't have elk hunters and deer hunters with overcrowding  
10 in specific GMU, too much high-density hunters at one point  
11 in time. So that was some of our overlap adjustments that  
12 we were doing.

13 In the northwest area, one of the biggest things that  
14 we did is we moved our, kind of a quality management area,  
15 moved our youth hunts from the middle of the rut back to --  
16 we left a few in the rut, those fifteen and twenty-five  
17 tags you'll see. But the majority of those we moved back  
18 to October hunts like we had in the previous year; that  
19 was -- kind of were a concern over all the age-class males  
20 being harvested at too high of a rate. And then you'll see  
21 we created a hunt on the Marquez and then also a hunt in --  
22 a new archery hunt in GMU 7 and 9. And then designating  
23 GMU 8 as a Quality hunt.

24 Overall in the northwest it's a license reduction of  
25 twenty licenses across all the GMUs or a .4 percent



1 decrease in the northwest.

2 Moving to the southwest is adding a new hunt for White  
3 Sands Missile Range on Rhodes and Stallion Range and then  
4 creating that fork-antlered white-tailed deer cows, white-  
5 tailed deer hunt in GMU 21 and 26; 21 is the Black Range,  
6 and 26 is down in the Hatchet Mountains, Little Hatchets  
7 mainly and the desert around there.

8 And then creating a fork-antlered white-tailed deer  
9 hunt down in the Peloncillo Mountains or GMU 27 and then  
10 opening the River Ranch and Double E to be available for  
11 deer hunters that drew there. Overall, two percent  
12 increase in licenses in the southwest region are 185  
13 licenses.

14 Moving on to the southeast, this is kind of the area  
15 where we probably see more declining buck to ratios through  
16 time. And we have some bigger adjustments in license  
17 numbers down in there. The Huey hunt area, the Huey was  
18 reduced recently to manage some (indiscernible) lands that  
19 they were able to hunt on. But this is specifically for  
20 the Huey where the deer aren't really there as more. So  
21 you'll see we're reducing those licenses down to two.

22 And then moving GMU 34 hunts, so they don't overlap  
23 with the elk hunts, as part of the Elk Rule where you saw  
24 we create some new elk to try to fit the windows in there  
25 so we didn't have deer and elk hunters on top of each other



1 and at the same time.

2 Overall in the southeast again, like I said, this is  
3 where we had the biggest cut in licenses for deer. But a  
4 five-percent reduction in overall licenses in the southeast  
5 for deer or 610 less licenses in the southeast.

6 And then in the northeast, virtually no changes in  
7 there. The only thing we are proposing is allowing a  
8 either sex white-tailed deer hunt up there. We are seeing  
9 white-tailed deer continue to move westward from Texas and  
10 that's in that 55A, so right around where the Raton area to  
11 the Colorado border basically is where we're looking at to  
12 allow for a harvest of white-tailed deer up there.

13 An increase of three percent licenses or eighty-five  
14 licenses across the northeast. So state-wide it was  
15 decrease in licenses overall of 365 licenses or a one  
16 percent change. Again, we had increases in some of the  
17 northern units but decreases mainly thought the southeast.

18 So with that I would take any questions you may all  
19 have.

20 MS. SALAZAR-HICKEY: Thank you, Chief.

21 Would anyone like to comment on the proposed  
22 amendments to 19.31.13?

23 Do we have comments online?

24 MR. SLOANE: Madam Chair, we have no online comments.

25 MS. SALAZAR-HICKEY: Wow. Okay. So those that





1 registered, I guess, no, we don't need to revise the  
2 attendance sheet. And do we need to admit an attendance  
3 sheet into the record? So at this time the attendance  
4 sheet will be marked and admitted as Exhibit Number 7. The  
5 comments submitted in testimony heard during the rule  
6 hearing will be reviewed by the commission and discussed  
7 during the open session of today's meeting. The commission  
8 will vote on the proposed amendments at that time. I would  
9 like to thank everyone present for their participation  
10 today and let the record show that this rulemaking hearing  
11 is adjourned at 1:31 p.m.

12 Very good. Now, lets move into our open discussion.  
13 I tried to see if we have any comments. I don't think we  
14 have any. And nothing online and nobody in-person; I'm  
15 looking for that.

16 So I'll go ahead unless, Vice Chair, you would like to  
17 make a motion, but I certainly if you wish.

18 I'll make the motion to move to adopt the proposed  
19 changes to 19.31.13 NMAC as presented by the Department and  
20 allow the Department to make minor corrections to comply  
21 with filing this rule with state records and archives.

22 Do I have a second?

23 MS. ARCHULETA: Second.

24 MS. SALAZAR-HICKEY: Very good. Thank you,  
25 Commissioner, Vice Chair.



1           So Director, may we have a roll call vote, please?

2           MR. SLOANE: Commissioner Salazar-Henry?

3           MS. SALAZAR-HENRY: Yes.

4           MR. SLOANE: Commissioner Lopez?

5           MR. LOPEZ: Yes.

6           MR. SLOANE: Commissioner Fulfer?

7           MR. FULFER: Yes.

8           MR. SLOANE: Vice Chair Archuleta?

9           MS. ARCHULETA: Yes.

10          MR. SLOANE: Chair Salazar-Hickey?

11          MS. SALAZAR-HICKEY: Yes.

12          MR. SLOANE: Motion passes unanimously.

13          MS. SALAZAR-HICKEY: Thank you.

14          (End of audio)

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## C E R T I F I C A T I O N

I, Lindsey Carlson, certify that the foregoing transcript  
is a true and accurate record of the proceedings.



Lindsey Carlson

eScribers

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Date: February 23, 2023

