

STATE GAME COMMISSION RULE HEARING

Agenda Item 8

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

Alex Wright

Jesse Deubel, Executive Director, New Mexico Wildlife

Federation



PRESENT (CONTINUED) :

Loren Patterson, President, New Mexico Cattle Growers
Association

Kerrie Romero, New Mexico Council of Outfitters and Guides

Ryan Darr, Assistant Chief of Information

Brandon Wynn (virtual)

Joel Gothard (virtual)

Katie DeLorenzo, Western Regional Manager, Backcountry
Hunters and Anglers (virtual)

Joseph Rivera (virtual)



1 MS. SALAZAR-HICKEY: So Agenda Item Number 8 is the
2 Rule Hearing Commission Deliberation and Decision 19.31.14
3 NMAC, the Elk Rule.

4 So that said, this hearing will please come to order.
5 My name is Sharon Salazar-Hickey, chair to the commission.
6 I will be serving as the hearing officer and be advised by
7 the commission's counsel from the Office of Attorney
8 General. The purpose of this hearing is for the commission
9 to receive public comment on repealing and replacing the
10 Elk Rule, Title 19, Chapter 31, Part 14, New Mexico
11 Administrative Code, which will become effective on April
12 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 as well on the Department's
23 website. Those wishing to comment here today must have
24 registered to 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 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 one, identify yourself by name and who you are
12 affiliated with for the record each time you are
13 recognized, and two, speak loud and clear to accurately
14 record your comments.

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

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



1 comment period of each hearing.

2 The hearing is now in order -- is now open. It is
3 hearing item number 8, rulemaking hearing on the Elk Rule,
4 19.31.14 NMAC.

5 Are there any exhibits for the proposed amendments to
6 19.31.14 NMAC, for the record?

7 MR. LILEY: Madam Chair, I'd wish to enter six
8 exhibits into the record. Exhibit Number 1, the notice of
9 the rulemaking; Exhibit Number 2, the initial proposed rule
10 that was posted on the Department's website; Exhibit Number
11 3, the presentation that I'll be giving today; Exhibit
12 Number 4, the summary of the proposed changes; Exhibit 5,
13 the technical information that we relied upon to develop
14 the rule; and Exhibit Number 6, the 152 public comments
15 received during the rulemaking.

16 MS. SALAZAR-HICKEY: Stewart, thank you. Can you
17 please introduce the proposed amendments to 19.31.14?

18 MR. LILEY: Madam Chair, members of the commission, as
19 you've heard this will be the third time hearing this
20 presentation so I will kind of slighen it down a little
21 bit.

22 In general we have seventeen different herd management
23 units within the state that we specific management goals,
24 as we've discussed before. We either hunt -- quality hunt
25 management, opportune hunt management, we then split that



1 into three primary management zones, special, and
2 secondary. So what you'll see as I go through this, I'm
3 going to focus more on our herd management units where we
4 have specific goals and our recommendations for that.

5 Real quick, just the summary of last year's harvest.
6 38,000 licenses sold, approximately with a harvest of just
7 over 15,000 elk state-wide. You'll see compared to other
8 species, we actually do harvest a fair amount of females in
9 that. And that is to work on population management, trying
10 to prevent expansion of the populations in some areas, or
11 trying to stabilize herds, et cetera. You'll notice in
12 deer, pronghorn, and the other species we're harvesting
13 less than 100 or 200 state-wide. Whereas, you know, you're
14 seeing a pretty significant female component harvest on
15 this population -- or species, excuse me.

16 Public comments, as I stated, 152 official comments
17 submitted during the rulemaking. We had four hybrid
18 meetings and one stake -- many stakeholder meetings as
19 well. One specific in GMU 34, but we met with a lot of the
20 different interested groups to discuss the rule changes.
21 You'll see the breakdown of comments there. They changed
22 through time, right? Because the public comment period
23 started in March of this year, some of our proposals were
24 adjusted based upon public comments, some of what we had
25 today is a function of the comments that you have support



1 against, but some of the people are the same commenters
2 that used to support it, and now they're for the change.
3 So you'd have to go through the specific time frame when
4 the comments came in, but those are the breakdowns of the
5 comments across all the species.

6 The state-wide recommendations, as you all recognize
7 with Manner and Method that we just did the big proposal
8 was scopes on muzzleloaders. Again, it really came as a
9 biological issue that we were kind of trying to get at. I
10 just want to provide you with a little bit of a graphic of
11 that and then what we're dealing with.

12 So this is probably our number one trophy management
13 zone in the state is our Gila Elk population. And we're
14 dealing with the decrease, and you'll see there that that
15 figure, that's the last four years, a decrease in bull to
16 cow ratio so less older-age class males, fewer bulls in
17 general. But we're also having an issue if I put up a line
18 on there on recruitment or calf to cows, we're having a
19 decrease there as well. So it was an adjustment that
20 you'll see that we did reduce rifle licenses in that unit
21 as well, but that was a big change on the muzzleloader that
22 we just discussed, is try to align harvest objectives with
23 what the population trajectories are or suspect they will
24 be. We don't know if it'll break the drought, trajectory
25 will change but it's going to take some time no matter what



1 to bring back that population trajectory on bull to cow
2 ratios. And we're seeing that across the state and some
3 others.

4 Some of the other things that we did was date shifts
5 that we always kind of do to make sure that hunts begin on
6 a Saturday so it creeps every year, two days on a leap
7 year. So we push those hunts back every so often, so in
8 2025 we'll move the hunts back a full week to account for
9 the creeping of a calendar day or two, depending on the
10 leap year, each year.

11 As we've discussed a lot at the last commission
12 meeting in August, the Encouragement Hunts moving those to
13 youth only, et cetera.

14 Going specifically, and I'm not going to go herd unit
15 by herd unit but I'm just going to give you a regional kind
16 of basis, if you have specifics on herd units, we could go
17 to that. But really what we're looking at is an increase
18 in licenses in the San Juan herd, and a decrease in the Mt.
19 Taylor herd. Mt. Taylor herd, we're still trying to bring
20 back that population. It was at an all-time low probably
21 four or five years ago; we're starting to see a little bit
22 of a rebound, but we don't even harvest cows in this
23 population because we're trying to bring it back. That
24 bull harvest is still unsustainable, and you'll see that
25 decrease in there as well.



1 Overall, the increase in the San Juan, that's probably
2 more function of elk becoming residents that came off
3 Jicarilla Nation or out of Southern Colorado.

4 Northcentral herds, probably the largest herd in the
5 state goes from the Rio Grande all the way over to Chama
6 south to about Abiquiu. What you'll see there is not much
7 of a change in license numbers but a redistribution. So if
8 we went to this specific units, and again, I don't have it
9 up here but we did redistribute harvest to try to target
10 areas where we have more conflict. Some of those areas
11 where we have more conflict is in that Mesa de los Viejos,
12 Canjilon area where we redistribute some of our late-season
13 tags that used to be over on the -- along the Taos Plateau
14 or along the Rio Grande del Norte Monument and moved them
15 over there to target that segment of the population, where
16 we had that conflict. That area is one where we definitely
17 hear a lot about from land owners as well, as grazing
18 permit season there.

19 One of the things that I do want to mention that we
20 have available in the current rule and that we would have
21 available in our proposed rule moving forward is the
22 population management hunt opportunity to target segments
23 populations occurred where we're having conflict or where
24 we had more issues. We have issued or had, in the past, in
25 that specific area to target those elk late winter prior to



1 spring. We will be looking at it again this year depending
2 on snowfall to see if we can target harvest within that
3 Mesa de los Viejos, Canjilon. That area has tried to
4 target harvest, again, those elk hunters that are more of
5 the prongs rather than trying to harvest across the
6 entirety of the population and not harvest in the animals
7 that are causing the conflict. We don't want to reduce
8 that herd more.

9 One thing to note is that herd is reduced recruitment
10 and has for the last couple of years. We're down to, I
11 think, 30 calves, 35 calves per 100 cows, but we'd like to
12 see that 40 to 45. We're seeing fewer babies become adults
13 is basically what that's saying. So our harvest
14 objective -- we didn't reduce license in there, we knew
15 we'd probably see a little bit of reduction in that herd.
16 But if we get some rains and some snow, we can work that
17 back and again, we can target harvest in these conflict
18 areas if need be.

19 Jemez Region, again, really the only change there is
20 on -- excuse me, it's mainly on the Valles Caldera,
21 increasing the few cow licenses on the Caldera there. But
22 overall, no change. We are seeing a reduction of calf
23 recruitment in the Jemez Region as well. It's kind of a
24 similar trend across the state and I do think it's a
25 function a little bit of the drought. The summer probably



1 helps some, and we'll see where it goes there.

2 One of the -- in the southwest region we did change
3 the primary -- proposed changing the primary management
4 zone into specific units. What you're looking at right
5 here is unit 13 and the two circles are where we expanded
6 the primary management unit in those two areas to better
7 encompass how that herd moves across that landscape.
8 Encompass in the round -- the bottom circle, the southern
9 circle, is more around the Bear Mountains. That elk
10 population definitely centered there just outside of
11 Magdalena. And then in that northwest segment is up by El
12 Malpais National Monument where we definitely have a more
13 resident herd. So what you'll see there, that red is land
14 that went into tribal trust that used to be private but is
15 now -- Congress designated as tribal trust. So that gets
16 removed from the primary management zone because it's now
17 of sovereign land as well.

18 And then also in the southwest region, and this is GMU
19 17, if we took that previous traffic that I just showed and
20 showed that southern boundary in the Bear Mountains near
21 Magdalena, that extends into 17 and we extended that
22 primary management zone in there to better recognize how
23 that herd moves across that landscape. And the increase in
24 the primary management zone in those units.

25 Overall, on the Gila, as I mentioned in the first



1 slide, showing that decrease in bull to cow trend. We are
2 seeing it throughout. We are proposing a decrease in
3 licenses. The majority of those licenses are within the
4 Greater Gila and the majority of those are bull licenses,
5 those are bull rifle licenses. We did not reduce any of
6 the cow licenses so what you're seeing is a reduction of
7 179 bull licenses. That three percent deduction is not of
8 bull licenses, but the total number of licenses in there.
9 Again, as I stated a little bit earlier, we're proposing
10 reductions of up to thirty percent rifle licenses in some
11 of those given units, ten percent in others and so forth.
12 But overall, a decrease in the southwest region to
13 recognize changing in herd dynamics over the last four
14 years there.

15 In the southwest region -- or excuse me, southeast
16 region, that's in the Sacramento Mountains we are proposing
17 a significant increase in licenses mainly in the Sacramento
18 herd, that's the herd that's south of Mescalero Apache.
19 That would be in Cloudcroft, et cetera, area. What those
20 proposed license increases are are cow licenses. That's
21 trying to target a probably a growing population and a
22 population that we've have probably more conflict than
23 others, like I mentioned Mesa de los Viejos, that
24 population, we are proposing that increase to try to target
25 reduce the herd and also trying to prevent what we're



1 seeing as more animals move off-mountain to the, I guess
2 I'd be to the south, southeast towards Pinon and on towards
3 the Guadalupe Mountains. We're hoping this target harvest
4 will help to reduce the population some and at least
5 stabilize it at the very most.

6 But again, we do have the tools available and the
7 proposed rule and current rule if we don't think it is
8 achieving that goal, we could institute population
9 management hunts like we've done in the past if we didn't
10 put enough licenses to try to achieve that. This herd is
11 actually fairly productive. The calf to cow ratio has been
12 as high as 50 to 100 in the last four years, compared to 30
13 to a hundred up north. So we see a fairly high
14 productivity on this herd. I think it's a function of a
15 little bit of forest management that we see on Mescalero is
16 different than on some forest service that allows for
17 spill-off onto the forest service lands.

18 Northeast region we had a specific hunt trying to
19 address one area in there, we called it the Ute-Midnight.
20 It was Top of the World Farms, is where we really had elk
21 coming in out of Colorado late winter and camping on winter
22 wheat, et cetera. We had a license of forty for one-month-
23 long season. Those elk are not coming down anymore from
24 Colorado. The success rates have dropped to single digits.
25 We were successful and so we are proposing eliminating that



1 hunt because they're not there anymore.

2 And then in the secondary management zone what you'll
3 see is more of increases in these licenses across the board
4 for the most part to respond to elk moving into new areas.
5 Some of these are in the desert, for example, in 30 there's
6 more of the Guadalupe Mountains. And then shifting some of
7 the hunt dates to match the private hunt dates as well in
8 the secondary management zone.

9 And then the special management zones, that's just
10 along the eastern spine of the Sangre de Cristos where it's
11 almost entirely private land. One of the proposal changes
12 is moving 46 from the secondary -- excuse me, from the
13 special to the secondary management zone. And then in the
14 Collin Neblett WMA is to decrease licenses significantly,
15 we're seeing fewer and fewer elk at Collin Neblett, that in
16 fact that whole very northeast portion of the state saw the
17 lowest calf to cow ratio this year that we've seen and it's
18 less than ten to a hundred, so we're having some calf
19 recruitment issues and that's why you also see the
20 reduction or proposed reduction of licensing in the
21 (indiscernible).

22 So with that, statewide we're about a two percent
23 increase in licenses. Again, the license recommendation is
24 based upon what we perceive success rates will be and we do
25 have tools, and management opportunities in the rule if we



1 don't meet those license objectives -- or harvest
2 objectives, excuse me, where we could increase or decrease
3 licenses by up to twenty percent or create population
4 management hunts if we have areas where we have concerns.

5 So with that I'd stand for any questions.

6 Madam Chair?

7 MS. SALAZAR-HICKEY: Thank you, Chief Liley.

8 Anyone would like to comment on (indiscernible) before
9 we move to admission? (Indiscernible), I think we
10 typically like to get comments from the public.

11 (Indiscernible). If you would please come up to the
12 podium, identify yourself for the record, as I'm calling
13 names --

14 Thank you, Chief Liley. And thank you, Commissioner
15 Lopez.

16 Before we proceed with the commissioner's questions
17 and comments, I'd like to call up persons to the
18 microphone, identify yourself for the record when you come
19 forward, and these are comments that were submitted to the
20 Department in advance. These are called by receipt, I
21 believe.

22 Alex Wright.

23 MR. WRIGHT: I registered to make comments, but I'd
24 like to decline at this time. Thank you.

25 MS. SALAZAR-HICKEY: Thank you.



1 Jesse Deubel?

2 MR. DEUBEL: Thank you very much, Madam Chair, members
3 of the commission.

4 MS. SALAZAR-HICKEY: State your name for the record,
5 please.

6 MR. DEUBEL: Will do. Jesse Deubel, Executive
7 Director, New Mexico Wildlife Federation.

8 Madam Chair, members of the commission, I just want to
9 emphasize again as I've done in the past that I think what
10 we've done here with the elk rule is only partially
11 addressing elk management in the State of New Mexico. We
12 know that only sixty-two percent of the elk tags go into
13 the public draw and unfortunately this commission was
14 unwilling to open EPLUS because it's a permanent rule, but
15 I think it was completely appropriate to open during the
16 elk rule, recognizing how many of the tags in the state are
17 allocated through the Elk Private Land Use System.

18 So this commission was originally designed to be a
19 buffer between wildlife management and politics and
20 apparently that isn't working properly at the moment. And
21 so hopefully we can work together to make some adjustments
22 to ensure that the commission is properly insulated from
23 politics and we can manage wildlife for the benefit of the
24 resident of New Mexico.

25 Thank you very much.



1 MS. SALAZAR-HICKEY: Thank you.

2 Next is Loren Patterson. And when you come to the
3 podium, please state your name for the record and who you
4 represent.

5 MR. PATTERSON: Good morning, Commissioners, Madam
6 Chair, members of the commission and the public. Loren
7 Patterson, President of New Mexico Cattle Growers
8 Association and Registered Lobbyist for the same
9 association.

10 Today, you know, I sent you guys a letter on the 10th
11 of October. It's kind of our last attempt to fourth
12 quarter field goals for the elk rule. It's come to our
13 knowledge through our conversations with Director Sloane
14 and Chief Stewart, that we -- the biological triggers that
15 determine how many elk are harvested may be kind of a late
16 thing when it comes to habitat responsibility. We're
17 seeing significant impact on raising allotments all over
18 the state from elk. And we believe that the purpose
19 statement is that kind of your mission statement for the
20 elk rule. And we believe that it lacks multiple use
21 management factors in that mission statement. And so
22 this -- like, say this is our last attempt, we would prefer
23 to see more elk being harvested predictably in some very
24 impacted areas in regards to endangered species because the
25 cattle permits are being cut due to impacts not only from



1 the cattle but also from large land beasts we call elk.

2 So you know we respectfully come to you. We believe
3 that the rulemaking process is the place for this. We
4 don't want to take away from the separation of powers in
5 any way and go to the legislatures for this. We believe
6 the -- having some ability for the commission to open the
7 gate -- the elk rule at any time is a good thing long term.

8 So respectfully, we ask that; we look forward to
9 comments.

10 MS. SALAZAR-HICKEY: Thank you.

11 Kerrie Romero, please? As you come forward, state
12 your name for the record and who you represent.

13 MS. ROMERO: Thank you, Madam Chair and Commissioners.
14 I'm Kerrie Romero on behalf of the New Mexico Council of
15 Outfitters and Guides.

16 Just wanted to voice our support for the proposed
17 changes to the elk rule as well as the deer rule and turkey
18 rule, which you'll hear later. And also just wanted to say
19 thank you to Chief Liley and his team for allowing us to
20 meet on multiple occasions with the Department for all of
21 the various different species rules that have been open to
22 discuss our questions and concerns with the proposed
23 changes as the rulemaking process began from inception
24 until now. So just really appreciative of that and we are
25 in support of the rule.



1 Thank you.

2 MS. SALAZAR-HICKEY: Thank you. Do we have any
3 comments from members of the public online, Ryan?

4 MR. DARR: Madam Chair, we do have comments.

5 Brandon Wynn, you are first. Please unmute.

6 MS. SALAZAR-HICKEY: Please state your name for the
7 record and who you represent. Good morning Brandon Wynn.

8 MR. WYNN: Thank you, Madam Chair. This is Brandon
9 Wynn from Albuquerque, and I represent myself and my
10 family. I'm speaking as a private citizen.

11 And so I just want to reiterate that it's extremely
12 unfortunate that this commission made no effort to move any
13 of the elk hunting opportunity from the private, wealth-
14 based, buy your way to the head of the line, pay-to-play
15 system that is enormous in New Mexico compared to any other
16 western state. And you know, you don't even need to open,
17 like I pointed out in a prior meeting, that if you look at
18 it, really the cut where there private tags are shaved out
19 of the public domain is in the elk rule which you're
20 considering today.

21 If the commission, after getting further information
22 from our Take Back Your Elk report, which I helped prepare,
23 if those numbers bother you, which I mean they should as a
24 public trustee, then today you could, in just the elk rule,
25 change the percentage -- the huge percentage of tags that



1 are made private and that are majority between seventy-five
2 and ninety-five percent sold to non-resident -- wealthy,
3 non-resident hunters. And it's not the non-resident part,
4 per se, that is the issue; it's that when you set the bar
5 for acquisition of a tag to the wealth of the hunter, by
6 virtue, the fact that there's 327,000,000 Americans that
7 are not New Mexicans, it's always going to be dominated by
8 non-resident. So it's not the non-residence that's getting
9 the tags that gives me heartburn and should give public
10 trustees heartburn, it's the fact that it's just -- that's
11 an artifact of the fact that it's wealth based and there's
12 just more people with more money that are not New Mexico
13 residents.

14 And then the outcome, of course, is that we have the
15 smallest proportion of public elk tags required by New
16 Mexican without paying a private individual, either an
17 outfitter or a land owner of any of the western states by a
18 wide margin.

19 MS. SALAZAR-HICKEY: Thank you.

20 MR. WYNN: And this is a very unfortunate situation.

21 MS. SALAZAR-HICKEY: Do we have any other comments?

22 MR. DARR: Madam Chair, we have Joel Gothard who would
23 like to speak.

24 Joel, you are unmuted.

25 MS. SALAZAR-HICKEY: Thank you. State your name and



1 who you represent for the record, please.

2 MR. GOTHARD: Yes. My name is Joel Gothard. I'm from
3 Hope, New Mexico and I'm representing the hunting public.

4 Madam Chair, Commissioners, thank you for taking my
5 comments.

6 I simply ask that you review the EPLUS program and
7 find a way to bring it more in line with the North American
8 Model of Conservation. Giving fair access to all hunters
9 regardless of income or wealth status. Bringing the New
10 Mexico resident draw opportunity up to closer to maybe an
11 eighty-five or ninety-five percent of the pool versus what
12 it is currently, I think according to the Take Back Your
13 Elk information it's closer to about fifty-four percent
14 that -- success for the New Mexico residents.

15 So I just feel that a public resource should not be
16 sold to the highest bidder for private gain.

17 That is all I have to say. Thank you.

18 MS. SALAZAR-HICKEY: Thank you.

19 Do we have any other comments?

20 MR. DARR: Madam Chair, we have one final online
21 comment from Katie DeLorenzo.

22 Katie, you are allowed to speak.

23 MS. SALAZAR-HICKEY: Thank you. State your name for
24 the record and who you represent.

25 MS. DELORENZO: My name is Katie DeLorenzo,



1 representing Backcountry Hunters and Anglers. Good
2 morning, again, Madam Chair and Commissioners.

3 You know, we know that this issue of elk tag
4 privatization is kind of gaining steam now. Because the
5 public really hasn't been aware of it. I've been in this
6 role for five years and I can tell you that, you know, it's
7 not something that's shared widely or that people really
8 are privy to. And something we'd specifically like to ask
9 in addition to taking a closer look at the EPLUS program,
10 is knowing how highly committed this body is to
11 transparency, openness, communication. Just requesting
12 that Game & Fish start publishing the total number of EPLUS
13 authorizations given in the primary and special zones in
14 the (indiscernible).

15 So in the hunting and rules and info booklet right
16 now, you guys have the Private Land Hunt section and you
17 could very easily add the total number of those
18 authorizations into those sections so that there is more
19 transparency about the extent of the tag privatization that
20 results from the EPLUS system. I think everyday hunters
21 and New Mexicans deserve to have that information and have
22 that on an annual basis.

23 Thank you.

24 MS. SALAZAR-HICKEY: Thank you.

25 I believe that was the final comment, Ryan?



1 MR. DARR: Madam Chair, that was the final online
2 comment.

3 MS. SALAZAR-HICKEY: Thank you.

4 Commissioner Lopez, do you have a comment?

5 MR. LOPEZ: I have a question.

6 Thank you, Madam Chair.

7 Chief Liley, is there is there in unit 50, from the
8 central part (indiscernible) that goes all the way down to
9 (indiscernible) Espanola, is that considered a conflict
10 area there? Where we have the apple orchards and hay area
11 that would be considered for possible population
12 management?

13 MR. LILEY: Madam Chair, Commissioner Lopez,
14 absolutely. And also just for a note, that area is in the
15 secondary management zone, so we do not include that in the
16 primary management zone. So within that area around
17 Velarde and (indiscernible) all that area around the river,
18 it is in secondary, so private land owners do get private
19 property (indiscernible) for elk in there because of those
20 conflicts on there. It would be a potential in there, that
21 (indiscernible) area as well it's essentially population
22 management. The issue that we run into in there is
23 discharge of a firearm because there's so many homes in
24 there, and so we can strategically put hunts like we've
25 done in the middle Rio Grande thought specifically that are



1 limited in use weapons, shotguns or archery equipment, and
2 we can work with those, we have in the past on some of
3 those.

4 MS. SALAZAR-HICKEY: Okay.

5 MR. LOPEZ: Thanks. Good. Thank you, Madam Chair.

6 MS. SALAZAR-HICKEY: Okay. Commissioner Salazar-
7 Henry?

8 MS. SALAZAR-HENRY: Stewart, in the (indiscernible)
9 hybrid management zones that have a secondary and a primary
10 both?

11 MR. LILEY: Madam Chair it'd be -- and Commissioner
12 Salazar-Henry, 13, 17, 21B, 23, and 24.

13 MS. SALAZAR-HENRY: Okay. And in those hybrid units,
14 do the -- does the hunt structure that's required for a
15 draw license holder on the primary zone equate to the same
16 thing for a private land owner?

17 MR. LILEY: Madam Chair, Commissioner Salazar-Henry,
18 on some of the GMUs yes, and some of them no. And some of
19 those ones where I would say no is where 17 to 13 is
20 probably the biggest distinction, those are muzzleloader
21 units, but the eastern half of those units are along the
22 river, more or less I25 down so they come down to the
23 desert floor, when it reaches the desert floor, we do allow
24 private land owners as they come in like San Acacia, that
25 area, hay fields, to allow the use of rifles on that -- in



1 the secondary management zone, on the private deed of
2 property. Now, they do not -- in those areas they are not
3 allowed to hunt unit-wide. They are restricted to their
4 private deed and property.

5 MS. SALAZAR-HENRY: Do they start at the same time or
6 are they just get to start whenever?

7 MR. LILEY: Madam Chair, Commissioner Salazar-Henry,
8 in the secondary management zone state-wide, they start off
9 October 1st. In some of the GMUs like 21B, they start
10 October 1st as well. Now in the new -- or they will in the
11 new proposed rule, in 13, 17, they do start at a later
12 date.

13 MS. SALAZAR-HENRY: So can you tell me why those two
14 would start at a later date since they are muzzleloader?

15 MR. LILEY: Madam Chair, Commissioner Salazar-Henry,
16 so where we drew the primary management zone, and you'll
17 see in the proposal, we tried to draw in where the core of
18 that population is. We are trying to protect that core,
19 that population and harvest around that. Early harvest in
20 that has a more of an impact on that declining bull to cow
21 ratio we see. Out here in the desert, we're starting to
22 see elk really along the Bosque and the middle Rio Grande
23 Valley, they're not going back to the mountains. They come
24 out, they stay there, and they establish like in San
25 Acacia, that area, they're going into hay fields

1 establishing in the desert, and they're not the core of the
2 population. So what our harvest management in the primary
3 is to protect that management goals and that core
4 population.

5 In the secondary management zone where we have a lot
6 of human conflict, where we would deal with them on
7 deprivation complaints, it's more beneficial to have the
8 land owner be able to take care of it rather than for us to
9 go out there and have to harvest elk, kill elk, et cetera,
10 they've been established in those hay fields, et cetera.

11 MS. SALAZAR-HENRY: Thank you.

12 MS. SALAZAR-HICKEY: Thank you. For the record, I
13 have another person who has submitted a record to make
14 public comments.

15 So I'm going to call this person back, Alex Wright,
16 please. And please identify yourself for the record, state
17 your name and who you represent. Thank you.

18 MR. WRIGHT: Good morning, or good afternoon or
19 getting close.

20 My name is Alex Wright. Thank you Madam Chairperson
21 and the Game Commission for allowing me to make these
22 comments. I registered to make comments earlier because I
23 was here to comment on the EPLUS program. I saw that it
24 was not going to be on the agenda but then I heard quite a
25 few comments and I thought that it would be -- it would



1 behoove everyone to hear our prospective.

2 My wife and I have a private ranch in Unit 34, 2,300
3 acres. And we are cattle ranchers in both Doa Ana County
4 and Otera County. And we basically forego the right to
5 graze our cattle in our ranch in the Southern Sacramento
6 Mountains in order to manage the ranch for habitat for game
7 being elk or mule deer or big horn or barbary sheep. We
8 are in a very arid region of the state. And what Southern
9 Sacramento is doing, there would be no -- virtually no, I
10 should say that, but sometimes no water and virtually no
11 water in that area save very, very few life springs that
12 are few and far apart. It's very arid, it's very dry, and
13 if it weren't for our painstaking trips up there to make
14 sure that water was provided on a continual basis to the
15 game, the elk, the deer, and -- and putting out mineral and
16 salt, there wouldn't be any game there. There wouldn't
17 be -- there wouldn't be the game and the numbers that are
18 there.

19 And we participate in the EPLUS program because it's
20 an economic benefit for us to do that. And that allows
21 hunters to come onto our property and hunt those game. And
22 we make more money participating in the EPLUS program than
23 we would ever make running, you know, running 2,500 cattle.
24 And so that's why we do it. And I just appreciate the
25 opportunity to make that comment and I think that everybody



1 should realize that there's two sides to every coin.

2 I appreciate your time, thank you.

3 MS. SALAZAR-HICKEY: Thank you. For the record,
4 remember we're back on the hearing, Commissioners. So at
5 this time --

6 MS. SALAZAR-HENRY: Sharon --

7 MS. SALAZAR-HICKEY: Uh-huh.

8 MS. SALAZAR-HENRY: I have just one quick question
9 that I forgot. It was on my list and I forgot.

10 MS. SALAZAR-HICKEY: Commissioner Salazar-Henry.

11 MS. SALAZAR-HENRY: Stewart, you mentioned that you
12 were going to add some tour hunts into Unit 34 at earliest.
13 And I saw that the last date is December 10th through the
14 14th for antlerless right now and the current
15 (indiscernible); so how late are you going into December
16 with those two hunts, are they two different weeks or
17 what's happening there?

18 MR. LILEY: Madam Chair, members of the commission,
19 I'm pulling it up right now.

20 We ended up adding more hunts so the distribution of
21 hunts were pretty stacked in there already trying to
22 harvest. We are going into January and later to try to
23 target harvest in there. So we are trying to specifically
24 harvest in Sacramento's more elk. We are proposing going,
25 like I said, late into January in that with these new hunts



1 as well. And I will get the exact dates in just a second,
2 I apologize.

3 So we are having a hunt January -- the first year of
4 the hunt would be January 27th through January 31st. So it
5 would be a late-season hunt in there.

6 MS. SALAZAR-HENRY: Antlerless?

7 MR. LILEY: Antlerless.

8 MS. SALAZAR-HENRY: Can you tell me how pregnant the
9 cows would be by then?

10 MR. LILEY: Madams Chair, commissioners, I mean,
11 they're pregnant in September --

12 MS. SALAZAR-HENRY: Uh-huh.

13 MR. LILEY: -- their uterus is pretty small by January
14 the first trimester, second trimester they're still pretty
15 small. Their uterus is probably on an average cow elk,
16 about like that size in completion.

17 MS. SALAZAR-HENRY: Noticeable? The only reason I
18 asked is because during my tenure we had deprivation hunts
19 and antlerless hunts all the way to February. And there
20 was such a public backlash over opening up an elk and
21 actually seeing the baby in there that big. So just --

22 MR. LILEY: Yeah.

23 MS. SALAZAR-HENRY: -- I got that question about how
24 late you guys were going to go. So I appreciate the
25 information.



1 MR. LILEY: Yep.

2 MS. SALAZAR-HICKEY: Thank you.

3 So Director, Mr. Secretary, getting into exhibits. In
4 the public comment I heard a reference to exhibits from
5 Alex Wright and Loren Patterson, both of them made
6 references to letters that they've submitted, and I
7 understood from each of them that they wanted those letters
8 into the record. And it's wonderful to hear the
9 commissioners, the members of the public, communicating
10 with each other and having this kind of dialogue,
11 especially including the ones that were online. So for the
12 record, I would like to ask you, Mr. Secretary, should we
13 be introducing Exhibits 7 and 8?

14 MR. SLOANE: Madam Chair, I think they're already in
15 the --

16 MR. LILEY: Madam Chair, members of the Commission,
17 they did submit their comments through the official public
18 comments, so they are submitted on the record. They are
19 part of that thumb drive of the 152 comments that are
20 submitted into the record.

21 MS. SALAZAR-HICKEY: Thank you for the record. So
22 then we do stand at Exhibits 1 thorough 6 as stated
23 earlier?

24 MR. SLOANE: Madam Chair, that's correct.

25 MS. SALAZAR-HICKEY: Okay. Then those that registered



1 and participated in the hearing will be included on the
2 attending sheet. And that will be marked Exhibit 7. Now,
3 the comments submitted in testimony heard during this rule
4 hearing will be reviewed by the commission and discussed
5 during the open session of today's meeting. The commission
6 will vote on the proposed amendments at the time.

7 At this time I would like to thank everyone present
8 for their participation today. Let the record show that
9 this rulemaking hearing was adjourned at 11:11 a.m.

10 Now, Commissioners, shall we have some discussion?
11 And before we proceed into discussion do we have any more
12 comments, director, other than these? Okay?

13 And we don't have any, Ryan, online that would like to
14 make another comment?

15 MR. DARR: Madam Chair, we actually did just have one
16 individual, Joseph Rivera, request to comment.

17 MS. SALAZAR-HICKEY: Can you please state your name?
18 We can't hear you.

19 MR. DARR: Joseph, please unmute.

20 Joseph, please unmute, we're unable to hear you.

21 MR. RIVERA: Yes. Can you hear me now?

22 MS. SALAZAR-HICKEY: Joseph, yes. And we just have,
23 like, two minutes please -- or three.

24 MR. RIVERA: Yes. I'm Joseph Rivera, from the City of
25 Champions here in Artesia, New Mexico. We have been



1 listening on the past few commissions, I chose not to
2 comment. I did see that proposals under consideration for
3 Unit 34. To just reduce 170 mule deer tags, which is far
4 and away. And the number of folks that I have visited with
5 unsatisfactory, so it wasn't nowhere what we had asked for,
6 what we had hoped to preserve the mule deer population in
7 Unit 34. I see that -- that our last opportunity has gone
8 by us. I don't consider the matter done, you know, I'm
9 looking at some several other options to peruse this matter
10 further.

11 It was a big disappointment; I thought that we had
12 pushed this issue enough, you know, to try to control the
13 bull population on the east side Unit 34, and I've heard
14 several gentlemen propose about the problems with bull elk
15 and the -- while it's a good idea to have 450 elk tags, we
16 wish that there would've been more bull tags on the east
17 side of Unit 34, especially for New Mexico residents. And
18 extremely weary now, you know, about the mule deer
19 population in the next four to five years. Especially with
20 a (indiscernible) place. I just don't know how this is
21 going to fare for the mule deer in this part of the state
22 and we will take this matter up another time.

23 Thank you.

24 MS. SALAZAR-HICKEY: Thank you.

25 Commissioners, do we have any other comments for



1 discussion or any --

2 MS. ARCHULETA: Can I just ask one question?

3 MS. SALAZAR-HICKEY: Absolutely, Vice Chair?

4 MS. ARCHULETA: Stewart, just one quick question. On
5 the target harvest, can you tell me, are those on public
6 lands, are those on private land, how do the target -- if
7 there's a need for a target hunt how does that work? Where
8 are those target hunts located?

9 MR. LILEY: Madam Chair, Commissioner Archuleta, if
10 there are public lands in there we will definitely bring in
11 public hunters as well, if it is a targeted hunt. Even if
12 it's on private land, we bring in -- the rule states that
13 fifty percent of the hunters on that private land on that
14 will be public draw hunters as well. And so when we have
15 those targeted harvests, we do bring in from people that
16 put in their application, they check a box that says I'd
17 like to be put on a population management list if a hunt is
18 called.

19 Once that hunt is determined, we call up that list and
20 ask if they would like to participate. We will give them a
21 description of what that hunt area is, the dates et cetera,
22 and they could accept or decline the hunt. Private land,
23 again, we would put fifty percent of the hunters from the
24 population management hunt on those lands as well. So we
25 do have public hunters on private as well, as well as



1 sometimes we do hunt public land if it is a concern for
2 conflict as well.

3 MS. ARCHULETA: Great. So it's an opportunity for
4 resident hunters who make sure, we really want to promote
5 that they check that box for another opportunity to draw
6 another tag. So --

7 MR. LILEY: Ms. Archuleta, that is correct.

8 MS. ARCHULETA: Super. Thank you very much.

9 MS. SALAZAR-HICKEY: Commissioners, do I have a
10 motion?

11 MS. ARCHULETA: Give us a second. I'm pulling up the
12 correct language to make the appropriate motion.

13 MS. SALAZAR-HICKEY: Bear with me, my apologies.

14 MS. ARCHULETA: The Department, respectfully, suggests
15 the following motion -- I'm sorry, pardon me.

16 I move to adopt the proposed changes of 19.31.14 NMAC
17 as presented by the Department and allow the Department to
18 make minor corrections to comply with the filing of this
19 rule with the state records and archives.

20 MS. SALAZAR-HICKEY: Do I have a second?

21 MR. FULFER: Second.

22 MS. SALAZAR-HICKEY: Thank you.

23 Director Sloane, may we have a role-call vote, please?

24 MR. SLOANE: Commissioner Salazar-Henry?

25 MS. SALAZAR-HENRY: No. And I'd like to explain my



1 vote.

2 MR. SLOANE: Commissioner Lopez?

3 MR. LOPEZ: Yes.

4 MR. SLOANE: Commissioner Fulfer?

5 MR. FULFER: Yes.

6 MR. SLOANE: Vice Chair Archuleta?

7 MS. ARCHULETA: Yes.

8 MR. SLOANE: Chair Salazar-Hickey?

9 MS. SALAZAR-HICKEY: Yes.

10 MR. SLOANE: Motion passes four to one.

11 MS. SALAZAR-HICKEY: Thank you.

12 Commissioner Salazar, would you like to explain your
13 no vote?

14 MS. SALAZAR-HENRY: Thank you. I just want to be
15 nothing if consistent, I voted no on the muzzleloader rule
16 of scopes. And so I don't support the rule as it's been
17 structured. I believe that it could've been more refined
18 in the application of hunt structures throughout the state.
19 Thank you.

20 MS. SALAZAR-HICKEY: Thank you.

21 (End of audio)

22

23


24

25



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

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Date: February 23, 2023

