

STATE GAME COMMISSION RULE HEARING

Agenda Item 13

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

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: So let's move into Agenda Item  
2 Number 13; and this is the rule hearing on Commission  
3 Deliberation and Decision 19.31.16 NMAC, Turkey Rule. So  
4 with that said, this hearing will please come to order. My  
5 name is Sharon Salazar-Hickey, chair to the commission. I  
6 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 Turkey Rule, Title 19, Chapter 31, Part 16, the New Mexico  
11 Administrative Code, which will become effective on April  
12 1, 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 amendment  
22 have been available on the Department's website. Those  
23 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 first 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 comment, 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, 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 public comment portion of the hearing. Final commission  
24 action, including adoption of the rule, may occur after the  
25 conclusion of the presentation and public comment period of



1 each hearing.

2 This hearing is now open regarding Hearing Item Number  
3 13, rulemaking hearing on Turkey Rule 19.31.16 NMAC. Are  
4 there any exhibits for the proposed amendments to 19.31.16  
5 NMAC for the record?

6 MR. LILEY: Madam Chair, I wish to enter six exhibits  
7 to the record.

8 Exhibit 1, the notice of the rulemaking; Exhibit 2,  
9 the initial proposed rule that was posted on the  
10 Department's website; Exhibit 3, the presentation that I'll  
11 be giving today; Exhibit 4, the summary of the post  
12 changes; Exhibit 5, the technical information that we  
13 relied upon to develop the rule; and Exhibit 6, the twenty-  
14 five public comments received during the rulemaking.

15 MS. SALAZAR-HICKEY: Stewart, can you please introduce  
16 the proposed amendments to 19.31.16?

17 MR. LILEY: Madam Chair and members of the commission,  
18 as with the other species rules we discussed, it's the  
19 third presentation on this. I real briefly just wanted to  
20 show, kind of, turkey harvest through time and licensed  
21 sale through time.

22 You saw, and we kind of discussed at the previous  
23 meeting, we saw, kind of, a bump during that -- license  
24 sale during the COVID period, 2020 season. It kind of came  
25 back down a little bit in the license sales this year, but



1 the harvest stayed a little bit higher. So a little bit  
2 higher spring success. You'll see the success rates were  
3 up almost three percent this last spring compared to the  
4 last. But overall, you'll notice pretty stable harvest  
5 fluctuating around to 2,500 to 4,000 birds really in that  
6 26- to 2,700. Overall, twenty-five percent of our hunters  
7 harvest a second bird in the spring, so pretty low number  
8 of individuals that are actually harvesting two birds in  
9 the spring. Second turkey you'll see is ranging from 450  
10 to about 650 birds, depending on the year with a high of  
11 about 150 in 2018.

12 And then you have the fall harvest that's actually  
13 pretty small overall. Total, you know, fall harvest at the  
14 max about 1,000 but then ranging down to about 500. With  
15 that male -- excuse me hen harvest in the fall being about  
16 409, nothing that we're really concerned about in the  
17 population level kind of a harvest.

18 In total, we received twenty-five public comments, as  
19 I stated. The majority of those, again, some people  
20 comment on multiple aspects but the majority of the  
21 comments were in favor of the Department's recommendations.  
22 Some of that to change it to a bag limit of one in the  
23 spring as we've just kind of discussed, it really doesn't  
24 make biologic necessary. It doesn't -- median of twenty-  
25 five percent of those hunters, and it's being a male-



1 harvest-driven strategy.

2 Our proposed changes increase the season length by  
3 five days in May to end on, now, May 15th. Adjust the  
4 hunts based on the calendar day shifts where the months  
5 where we start on Saturdays. And then we open up GMUs 20  
6 and 43 to fall turkey hunting. That's based on, kind of,  
7 some of the population stats that we've been seeing in  
8 there. Overall, pretty low harvest we suspect in the fall  
9 in there. And then changing the Washington Ranch Hunt to  
10 to be determined dates and tags. That's a special  
11 cooperation ranch that we hunt with to allow public youth  
12 hunting on there and the adjoining BLM around there, and  
13 that's that Black Management River area that's administered  
14 by the BLM.

15 And then the Huey, we just don't have the turkey  
16 population on the Huey anymore so we're proposing removing  
17 that.

18 And then the big one is adding GMU 26 and 27 as an  
19 entry permit, that's the Gould's Turkey Area; that's in the  
20 Peloncillo Mountains and then (indiscernible) Mountains to  
21 allow for a limited draw entry for Gould's turkey.

22 And then creating a special WMNA entry hunt on an  
23 (indiscernible), that new acquisition as well and then as  
24 you already have done this prohibited turkey hunting on the  
25 roost on that first hearing that you had this morning, real



1 quick just looking at -- this if for the Gould's Turkey,  
2 May of 1 to May 30th is the proposal up to five permits in  
3 that south -- very southwest portion of the state where  
4 Gould's are. Again, a limited hunt up to five. We suspect  
5 that first year the Hunt Hill will probably propose four  
6 licenses is what we're thinking for the next season that  
7 will start on May 1st of 2023. So it'll be the first  
8 public draw hunt for Gould's Turkeys in the state if you  
9 approve this rule.

10 With that, I'll take any questions.

11 MS. SALAZAR-HICKEY: Would anyone like to comment on  
12 the proposed amendments to 19.31.16?

13 MS. SALAZAR-HENRY: None, Chair. Oh, you want to  
14 go --

15 MS. SALAZAR-HENRY: No. I was just saying we don't  
16 have anyone.

17 Commissioner Salazar-Henry?

18 MS. SALAZAR-HICKEY: Stewart, the one question I got  
19 asked about the Gould's Turkey Hunt is why you didn't break  
20 it up into two licenses for two weeks instead of four  
21 licenses for a whole month. Because they felt like you're  
22 going to get your bird in two weeks; if you can't get it in  
23 two weeks, you're a bad hunter, is what I heard.

24 MR. LILEY: Yeah. Madam Chair, Commissioner Salazar-  
25 Henry, because we're having so few hunters out on the



1 landscape at once, we just wanted to allow the flexibility  
2 of a hunter if they can go this week or next weekend  
3 instead of trying to limit it down to a short period. At  
4 four hunters we don't think -- or at five hunters we don't  
5 think we're going to have a hunter density issue so it just  
6 give more flexibility across.

7 MS. SALAZAR-HICKEY: Thank you, Commissioner.

8 Thank you, Chief.

9 At this time the attendance sheet shall be marked and  
10 admitted as Exhibit Number 7. The comments submitted and  
11 testimony heard during this rule hearing will be reviewed  
12 by the commission and discussed during the open session of  
13 today's meeting. The commission will vote on the proposed  
14 amendments at that time. I would like to thank everyone  
15 present for their participation today and let the record  
16 show that this rulemaking hearing was adjourned at 1:41  
17 p.m.

18 Now, Commissioners, shall we have another discussion?  
19 Do we want to have more comments?

20 And we don't have anything online. I see no cards, so  
21 therefore, at this time I will move to approve 19.31.16  
22 NMAC as presented by the Department and allow the  
23 Department to make minor corrections to comply with filing  
24 this rule with state records and archives.

25 Do I have a second?





1 MS. ARCHULETA: Second.

2 MS. SALAZAR-HICKEY: Thank you, Commissioner.

3 Director, may we have a roll call vote, please?

4 MR. SLOANE: Commissioner Salazar-Henry?

5 MS. SALAZAR-HENRY: Yes.

6 MR. SLOANE: Commissioner Lopez?

7 Commissioner Fulfer?

8 MR. FULFER: Yes.

9 MR. SLOANE: Vice Chair Archuleta?

10 MS. ARCHULETA: Yes.

11 MR. SLOANE: Chair Salazar-Hickey?

12 MS. SALAZAR-HICKEY: Yes.

13 MR. SLOANE: Motion passes.

14 MS. SALAZAR-HICKEY: With four votes. Thank you, sir.

15 (End of audio)



## 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

