

MIGRATORY BIRD RULE (19.31.6 NMAC) HEARING

July 21, 2023

Held at

NMGF Albuquerque Office

7816 Alamo Rd. NW

Albuquerque, New Mexico 87120

PRESENT:

Tirzio Lopez, Vice-Chairman

Sharon Salazar Hickey, Commissioner

Fernando Clemente, Commissioner

Gregg Fulfer, Commissioner (Virtual)

Michael Sloane, Director

Daniel Rubin, Assistant Attorney General

Stewart Liley, Wildlife Division Chief



1 MR. LOPEZ: We'll move onto our next agenda item,
2 which is the Migratory Game Bird Rule NMAC 19.31.6.

3 Okay. This chamber, please come to order. My name is
4 Tirzio Lopez, vice chair of for the Commission. I'll be
5 serving as the hearing monitor and (indiscernible) of
6 Commissioner's counsel of the Office of the Attorney
7 General.

8 The purpose of this hearing is for the Commission to
9 receive public comment on repealing and replacing the
10 Migratory Game Bird Rule, Title 19, Chapter 31, Part 6
11 (indiscernible) on April 1st, 2023. These hearings are
12 conducted with (indiscernible) provisions of the Game &
13 Fish Act and the State Bird Act. The hearing is also being
14 audiotaped and video recorded. Anyone interested in a copy
15 of the audio or video tape shall contact (indiscernible)
16 with the New Mexico Department of Game & Fish.

17 Public notice of this hearing was advertised in the
18 New Mexico Register, the New Mexico Sunshine portal, and
19 (indiscernible). Copies of the proposal (indiscernible)
20 have been available on the Department's website. No
21 addition to (indiscernible) to submit public comments
22 (indiscernible).

23 Staff will present (indiscernible) exhibits. Exhibits
24 that have been entered that have been entered into evidence
25 are available for review by the public on the Department's



1 website. After all exhibits are entered, we will proceed
2 with the presentation of the (indiscernible) after which
3 testimony will be taken from the audience.

4 Note that the (indiscernible).

5 MR. RUBIN: Mr. Vice-Chairman, members of the
6 Commission, I do wish to submit some exhibits into the
7 record.

8 Exhibit number 1 is a copy of the Department's rule
9 and what we did in the summary to the notice to the
10 records.

11 Exhibit 2 is the presentation I'll be giving today.

12 Exhibit 3: public comments we received during the
13 rule process -- rule making process.

14 Exhibit 4: the technical information we relied upon
15 to develop the rule.

16 And Exhibit 6 (sic): a copy of the (indiscernible).

17 MALE SPEAKER: Is there an Exhibit 5 (indiscernible)?

18 MR. LOPEZ: I think he meant 5.

19 MR. RUBIN: I meant 5. I must have -- I apologize.

20 MALE SPEAKER: Okay.

21 MR. RUBIN: Yeah.

22 MALE SPEAKER: And Mr. Rubin, is there a -- are we
23 putting into the record the certificate that reflects the
24 notice was given to the public?

25 MR. RUBIN: Yes, that was Exhibit number 1.



1 MALE SPEAKER: Okay.

2 MR. RUBIN: (Indiscernible)

3 MALE SPEAKER: Okay.

4 MR. LOPEZ: (Indiscernible).

5 MR. RUBIN: So again, this is the final portion of
6 this rule-making hearing. We (indiscernible) in accordance
7 with the Fish and Wildlife Service with the federal
8 frameworks. You've heard these at the last couple of
9 meetings. We adjusted the bag limits, possession limits,
10 dates according to what's allowable in the federal register
11 as well.

12 This is an annual rule-making hearing, and what we're
13 doing here is we're planning on changes to the regular
14 migratory bird seasons based off on public comments and
15 dates. And then we will -- also, with that, there's no
16 changes in the (indiscernible) permit numbers.

17 We have (indiscernible) bag limit that's going to
18 remain at one for this upcoming migratory bird season.
19 That's in accordance with the federal regulations.

20 And then no changes to the dove seasons.

21 We did receive public comments -- five public comments
22 received to the rule hearing. We did have two public
23 meetings -- or excuse, a hybrid public meeting, and that
24 was on April 26th. Two members of the public did attend.

25 The comments we received, some of them are not



1 applicable, because they would take federal action. It's
2 not action you all can take, such as duck (indiscernible)
3 requirements, north and south zone opening days, for
4 example, on our season (indiscernible).

5 And then also, we have a comment on shifting the snipe
6 season to later. That's something that we can take into
7 account for the next rule cycle. That will be -- would
8 take federal action, but we would work with the federal
9 government to potentially look at that for next season.
10 But for this season, the frameworks would not allow all of
11 that.

12 And so I can go through the specific dates, if you
13 wish, but you all have heard this at two previous meetings.
14 So with that, I would take any questions that you all may
15 have.

16 MR. LOPEZ: Would anyone like to comment
17 (indiscernible) as to 19.31.6?

18 FEMALE SPEAKER: Mr. Vice-Chair, I would like to say
19 thank you to the Department of Gaming & Fish for the work
20 that they've done in making these proposed changes, but I
21 would also like to thank the members of the public for
22 expressing their comments and coming forward.

23 That's all I have. Thank you.

24 MR. LOPEZ: Would anyone in the audience like to ask
25 any questions of the witness?



1 Are there any exhibits from the public that need to be
2 entered into the record at this time?

3 Okay. Exhibit entered by (indiscernible) 1 through 5
4 are also admitted into the record.

5 Those that registered and participated in the hearing
6 will be included in the item sheets. At this time, the
7 item sheets will be marked and admitted as Exhibit --

8 MALE SPEAKER: Exhibit 6 if there isn't one.

9 MR. LOPEZ: There is no 6. The comments submitted to
10 us (indiscernible) will be reviewed by the Commission and
11 discussed during open session during today's hearing.

12 The Commission will vote on the proposed rule at this
13 time. I would like to thank everyone for their
14 participation today. Let the record show (indiscernible)
15 hearing will adjourn at 11:35 a.m., July 21st, 2023.

16 MALE SPEAKER: Mr. Chair, now it's up to you to -- the
17 Commission to discuss and make a motion?

18 MR. LOPEZ: Is there any discussion that we
19 (indiscernible)?

20 MS. SALAZAR HICKEY: Mr. Vice-Chair, I would like to
21 move to repeal and replace 19.31.6 NMAC, as presented by
22 the Department, and allow the Department to make minor
23 corrections to comply with (indiscernible) rule with state
24 records (indiscernible).

25 MR. LOPEZ: We have a motion. Is there a second?



1 MR. CLEMENTE: I will second that motion.

2 MR. LOPEZ: Mr. Secretary, please take the vote,
3 please.

4 MALE SPEAKER: Commissioner Salazar Hickey?

5 MS. SALAZAR HICKEY: Yes.

6 MALE SPEAKER: Commissioner Fulfer?

7 MR. FULFER: Yes.

8 MALE SPEAKER: Commissioner Clemente?

9 MR. CLEMENTE: Yes.

10 MALE SPEAKER: Vice-Chair Lopez?

11 MR. LOPEZ: Yes.

12 MALE SPEAKER: The motion passes.

13 MR. LOPEZ: Thank you, Mr. Secretary.

14 (End of audio)

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

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



Aliza Blumenfeld (CET-634)

AAERT Certified Electronic Transcriber

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