

FISHERIES RULE 19.31.4 NMAC HEARING

August 25, 2023

Held at

Raton City Hall Commissions Chambers

224 SAVAGE AVENUE

RATON, NEW MEXICO 87740

PRESENT:

Tirzio Lopez, Vice-Chairman

Sharon S. Hickey, Commissioner

Fernando Clemente, Commissioner

Gregg Fulfer, Commissioner

Edward Garcia, Commissioner

Michael Sloane, Director

Daniel Rubin, Assistant Attorney General

Kirk Patten, Fisheries Division Chief

Valente Meza, Web Developer/Electronic Interface Manager



1 MR. LOPEZ: Okay. We'll go on to our next agenda
2 item, and that is our fisheries rule, 9.31.4 NMAC hearing.
3 We have Dr. Patten.

4 (Pause)

5 MR. LOPEZ: Is the doctor ready?

6 DR. PATTEN: (Indiscernible).

7 MR. LOPEZ: We're going to have the open hearing now
8 for the New Mexico fishing rule. This hearing will please
9 come to order. My name is Tirzio Lopez, vice-chair to the
10 commission. I will be serving as the hearing officer and
11 be advised by the Commission's Council from the Office of
12 the Attorney General.

13 The purpose of this hearing is for the Commission to
14 receive comments on amending the fishing rule, Title 19,
15 Chapter 31, Part 4, New Mexico Administrative Code, and
16 shall become effective September 12th, 2023.

17 These hearings are being conducted in accordance with
18 the provision of the Game and Fish Act (phonetic) and the
19 State Rules Act. These hearings are to be audiotaped and
20 video recorded. Anyone interested in a copy of the
21 audiotape or video recording should contact Ryan Darr with
22 the New Mexico Game and Fish Department.

23 Public notice of this hearing has been advertised in
24 the New Mexico Register and the New Mexico Sunshine Portal
25 on the Department's website. Copies of the proposed



1 amendments have been available on the Department website.
2 Those wishing to comment here today must have registered to
3 submit public comments.

4 The rule hearing will be conducted in the following
5 manner. Staff will present pre-filed exhibits; exhibits
6 admitted into evidence are available for review by the
7 public on the Department's website. After all exhibits are
8 entered, we will proceed with the presentation of a
9 proposal, after which testimony has been given from the
10 audience. Participants are asked to wait until they have
11 been called upon to speak.

12 In order to ensure that this hearing is accurately
13 recorded, only one person at a time shall be allowed to
14 speak. Any person recognized to speak is asked to identify
15 yourself by name, who you are affiliated with, for the
16 record, each time you are recognized, and speak loud and
17 clear to accurately record your comments.

18 After a person has offered comment they will stand for
19 questions from the hearing officer. The audience may be
20 also asked questions from anyone offering comments, being
21 recognized by me. These hearings are subject -- are not
22 subject to the additional rules of evidence; however, in
23 the interest of efficiency, I reserve the right to limit
24 any testimony deemed irrelevant, redundant, or unduly
25 repetitious.



1 The Commission may discuss the purposed rule after the
2 public comment portion of the hearing. Final Commission
3 action, including adoption of the rule, may occur after the
4 conclusion of the presentation and the public comment
5 period for this hearing.

6 This hearing is now open. Are there any exhibits for
7 the proposed amendments to 19.31.4 NMAC for the records?

8 DR. PATTEN: Good morning, Mr. Vice-Chair and
9 Commissioners. Yes, I have six exhibits I'd like to enter
10 into the hearing record. Mr. Vice-Chair, I'm going to go
11 ahead and read what the exhibits are, just for the record.

12 The first of these is Exhibit 1. It is a notice of
13 proposed rulemaking for notifying the public of this
14 hearing. The second is a redline and clean version of the
15 proposed rule. The third exhibit is a copy of technical
16 information from which will be relied upon, and it includes
17 House Bill 197. The fourth exhibit is a summary of the
18 purposed changes. Exhibit 5 is a copy of one public
19 comment we received, and Exhibit 6 is a copy of this
20 presentation.

21 MR. LOPEZ: Exhibits 1 through 6 are admitted into the
22 record.

23 (Notice of proposed rulemaking was hereby marked for
24 identification and received into evidence as People's
25 Exhibit 1, as of this date.)



1 (Redline and clean version of the proposed rule was hereby
2 marked for identification and received into evidence as
3 People's Exhibit 2, as of this date.)

4 (Copy of technical information; including House Bill 197
5 was hereby marked for identification and received into
6 evidence as People's Exhibit 3, as of this date.)

7 (Summary of proposed changes was hereby marked for
8 identification and received into evidence as People's
9 Exhibit 4, as of this date.)

10 (Copy of one public comment was hereby marked for
11 identification and received into evidence as People's
12 Exhibit 5, as of this date.)

13 (Copy of visual presentation was hereby marked for
14 identification and received into evidence as People's
15 Exhibit 6, as of this date.)

16 MR. LOPEZ: Kirk, can you please introduce the
17 proposed amendments to 19.31.4?

18 DR. PATTEN: Thank you, Mr. Vice-chair. Yes, I can do
19 so.

20 Like you said, I'm here to present a brief overview of
21 amendments -- minor amendments to the fisheries rule
22 related to free fishing days. As the current structure of
23 the rule states, free fishing days are designated in
24 19.31.4.16 (indiscernible), as the first Saturday of June
25 each year and the last Saturday of each of -- of September



1 of each year.

2 House Bill 197 was passed during the last legislative
3 session and signed into law. It expanded the director's
4 authority to designate free fishing days -- two non-
5 consecutive free fishing days per year, with Commission
6 approval, to two non-consecutive free fishing weekends.

7 And so we came to you -- I believe it was at your
8 April meeting, and presented concepts of how we were
9 purposing to enact this to try and get a free fishing
10 weekend in this year, in 2023.

11 After discussions, we decided to make the proposal
12 that we would come up with, stick with the same sort of
13 structure of the first weekend in June of each year and the
14 last weekend in September of each year. A little bit of
15 change there is related to the first; you could have a
16 Sunday -- a Sunday being the first day of the month and
17 then the Saturday being the next day of the month, so we
18 went with the first consecutive Saturday and Sunday of each
19 -- of June, and the last consecutive Saturday and Sunday of
20 September. This aligns with National Fish and Boating Week
21 or days that the National Fish and Boat Foundation puts on,
22 so it's the same sort of structure we've been using, just
23 changing it to weekends.

24 We received one public comment on this proposal; it
25 wasn't really relevant to the topic at hand, and if the



1 Commission chooses to pass this proposed amendment today,
2 we are prepared to file the paperwork, and it will go into
3 effect, and we will have our first free fishing weekend in
4 September of this year.

5 Thank you for your time, and that's all I have today.

6 MALE SPEAKER: Thank you, sir.

7 MR. LOPEZ: Would anyone like to comment on purposed
8 amendment 19.31.4, free fishing rule?

9 MS. HICKEY: Mr. Vice-Chair, Commissioners, I'd like
10 to move to amend fisheries rule 19.31.4.16 --

11 MR. LOPEZ: Hold on. I've got to close the hearing.

12 MS. HICKEY: Oh. I'm sorry.

13 MR. LOPEZ: We got you though. We're going to get
14 you.

15 Those that registered and participated in the hearing
16 will be included on the attendance sheet. At this time,
17 the attendance shall be marked and exhibited as Exhibit 7.
18 (Hearing attendance sheet was hereby marked for
19 identification and received into evidence as People's
20 Exhibit 7, as of this date.)

21 MR. LOPEZ: The comments submitted and testimony heard
22 today in this room will be reviewed by the Commission and
23 discussed during open session of today's meeting. The
24 Commission will vote to rule on the proposal at that time.
25 I would like to thank everyone present for participation



1 today. Let the record show that this rule hearing was
2 adjourned at 1:41 p.m.

3 (End of audio)



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

I, Jessica Iyanna Hartman, certify that the foregoing transcript is a true and accurate record of the proceedings.

Jessica Iyanna Hartman

Jessica Iyanna Hartman

eScribers

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Date: September 20, 2023

