

A G E N D A
NEW MEXICO STATE GAME COMMISSION
Thursday June 21, 2018
Raton Convention Center
901 S. 3rd St.
Raton, NM 87740
9:00 a.m. – 5:00 p.m.

Public testimony and comment: All those interested in providing oral comments on Agenda Items are encouraged to prepare a "Speaker's Card" for each item on which they will comment. These cards assist the Commission Chair to manage more effective public communication. Comments may be allowed on each item at the Commission Chair's discretion, regardless of card completion. Those who desire to address the Commission and who claim to represent an organization must provide the following information: the number of members in the organization, frequency of the organization's meeting and either a signed statement from that organization's president that states the organization has discussed the topic and approved the position that the representative is presenting, or proof that they are a registered lobbyist for the organization.

AT THEIR DISCRETION, THE COMMISSION MAY TAKE ACTION ON ANY AGENDA ITEM

AGENDA ITEM NO. 1: Meeting Called to Order

AGENDA ITEM NO. 2: Roll Call

AGENDA ITEM NO. 3: Pledge of Allegiance

AGENDA ITEM NO. 4: Approval of Agenda

AGENDA ITEM NO. 5: Introduction of Guests

AGENDA ITEM NO. 6: Approval of Minutes of May 22, 2018 Los Alamos, NM Regular Meeting

NEW BUSINESS:

AGENDA ITEM NO. 7: Approval of Fiscal Year 2020 Capital Outlay Request.

Presented by Paul Varela – The Department is seeking Commission approval for the capital outlay request for Fiscal Year 2020.

AGENDA ITEM NO. 8: Revocations.

Presented by Darrell Cole / Robert Griego – The Department will present a list of individuals that meet established criteria for initiation of the revocation/suspension process for hunting, fishing, or trapping license privileges.

AGENDA ITEM NO. 9: Update on the Construction of Albuquerque and Roswell Office Complexes.

Presented by Jim Comins – Presentation to the Commission by the Department on the update of the construction projects regarding the Albuquerque and Roswell Office complexes in Bernalillo and Chavez Counties.

AGENDA ITEM NO. 10: Initial Discussion for Potential Rule Changes on the Game and Fish Licenses/Permits Rule – 19.30.9 NMAC.

Presented by Chad Nelson / Ty Jackson – The Department will start the discussion on opening rule for potential amendments for the Game and Fish License rule (19.30.9 NMAC), specific to vendor opportunities and allowances.

AGENDA ITEM NO. 11: Initial Discussion for Potential Rule Changes on the Hunting and Fishing Licenses Application Rule – 19.31.3 NMAC.

Presented by Chad Nelson / Ty Jackson – The Department will start the discussion on opening rule for potential amendments for the Hunting and Fishing Licenses Application rule (19.31.3 NMAC), specific to validity of licenses in relation to unitizations.

AGENDA ITEM NO. 12: Completed Habitat Related Projects Throughout the State for the past four years.

Presented by Stewart Liley – The Department will present to the Commission completed habitat related projects conducted by the Department throughout the state for the past four years.

AGENDA ITEM NO. 13: Initial Discussion for Potential Rule Changes on the Deer Rule – 19.31.13 NMAC for the 2019-2023 seasons.

Presented by Stewart Liley – The Department will start the discussion on opening rule for potential amendments for the Deer Rule (19.31.13 NMAC) which has a 4 year cycle and is expiring March 31, 2019.

AGENDA ITEM NO. 14: Initial Discussion for Potential Rule Changes on the Elk Rule – 19.31.14 NMAC for the 2019-2023 seasons.

Presented by Stewart Liley – The Department will start the discussion on opening rule for potential amendments for the Elk Rule (19.31.14 NMAC) which has a 4 year cycle and is expiring March 31, 2019.

AGENDA ITEM NO. 15: Initial Discussion for Potential Rule Changes on the Private Land Elk License Allocation System Rule – 19.30.5 NMAC.

Presented by Stewart Liley – The Department will start the discussion on opening rule for potential amendments for the Private Land Elk License Allocation System Rule (19.30.5 NMAC).

AGENDA ITEM NO. 16: Initial Discussion for Potential Rule Changes on the Hunting and Fishing Manner and Method Rule – 19.31.10 NMAC.

Presented by Bobby Griego – The Department will start the discussion on opening rule for potential amendments for the Hunting and Fishing Manner and Method Rule (19.31.10 NMAC).

AGENDA ITEM NO. 17: Proposed Regulations to Define Terms and Phrases and Amend and add Enforcement Mechanisms and Penalties under Criminal Trespass.

TBD – Proposed Regulations to define terms and phrases and amend and add enforcement mechanisms and penalties under NMSA Section 30-14-1, Section 30-14-6, Section 17-4-6, Section 17-1-26, NMAC Title 19, Chapter 31, Part 10. Hunting And Fishing - Manner And Method Of Taking, and NMAC 19.31.10.1 et seq. including but not limited to No trespassing notice; sign contents; posting; requirement; prescribing a penalty for wrongful posting of public lands, and definition of and method and manner of identifying “posted private property” under Criminal Trespass, NMSA 30-14-1(A), and NMSA 30-14-1(B), “Notice of no consent to enter shall be deemed sufficient notice to the public and evidence to the courts, by the posting of the property at all vehicular access entry ways,” and NMSA 30-14-1(F), “no trespass’ sign.”

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PUBLIC RULE HEARING OPEN

All individuals wishing to provide comment or submit information at the rule making hearing are required to prepare a “Speaker’s Card” and sign in on the “Sign in Sheet” for the specific Hearing Item for each item on which they will provide comment on prior to commencement of the hearing item. Individuals must state their name and any relevant affiliation for the record and to be recognized before presenting by the hearing officer. The individual providing information or comment at the hearing may be questioned by the hearing officer or other members of the Commission.

HEARING ITEM NO. 1a (Informational): Rule Making Hearing on Final Rule Changes on the Turkey Rule – 19.31.16 NMAC for the 2019-2023 Hunting Seasons.

Presented by Stewart Liley – The Department will present the final rule amendments for the Turkey Rule (19.31.16 NMAC) which has a 4 year cycle and is expiring March 31, 2019.

Action Item No. 1b: *The Commission will vote on the Final Amendments to Turkey Rule 19.31.16 NMAC after closing of the hearing item.*

HEARING ITEM NO.2a (Informational): Rule Making Hearing on Final Rule Changes on the Migratory Bird Rule – 19.31.6 NMAC for 2018 – 2019 Hunting Seasons

Presented by Stewart Liley – The Department will present the final rule amendments for the Migratory Game Bird Rule (19.31.6 NMAC) for 2018 – 2019.

Action Item No. 2b: *The Commission will vote on the Final Amendments to Migratory Game Bird Rule 19.31.6 NMAC after closing of the hearing item.*

PUBLIC RULE HEARING CLOSED

AGENDA ITEM NO. 18: General Public Comments (Comments Limited to 2 Minutes per speaker and overall General Public Comments limited to a total of 30 minutes. At the conclusion of 30 minutes, General Public Comment will end.)

AGENDA ITEM NO. 19: Closed Executive Session

The State Game Commission will vote as to whether it will adjourn into Executive Session closed to the public; pursuant to 10-15-1(H)(2) NMSA 1978, to discuss limited personnel matters relating to complaints and discipline; pursuant to Section 10-15-1(H)(8) NMSA 1978, to discuss the property acquisition; and pursuant to Section 10-15-1(H)(7); on matters subject to the attorney-client privilege relating to threatened or pending litigation.

A. Personnel Matters

1. Department Personnel Matters
2. Director Search

B. Property

1. Discussion on Mesilla Valley State Park property located in Dona Ana County.

C. Attorney-Client Privilege/Litigation

1. APNM v. N.M. Game Commission No. D-101-CV-2016-01227 (First Judicial Court NM).
2. APNM v. N.M. Game Commission No. 35441 (N.M. Court of Appeals).
3. Humane Society, et al. v. NM Commission, et al. 2:16-cv-00724-WJ-SMV.
4. A Dunn v. New Mexico Department of Game and Fish No. D-722-CV-2017-00104.
5. Center for Biological Diversity, et al. v. Sally Jewell, et al. Case No. 1:16-CV-01932-WYD.
6. Center for Biological Diversity, et al. v. Ryan Zinke, et al. Case No. 4:16-CV-00047-BGM & WildEarth Guardians, et al. v. Ryan Zinke, et al. Case No. 4:18-CV-00048.
7. Rinsler and Agnew v. New Mexico Department of Game and Fish, D-608-CV-2018-00071.
8. Davis v. New Mexico Department of Game and Fish et al., D-117-CV-2018-00152 (First Judicial Court NM).
9. Neal Trujillo v. NM State Game Commission and DGF, D-101-CV-2018-01408.

AGENDA ITEM NO. 20: Adjourn.

NOTE: The meeting will be adjourned upon completion of the agenda or up to those items that time allows. Any items not discussed will be on the following meeting's agenda. The Agenda is subject to change up to 72 hours prior to the scheduled meeting date and time as deemed necessary by the Chairman. To inquire about agenda changes, please contact the Office of the Director at (505) 476-8000. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Human Resources at (505) 476-8000 at least 3 working days before the meeting date. Public documents, including the Agenda and Minutes can be provided in various accessible forms. Please contact Human Resources if a summary or other type of accessible form is needed.

