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Albuquerque
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Alto
RALPH RAMOS
Las Cruces

MEETING MINUTES

NEW MEXICO STATE GAME COMMISSION

Taos Convention Center
Rio Grande Hall A
120 Civic Plaza Drive, Taos, NM 87571
Thursday, November 14, 2013
8:00 a.m. – 5:00 p.m.

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AGENDA ITEM NO. 1: Meeting Called to Order.

Meeting called to order at 8:01 a.m. by Chairman Scott Bidegain in Rio Grande Hall A of the Taos Convention Center, Taos, NM.

AGENDA ITEM NO. 2: Roll Call.

Secretary Kirkpatrick called the roll:

Present: Commissioner Tom Arvas
Chairman Scott Bidegain
Vice Chairman Thomas Salopek
Commissioner Bill Montoya
Commissioner Paul Kienzle
Commissioner Robert Espinoza
Commissioner Ralph Ramos

Absent: None

Quorum: Yes

AGENDA ITEM NO. 3: Approval of Agenda.

Chairman Bidegain asked the Commission to approve the agenda.

MOTION: Vice Chairman Salopek so moved to approve the agenda.

SECOND: Commissioner Ramos.

Vote: 6-0

Yes: Commissioner Arvas, Vice Chairman Salopek, Commissioner Montoya,
Commissioner Kienzle, Commissioner Espinoza and Commissioner Ramos

No: None

Abstained: None

Absent: None

Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 4: Introduction of Guests.

Chairman Bidegain welcomed attendees and the audience introduced themselves and some noted the organizations they represent.

AGENDA ITEM NO. 5: Approval of Minutes for Past two Commission Meetings (September 26, 2013 Santa Fe, NM and October 30, 2013 Albuquerque, NM).

MOTION: Vice Chairman Salopek so moved to approve the agenda.

SECOND: Commissioner Ramos.

Vote: 6-0

Yes: Commissioner Arvas, Vice Chairman Salopek, Commissioner Montoya,
Commissioner Kienzle, Commissioner Espinoza and Commissioner Ramos

No: None

Abstained: None

Absent: None

Result: Motion UNANIMOUS. PASSED.

NEW BUSINESS:

Secretary R.J. Kirkpatrick recognized and applauded Assistant Director, Pat Block's dedication and contribution to the Department of Game and Fish and noticed that this would be his last State Game Commission on official business. Pat Block will be retiring from the Department of Game of Fish in December 2013. THANK YOU PAT! Chairman Scott Bidegain reiterated that Director Jim Lane resigned and RJ Kirkpatrick was accepted as interim director.

AGENDA ITEM NO. 6: Revocations.

Presented by Steve Anderson and Donald Jaramillo – The Department presented a list of individuals that meet established criteria for initiation of the suspension process for hunting, fishing, and trapping license privileges. There was a listed 436 obligors that Human Services Department reported as being out of compliance in August, September, and October 2013. The Commission is required to suspend all license privileges for non-compliant obligors until they return to compliance. A motion was requested to suspend the license privileges of obligors not in compliance with their court order to pay child support. No one from the public commented on this item. Commission discussion focused on potential identification issues that could be encountered. The Department assured the Commission that identities of obligors are verified before suspensions are recommended.

MOTION: Commissioner Arvas so moved to authorize the Department to administer these suspensions on behalf of the Commission including the issuance and service of a Notice of Contemplated Action to each individual listed that is out of compliance with the Parental Responsibility Act.

SECOND: Commissioner Montoya.

Vote: 6-0
Yes: Commissioner Arvas, Vice Chairman Salopek, Commissioner Montoya, Commissioner Kienzle, Commissioner Espinoza and Commissioner Ramos
No: None
Abstained: None
Absent: None
Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO.7: Final Proposed Amendments to the Scientific and Education Rules 19.35.6 and 19.36.2 NMAC.

Presented by Steve Anderson – The Department presented the final proposed rule changes to the Educational Use of Wildlife (19.35.6 NMAC) and Taking and Possession of Protected Wildlife for Scientific and Educational Purposes (19.36.2 NMAC) rules. Chapter 17 requires a person to have a permit or license to take or possess protected wildlife species. Currently, two rules govern these permit processes: 19.35.6 Educational Use of Wildlife, last revised in 1994, and 19.36.2 Taking and Possessing Protected Wildlife for Scientific and Educational Purposes, last revised in 1996. These two rules partially overlap, generating confusion. The outdated permit process is not in line with the other Special Use of Wildlife Permits that the Department issues, and places an undue burden on permittees and on the Department. Proposed changes include merging the two rules into one, and requiring an annual report of data collected. This will establish a more efficient process for applying for a permit, establish a more efficient process for issuing a permit, and ensure that rules and procedures are in line with current statutes. No one from the public commented on this item and there was no discussion by the Commission on this item.

MOTION: Vice Chairman Salopek moved to accept the Department's recommendation to repeal 19.35.6 and 19.36.2 NMAC, and replace them with the new 19.35.6 NMAC as presented.

SECOND: Commissioner Espinoza.

Vote: 6-0
Yes: Commissioner Arvas, Vice Chairman Salopek, Commissioner Montoya, Commissioner Kienzle, Commissioner Espinoza and Commissioner Ramos
No: None
Abstained: None
Absent: None
Result: Motion UNANIMOUS. PASSED.

**AGENDA ITEM NO.8: Proposed Amendments to Donation of Licenses and Permits
19.31.3 NMAC.**

Presented by Donald Jaramillo – The Department presented proposed amendments to allow licenses and permits to be donated to various non-profit organizations approved by the Commission that are not associated with wish-granting organizations. 17-3-7 G. (3) NMSA 1978 authorizes the director to transfer a hunting license to a non-profit organization. The license must be donated by licensee and the appropriate license fees must be paid. Currently, 19.31.3.11NMAC restricts such transfers to “wish granting organizations. Frequently, these organizations are unable to provide appropriate recipients on short notice. As a result, potential donations are unused and the opportunity for deserving youth hunters is lost. The proposed solution is to remove wish granting language from the rule. The Commission is still required to approve nonprofit organizations that promote youth hunting, fishing and trapping. The rule would then reflect the statute. The proposed draft amendment has been posted on the Department website and the Department will continue to seek public input on the proposed draft. A final draft amendment will be presented to the Commission for recommendation and/or approval at a future Commission meeting. Public commenters requested the Department to revise the language to state the license could only be used for what it is intended and no other purpose. Commission discussion focused on the amount of licenses available, which is approximately a dozen per year. This being a discussion item, no motion was heard.

AGENDA ITEM NO.9: Open Meetings Act 10-15-1 to 10-15-4 NMSA 1978.

Presented by Mona Valicenti – The Commission's attorney provided an overview of the Open Meetings Act requirements to public bodies. A few points discussed are as follows: 10 days is considered reasonable notice for a regular meeting, 3 days for a special meeting, and 24 hours for an emergency meeting. The meeting notice must contain an agenda or the location of where the public can find the agenda. It also must be posted on the Department's website. The agenda must contain specific items of contemplation and must be posted 72 hours before a meeting. A Commission is prohibited from taking action on any item that is not on the agenda at least 72 hours in advance; however, there are exceptions for emergencies. Minutes must include: date, time and place, name of members in attendance and those absent. Draft minutes must be prepared within 10 working days. Minutes are considered to be public record. Minutes are not official until they are approved by the Commission. Public comments centered on their appreciation for the Commission to hold the Open Meetings Act overview. Commissioners had specific questions in regards to social activities with other Commissioners. Mona Valicenti stated that members of the Commission could engage in social activities together, but are not allowed to discuss business. This being a discussion item, no motion was heard.

AGENDA ITEM NO.10: State Game Commission Public Notice Policy.

Presented by Paul Kienzle – The Commissioner attorney provided a presentation to the State Game Commission on amending their Public Notice Policy that gives timelines and other public notice requirements for Commission public meetings. The State Game Commission Public Notice Policy is consistent with the Open Meetings Act. It gives the public adequate notice to comment and provides transparency. Public comment was appreciative of the revised version as it is clearer. The Commission expressed gratitude for the revision as the previous version resulted in disconnected information, especially in regards for amendments.

MOTION: Commissioner Kienzle moved to accept the new State Game Commission Public Notice Policy.

SECOND: Vice Chairman Salopek.

Vote: 6-0
Yes: Commissioner Arvas, Vice Chairman Salopek, Commissioner Montoya, Commissioner Kienzle, Commissioner Espinoza and Commissioner Ramos
No: None
Abstained: None
Absent: None
Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 11: Closed Executive Session.

The State Game Commission voted to adjourn into Executive Session closed to the public, pursuant to Section 10-15-1(H)(2), to discuss limited personnel matters of key Department personnel, Section 10-15-1(H)(8) NMSA 1978, to

discuss the acquisition of real property, and pursuant to Section 10-15-1(H)(7) on matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the Commission and/or Department is or may become a participant.

MOTION: Vice Chairman Salopek moved to adjourn into Executive Session.

SECOND: Commissioner Ramos.

Secretary Kirkpatrick called the roll call vote:

Present: Commissioner Tom Arvas
Chairman Scott Bidegain
Vice Chairman Thomas Salopek
Commissioner Bill Montoya
Commissioner Paul Kienzle
Commissioner Robert Espinoza
Commissioner Ralph Ramos

Absent: None

Quorum: Yes

The Commission returned to the open public session and noted for the record that no action was taken in the closed executive session.

AGENDA ITEM NO.12: Final Proposed Amendments to the Fisheries Rule, 19.31.4 and Manner and Method Rule 19.31.10 NMAC.

Presented by Mike Sloane – The Department presented the final proposed amendments to the Commission on the fisheries rule and manner and method to accommodate the next 4-year rule cycle. Proposed changes to the fisheries rule include: clarifying language for kokanee snagging season, closing Iron Creek and McKenna Creek to fishing, reducing the striped bass limit, reducing the limit for catfish waters and revising disability language. Proposed changes to manner and method rule including bow fishing and clarifying language for bait. Public comment focused on the concern that Gila Trout are listed as endangered species and support efforts made when these populations are compromised. Commission discussed the idea of rearing Gila Trout for stocking in southwestern waters.

MOTION: Vice Chairman Salopek moved to authorize the Department to adopt the proposed Fisheries Rule 19.31.4 NMAC to take effect on April 1, 2013 and to adopt the proposed amendments to the most current version of the Manner and Method Rule 19.31.10 NMAC.

SECOND: Commissioner Espinoza.

MOTION AMENDMENT: Vice Chairman Salopek moved to amend the previous motion to change the date from April 1, 2013 to April 1, 2014 and to include revision of 19.31.4.11 A.3.

Vote: 6-0

Yes: Commissioner Arvas, Vice Chairman Salopek, Commissioner Montoya, Commissioner Kienzle, Commissioner Espinoza and Commissioner Ramos

No: None

Abstained: None

Absent: None

Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO.13: Proposed Amendments to Oryx Licenses Issued to Wounded Warriors 19.31.12 NMAC.

Presented by Cal Baca– The Department presented proposed amendments to the rule to allow issuance of 3 oryx licenses to injured service men and women. Changes also include removing all references to "Wounded Warrior Project." The Commission asked the department to provide more details on how the Director would award these licenses in the future. This being a discussion item, not motion was heard.

AGENDA ITEM NO.14: Proposed Amendments to Chronic Wasting Disease Testing Requirements for Importation and Herd Certification Program 19.35.7 and 19.35.9 NMAC.

Presented by Cal Baca – The Department presented proposed changes to Chronic Wasting Disease testing criteria to comply with the program standards of the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services. Proposed amendments to 19.35.7 NMAC Importation and 19.35.9 NMAC Class A Parks and Lakes include: correction of spelling and style formatting, definition changes to provide clarification and consistency with the USDA Herd Certification program. Proposed amendments to 19.35.9 NMAC Class A Parks and Lakes also includes: modification of language regarding tissue collection to update based on new methods, simplification of record keeping requirements, authority of the director in the event of an animal health emergency, list of reportable diseases, identification standards for intra and interstate movement, and standardization of requirements for fence heights to an 8 feet minimum. No public comment was provided and Commissioners inquired about monitoring systems for game parks. The Department reported that monitoring systems are voluntary; however, Chronic Wasting Disease has not yet been found in game parks. This being a discussion item, no motion was heard.

AGENDA ITEM NO. 15: Final Proposed State Land Easement Agreement 2014-2015 Season.

Presented by Mike Perry–The Department presented a final proposed State Land Easement Agreement to provide continued sportsmen access to State Trust Lands for the 2014 – 2015 license season. Summary of changes from previous State Land Easement: Term of easement shall become effective as of April 1, 2014 and remain effective until March 31, 2015 so that it aligns with the license year. Consideration – The Game Commission shall pay rental to the Commissioner in the sum of \$200,000 for the months of April 2014 through March 2015. The language which would allow the Commission to offset expenditures from habitat improvement projects on state lands against easement cost was removed. The Surface Use Agreement meeting dates were changed from August 31, 2013 to March 1, 2014 to enable state land unitizations to track with the annual hunting, fishing and trapping license year. The phrase "or other means of concealment" was removed from the Ground Blinds paragraph, and now reads, "attaching any ground blind to or physically using water wells, metal plastic, fiberglass or rubber water tanks, or windmills to establish blinds is prohibited without prior consent of the surface lessee." Public commenters encouraged the Commission to provide maps to illustrate legal access to state land and make sure the access points remain open and recommended these maps be placed on the Game and Fish website. Also, they requested the Commission to increase camping opportunities on State Trust Lands. Commissioner comments were centered on the feasibility of creating this type of map for the public to access on-line.

MOTION: Commissioner Espinoza moved to approve the Interim Director, as secretary to the State Game Commission, sign and forward to the Commissioner of Public Lands for full execution, the State Land Easement for Hunting, Fishing and Trapping as presented by the Department.

SECOND: Vice Chairman Salopek.

Vote:	6-0
Yes:	Commissioner Arvas, Vice Chairman Salopek, Commissioner Montoya, Commissioner Kienzle, Commissioner Espinoza and Commissioner Ramos
No:	None
Abstained:	None
Absent:	None
Result:	Motion UNANIMOUS. PASSED.

AGENDA ITEM NO.16: Update on Initiatives for the 2014 Legislative Session.

Presented by Pat Block – The Department updated the Commission on draft legislative initiatives that are being pursued through the appropriate executive agency processes for the 2014 Legislative Session. This item is an update to the presentation at the September 2013 Commission meeting relating to potential items for the 2014 legislative session. The Commission directed the Department to pursue a potential legislative initiative increasing the penalties for flagrant hunting, trapping, and fishing infractions, while adding a penalty assessment option to other, less severe, violations. The Department is advancing the draft bill through executive branch approval processes for the 2014 Legislative Session. The Department also continues to advocate and advance the operating budget and capital projects funding requests in preparation for the 2014 session. No public comments or comments from the Commission were given. This being a discussion item, no motion was heard.

AGENDA ITEM NO.17: H Bar V Ranch and Hay Vega Ranch Conservation Easement.

Presented by Pat Block – The Department updated the Commission on the recent termination of the MOU by Energy, Minerals and Natural Resources Department to fund a conservation easement for the H Bar V Ranch and Hay Vega Ranch. Under the Conservation Easement Purchase Agreement signed by former Chairman Jim McClintic on January 20, 2012, the Commission may terminate their participation in the Agreement due to EMNRD's termination of funding. The Commission was asked to decide to continue to participate or cancel this conservation. No public comments were given. Commission discussion focused on terminating the Agreement.

MOTION: Commissioner Ramos moved to terminate the conservation easement agreement with H Bar V Ranch and Hay Vega Ranch Conservation.

SECOND: Commissioner Arvas.

Vote: 6-0
Yes: Commissioner Arvas, Vice Chairman Salopek, Commissioner Montoya, Commissioner Kienzle, Commissioner Espinoza and Commissioner Ramos
No: None
Abstained: None
Absent: None
Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 18: Special Hunt Draw Deadlines for the 2014-2015 Season.

Presented by Alexa Sandoval - The Department made a recommendation to the Commission regarding the application deadline dates for the special big-game, waterfowl and upland game lottery drawings for the 2014-2015 license year. Proposed application dates for special bear-entry and turkey draw permits is February 12, 2014. Proposed application dates for public land deer, elk, pronghorn antelope, oryx, ibex, Barbary Sheep, and javelina is March 19, 2014. Proposed application dates for public draws for special upland game and waterfowl permits are October 1, 2014. No public comments were given, and there was no discussion amongst the Commission.

MOTION: Commissioner Montoya moved to approve the Department's recommendation to set the application deadline dates for the 2015-2015 license year for – February 12, 2014 for bear wildlife management area permits and special turkey permits, March 19, 2014 for public land deer, elk, oryx, pronghorn antelope, ibex, Barbary Sheep, bighorn sheep, javelina licenses, and; October 1, 2014 for special waterfowl and upland game permits.

SECOND: Vice Chairman Salopek.

Vote: 6-0
Yes: Commissioner Arvas, Vice Chairman Salopek, Commissioner Montoya, Commissioner Kienzle, Commissioner Espinoza and Commissioner Ramos
No: None
Abstained: None
Absent: None
Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 19: Citizen Advisory Committee Appointment Process for Habitat Stamp Program.

Presented by Cal Baca – The Department updated the Commission on the status of the Citizen Advisory Committee application process for the Habitat Stamp Program and sought Commission guidance for any final selection criteria. Public commenters encouraged the Commission to view the entire list of applicants as well as taking Department recommendations. The Commission discussion inquired about the logistics of the selection process. Chairman Bidegain appointed a subcommittee to meet with the Department: Commissioner Montoya, Commissioner Ramos, and Commissioner Espinoza were appointed as the subcommittee. The Commission requested the process begin sooner rather than later. State Game Commission Attorney Mona Valicenti reminded the Commission to provide adequate public notice of the subcommittee meetings, since they were delegated authority on behalf of the Commission. The subcommittee requested the Department to coordinate meeting logistics. This being a discussion item, no motion was heard.

AGENDA ITEM NO. 20: General Public Comments (Comments Limited to 3 Minutes).

Public comments varied in subject from concerns regarding potential abuse of the outfitter program, to requests for a later application date for outfitters as well as a request to provide a "how-to" guide to open a steel trap for the public. Another member from the public praised the Department's professionalism and recognized several Department staff for their important work. Commissioner Kienzle praised the Department for the flawless online system process.

AGENDA ITEM NO.21: Adjourn.

MOTION: Vice Chairman Salopek moved to adjourn at 12:04pm.

SECOND: Commissioner Ramos.

Vote: 6-0
Yes: Commissioner Arvas, Vice Chairman Salopek, Commissioner Montoya, Commissioner Kienzle, Commissioner Espinoza and Commissioner Ramos
No: None
Abstained: None
Absent: None
Result: Motion UNANIMOUS. PASSED.

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) 476-8008. 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 Ms. Michelle Gonzales at (505) 476-8030 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 Ms. Gonzales if a summary or other type of accessible form is needed.



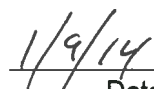
R.J. Kirkpatrick, Interim Director and Secretary



Date



Scott Bidegain, Chairman
New Mexico State Game Commission



Date