



## New Mexico State Game Commission

### New Mexico Department of Game and Fish

# AGENDA

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<http://www.wildlife.state.nm.us/commission/meeting-agendas/>

Thursday, December 3, 2020

#### VIRTUAL MEETING LOCATION

<http://www.wildlife.state.nm.us/commission/webcast/>

#### TIME

9:00 AM to 2:30 PM

The following are approximate times. The meeting will be adjourned upon completion of the agenda. Any items not discussed at this meeting will be considered for the next 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 New Mexico State Game Commission Chair (NMSGC Chair). To inquire about agenda changes, please contact the Office of the New Mexico Department of Game and Fish (DGF) 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 Tristanna Bickford at (505) 476-8027 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. Bickford if a summary or other type of accessible form is needed.

**Public testimony and comment:** All those interested in participating and providing comments are encouraged to pre-register to attend the meeting on the Zoom Webinar platform. When you register, you will be asked if you wish to provide public comment. This will assist the NMSGC Chair to manage more effective public communication. Comments may be allowed on each item at the NMSGC Chair's discretion. 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. No props or costumes will be permitted.

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

**9:00 AM – 10:00 AM (60 minutes)**

**Agenda Items 1-5**

**Agenda No. Presented by**

**Discussion**

1. Sharon Salazar Hickey,  
NMSGC Chair
2. Michael Sloane,  
DGF Director
3. Sharon Salazar Hickey,  
NMSGC Chair
4. Sharon Salazar Hickey,  
NMSGC Chair
5. Sharon Salazar Hickey,  
NMSGC Chair

**Meeting Called to Order**

**Roll Call**

**Approval of Agenda (Action Item)**

**General Public Comments** – Comments are limited to 3 minutes per speaker.

**Executive Session (Closed to the Public)** – Commissioners will vote on whether to adjourn into Executive Session.

**A. Pursuant to Section 10-15-1(H)(8) NMSA 1978  
Purchase, Acquisition or Disposal (Discussion):**

1. Potential property Acquisition in Cibola County
2. Discussion on Statewide Easement
3. Potential property Acquisition in De Baca/Roosevelt Counties
4. Potential property Acquisition in Rio Arriba County

**B. Pursuant to Section 10-15-1(H)(7) NMSA 1978,  
Attorney-Client Privilege, Litigation Update  
(Discussion)**

1. *Michael Sloane, Dept. of Game and Fish v. NM State Game Commission* (D-101-CV-2020-00621) First Judicial District Court
2. *Adobe Whitewater Club of NM, NM Wildlife Federation, and NM Chapter of Backcountry Hunters & Anglers v. Hon. Michelle Lujan Grisham, Governor, and State Game Commission* (S-1-SC-38195) Supreme Court
  - 2a) Brief of NM Wilderness Alliance, League of United Latin American Citizens, The Hispano Roundtable of New Mexico, Hispanics Enjoying Camping, Hunting and the Outdoors and the Nuestra Tierra Conservation Project as Amici Curiae in Support of Petitioner's Petition of Mandamus
  - 2b) Petitioners' Consolidated Reply Brief in Support of Petition for Writ of Mandamus
  - 2c) Stipulated Motion for an Order for Dismissal of Honorable Michelle Lujan Grisham, Governor
  - 2d) Senator Tom Udall and Senator Martin Heinrich's Notice of Conditionally Filed Proposed Memorandum Brief as Amici Curiae
  - 2e) Petitioners' Response to Intervenors-

Respondents' Motion to Strike Due to Apparent Fraud on the Court. Petitioners state that the mostly riparian land-owning parties (Additional Respondents) filed this motion are opposed to the Petition for Mandamus

2f) Senator Tom Udall and Senator Martin Heinrich's Response to Intervenors- Respondents' Motion to Strike

2g) NM Game Commission's Unopposed Motion for Extension of Time to File Response to Intervenor-Respondent's Motion to Strike Due to Apparent Fraud on the Court. Request for extension of time to file response on behalf of the Game Commission until October 30, 2020

2h) NM Game Commission's Response to Plaintiffs' Motion for Consideration of Newly Discovered Evidence Relevant to Pending Motions

3. *Rancho Del Oso Pardo, Inc., River Bend Ranch, LLC, and Chama III, LLC, dba Canones Creek Ranch v. New Mexico Department of Game and Fish; Director Michael Sloane, Director of the New Mexico Department of Game and Fish, in his individual and official capacity; and New Mexico Game Commission, et. al.* (D-101-CV-2020-00939)

3a) Notice of Filing Notice of Removal (1:20-cv-00427-SCY-KK) U.S. District Court New Mexico

3b) Notice of Removal by Michael Sloane, NM DGF from 1<sup>st</sup> Judicial District Court, case number D-101-CV-2020-00939.

3c) Please Take Notice that this case has been randomly assigned to U.S. Magistrate Judge Steven C. Yarbrough to conduct dispositive proceedings in this matter, including motions and trial.

3d) Notice of Appearance by Mark L. Ish on behalf of All Plaintiffs.

3e) Appendix/Supplement re: Notice of Removal, *Civil Cover Sheet*

3f) Please Take Notice that this case has been reassigned to Magistrate Judge Kirtan Khalsa as the pretrial judge.

3g) Motion to Stay *All Proceedings* by the New Mexico Game Commission.

3h) Motion to Dismiss by New Mexico Department of Game and Fish.

3i) Motion to Dismiss *Supporting Memorandum* by New Mexico Department of Game and Fish.

3j) Motion to Stay by New Mexico Department of Game and Fish.

3k) Motion to Stay re: Motion to Stay *Supporting Memorandum* by New Mexico Department of Game and Fish.

3l) Notice of Consent Submission Deadline.

3m) Notice by New Mexico Department of Game and Fish *Filing of Record Before the First Judicial District Court.*

3n) Order Finding Good Cause to Delay Scheduling Order by Magistrate Judge Kirtan Khalsa.

3o) Consent to Proceed Before a U.S. Magistrate Judge.

3p) Order for Plaintiff to File Local Rule 7.4 Notice

3q) Notice of Extension to File Reply Brief by Plaintiffs

3r) Plaintiffs' Response to Motions to Stay

3s) Plaintiffs' Response to Defendants Motion to Dismiss

3t) Game Commission's Response to Plaintiffs' motion for partial summary judgment

3u) Reply in Support of Motion for Partial Summary Judgment Against NM Game Commission; Mandamus

3v) Notice of Completing of Briefing on Motion for Partial Summary Judgment Against NM Game Commission: Mandamus. Documents filed with the court and matter is now ready for hearing or decision

3w) Entry of Appearance of Sam W. Minner (Cuddy & McCarthy, LLP), attorney for Defendants NM Game Commission and individual Commissioners

3x) Opposed Motion for Consideration of Newly Discovered Evidence Relevant to Pending Motions

3y) Notice of Extension to File Response Brief. Department of Game and Fish and Director Michael Sloane will file their Response Brief to Plaintiffs' Opposed Motion for Consideration of Newly Discovered Evidence Relevant to Pending Motions on or before October 16, 2020

3z) Defendants NM Game and Fish and Director Michael Sloane's Response to Plaintiff's Motion for Consideration of Newly Discovered Evidence

4. *Fenn Farm and Three Rivers Cattle, Ltd. Co v. New Mexico Department of Game and Fish; Director Michael Sloane, Director of the New Mexico Department of Game and Fish, in his individual and official capacity; and New Mexico Game Commission, et. al.* (D-504-cv-2020-00390)

4a) Verified Petition for Writ of Mandamus

4b) Notice of Filing Notice of Removal (1:20-cv-00468) U.S. District Court New Mexico

**10:00 AM – 11:00 AM (60 minutes)**

- 6. Sharon Salazar Hickey,  
NMSGC Chair
  
- 7. Michael Sloane,  
DGF Director
  
- 8. Roberta Salazar-Henry,  
NMSGC Vice Chair
  
- Jeremy Vesbach, NMSGC  
Commissioner
  
- Gail Cramer, NMSGC  
Commissioner

**Agenda Items 6-8**

**Consent Agenda (Action Items A and B)**

- A. Approval of minutes of October 16, 2020, Virtual Regular meeting**
- B. Approval of License Revocations**

**Director's Report (Discussion)** - Overview of Department activities since the last meeting

**Committee Reports**

- A. Finance and Hunt Structure Committees**
- B. Customer Feedback Committee**

**11:00 AM – 11:15 AM (15 minutes)**

**Break**

**11:15 AM – 12:15 PM (60 minutes)**

**Agenda Items 9-10**

- 9. Lance Cherry, DGF

**Rule Making Hearing on Amending the Hunter Education Rule, 19.36.3 NMAC (Action Item, C)**

- A. **Rule Hearing Comments** – All individuals wishing to provide comment or submit information at the rule making hearing are required to register to attend the meeting on the Zoom Webinar platform and complete all required registration fields prior to commencement of the hearing item. Individuals must provide their name and any relevant affiliation for the record and to be recognized before presenting before NMSGC Chair (Hearing Officer). The individual providing information or comment at the hearing may be questioned by the Hearing Officer or other Commissioners.
- B. **Discussion** – Amending the Hunter Education Rule 19.36.3 NMAC.
- C. **Action** – Commissioners will vote on amending the Hunter Education Rule 19.36.3 NMAC.

- 10. Chad Nelson, DGF

**Rule Making Hearing on Repealing and Replacing the Hunting and Fishing Licenses and Application Rule, 19.31.3 NMAC (Action Item, C)**

- A. **Rule Hearing Comments** – All individuals wishing to provide comment or submit information at the rule making hearing are required to register to attend the meeting on the Zoom Webinar platform and complete all required registration fields prior to commencement of the hearing item. Individuals must provide their name and any relevant affiliation for the record and to be recognized before presenting before NMSGC Chair (Hearing Officer). The individual providing information or comment at the hearing may be questioned by the Hearing Officer or other Commissioners.

- B. **Discussion** – Repealing and Replacing the Hunting and Fishing Licenses and Application Rule 19.31.3 NMAC.
- C. **Action** – Commissioners will vote on repealing and replacing the Hunting and Fishing Licenses and Application Rule 19.31.3 NMAC.

**12:15 PM – 1:00 PM (45 minutes)**

**Lunch Break**

**1:00 PM – 2:30 PM (90 minutes)**

**Agenda Items 11-15**

- 11. Stewart Liley, DGF
- 12. Kirk Patten, DGF
- 13. Virginia Seamster, DGF
- 14. Sharon Salazar Hickey, NMSGC Chair
- 15. Sharon Salazar Hickey, NMSGC Chair

**Update on Mexican Gray Wolf Recovery Efforts (Discussion Item)** – Update on Mexican Gray Wolf Recovery efforts.

**Overview of the Department’s Hatchery Systems Operations (Discussion Item)** – Overview of the Department’s Hatchery Systems Operations.

**Overview of the Department’s Conservation Information System (Discussion Item)** – Overview of the Department’s Conservation Information System.

**General Public Comments** – Comments are limited to 3 minutes per speaker.

Next meeting – January 15, 2021, Virtual

**Adjourn (Action Item)**

