



**New Mexico State Game Commission**

**New Mexico Department of Game and Fish**

**AGENDA**

**This agenda is available on the NMDGF Website**

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

**Thursday, August 13, 2020**

**VIRTUAL MEETING LOCATION**

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

**TIME**

**8:30 AM to 3:30 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.**

**8:30 AM – 9:00 AM (30 minutes)**

**Agenda Items 1-5**

<b>Agenda No.</b>	<b>Presented by</b>	<b>Discussion</b>
1.	Sharon Salazar Hickey, NMSGC Chair	<b>Meeting Called to Order</b>
2.	Michael Sloane, DGF Director	<b>Roll Call</b>

3. Sharon Salazar Hickey,  
NMSGC Chair

**Approval of Agenda (Action Item)**

4. Sharon Salazar Hickey,  
NMSGC Chair

**Consent Agenda (Action Items, A, B, C and D)**

- A. **Approval of minutes of June 25, 2020, Virtual meeting**
- B. **Approval of License Revocations**
- C. **Approval of Global Opportunities Unlimited as a non-profit to receive donated licenses**
- D. **Approval of the Department's Asset Disposal Request**

5. Michael Sloane  
DGF Director

**Director's Report (Discussion)**

Overview of Department activities since the last meeting

**9:00 AM – 9:30 AM (30 minutes)**

6. Stewart Liley, DGF

**Rule Making Hearing on the new Migratory Game Bird Rule 19.31.6 NMAC for the 2020-2021 Hunting Season (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** – New Migratory Game Bird Rule 19.31.6 NMAC for the 2020-2021 Hunting Season.
- C. **Action** – Commissioners will vote on the new Migratory Game Bird Rule 19.31.6 NMAC for the 2020-2021 Hunting Season.

**9:30 AM – 10:00 AM (30 minutes)**

7. Stewart Liley, DGF

**Rule Making Hearing on Repealing and replacing the Boundary Descriptions for Game Management Units Rule, 19.30.4 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 Boundary Descriptions for Game Management Units Rule 19.30.4 NMAC.
- C. **Action** – Commissioners will vote on repealing and replacing the Boundary Descriptions for Game Management Units Rule 19.30.4 NMAC.

**10:00 AM – 10:30 AM (30 minutes)**

8. Sharon Salazar Hickey  
NMSGC

**General Public Comments** – Comments are limited to 3 minutes per speaker, with total public comments not to exceed 30 minutes. At the conclusion of 30 minutes, General Public Comment will end. Individuals may only make comment to the Agenda items during the scheduled General Public Comment items.

Next meeting – October 16, 2020, Taos, NM or Virtual

**10:30 AM – 10:45 AM (15 minutes)**

**Break**

**10:45 AM – 11:30 AM (45 minutes)**

9. Matt Wunder, DGF

**Availability of Director’s Draft of the Biennial Review of WCA Species (Discussion)** - The Department will present a summary of the draft recommendations and announce the commencement of the 14 day comment period for the Biennial Review.

**11:30 AM – 12:00 AM (30 minutes)**

10. Stewart Liley, DGF

**Initiation of the Public Land User Stamp Rule (Discussion)** - Initial discussion on potential changes to the Public Land User Stamp Rule.

**12:00 PM – 12:30 PM (30 minutes)**

**Lunch**

**12:30 PM – 1:00 PM (30 minutes)**

11. Lance Cherry, DGF

**Subsequent Presentation on the Hunter Education Rule (Discussion)** - Subsequent discussion on potential changes to the Hunter Education Rule.

**1:00 PM – 1:30 PM (30 minutes)**

12. Paul Varela, DGF

**Approval of Department’s Fiscal Year 2022 Budget (Action Item)** - The department will present to the Commission the Department’s Fiscal Year 2022 budget for approval.

**1:30 PM – 2:00 PM (30 minutes)**

13. Kirk Patten, DGF

**Initiation of the Importation of Live Non-Domestic Animals, Birds and Fish Rule (Discussion)** – Initial discussion on potential changes to the Importation of Live Non-Domestic Animals, Birds and Fish Rule.

**2:00 PM – 3:30 PM (90 minutes)**

14. Sharon Salazar Hickey,  
NMSGC Chair

**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. Potential transfer of property in San Miguel County
3. Easement request in San Miguel County
4. Update on property transfer in Rio Arriba County
5. Discussion on Statewide Easement

**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) Order Granting Motion to Intervene, to file

Consolidated Reply, to File Amicus Brief

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) Motion for Leave to File Excess Pages by NM Dept. of Game and Fish
  - 3b) Notice for Extension of Time to File Response/Reply by NM Dept. of Game and Fish
  - 3c) Order by Magistrate Judge Steven C. Yarbrough granting Unopposed Motion for Leave to File Excess Pages
  - 3d) Reply in Support of Motion to Dismiss filed by NM Dept. of Game and Fish
  - 3e) Reply to Response to Motion to Stay filed by NM Dept. of Game and Fish
  - 3f) Notice of Briefing Complete for Motion to Dismiss filed by NM Dept. of Game and Fish
  - 3g) Notice of Briefing Complete for Motion to Stay filed by NM Dept. of Game and Fish
  - 3h) Order Staying Discovery by Magistrate Judge Kirtan Khalsa
  - 3i) Motion for Leave to File Excess Pages by NM Dept. of Game and Fish
  - 3j) Order Granting Defendants NM Dept. of Game and Fish and Director Michael Sloane's Unopposed Motion to Exceed Page Limits for Defendants' Reply in Support of Motion to Dismiss
  - 3k) Reply in Support of Motion to Dismiss, to address newly added Plaintiffs (Fenn Farm) by NM Dept. of Game and Fish
  - 3l) Reply in Support of Motion to Stay, to address newly added Plaintiffs (Fenn Farm) by NM Dept. of Game and Fish
  - 3m) Notice of Briefing Complete for Motion to Dismiss filed by NM Dept. of Game and Fish
  - 3n) Notice of Briefing Complete for Motion to Stay filed by NM Dept. of Game and Fish
  - 3o) Notice of Appearance: Attorney

Representation for NM Game Commission, and individual Game Commissioners named

3p) Notice by State Game Commissioners and individual Game Commissioners named to join NM Dept. of Game and Fish Motion to Stay All Proceedings

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) Motion to Dismiss filed by NM Dept. of Game and Fish

4b) Motion to Dismiss Supporting Memorandum filed by NM Dept. of Game and Fish

4c) Motion to Stay filed by NM Dept. of Game and Fish

4d) Motion to Stay Supporting Memorandum filed by NM Dept. of Game and Fish

4e) Motion to Consolidate Cases filed by NM Dept. of Game and Fish

4f) Motion to Consolidate Cases Supporting Memorandum filed by NM Dept. of Game and Fish

4g) The assigned Chief U.S. Magistrate Judge Carmen E. Garza filed a notice to all parties that unless consent is received by all parties, the case will be reassigned to a district court judge if written consent is not received by June 11, 2020

4h) Notice of Filing of Record that was previously submitted to the 5<sup>th</sup> Judicial District by NM Dept. of Game and Fish

4i) Notice of Extension of Time to file Response Briefs by Fenn Farm and Three Rivers Cattle, Ltd. for Defendants' motions to stay, dismiss and to consolidate to June 19, 2020

4j) Waiver of service of summons and complaint to the New Mexico Game Commission, Sharon Salazar Hickey, Roberta Salazar-Henry, Jimmy Bates, Gail Cramer, Tirzio Lopez, David Soules, and Jeremy Vesbach is agreed to, but no other defenses or objections are waived.

4k) Document #10 removed re: Consent of Magistrate Judge to preside over case Federal Rule 73(b)

4l) Plaintiff's Response to Motion to Consolidate

4m) Plaintiff's Response to Motion to Stay

4n) Plaintiff's Response to Dismiss

4o) NM Dept. of Game and Fish's Notice to the Court that it has all of the documents it needs to decide NM Dept. of Game and Fish's Motion to Consolidate Related Cases

4p) Order Granting the Motion to Consolidate this case (Fenn Farm) with the earlier filed Rancho del Oso Pardo case as all parties are in agreement

15. Sharon Salazar Hickey,  
NMSGC Chair

**Return from Executive Session.** The Commission, at its discretion may take action on any of the items discussed during the Executive Session upon returning to the public session.

16. Sharon Salazar Hickey,  
NMSGC Chair

**Adjourn (Action Item)**