



New Mexico State Game Commission
New Mexico Department of Game and Fish

MINUTES AND TRANSCRIPTS
NEW MEXICO STATE GAME COMMISSION

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Friday, Nov. 7, 2025

Fuller Lodge
[2132 Central Ave.](#)
[Los Alamos, NM 87544](#)

9:00 a.m. – 5:00 p.m.

Video Link: <https://www.youtube.com/watch?v=ZKXBpCLlkxU>

AGENDA ITEM NO. 1: Meeting Called to Order

09:11:25 a.m. (00:00:00/00:00:16 on video)

Called to order by Chairman Richard Stump.

AGENDA ITEM NO. 2: Roll Call

09:11:33 a.m. (00:00:08/00:00:24)

Present in person: Chairman Stump, Vice-chairwoman Salazar Hickey, Commissioner Clemente, Commissioner Lopez and Commissioner Witt.

Excused: Commissioner Fulfer.

AGENDA ITEM NO. 3: Introduction of Guests

09:11:56 a.m. (00:00:31/00:00:47)

AGENDA ITEM NO. 4: Approval of Agenda (Action Item)

09:18:35 a.m. (00:07:10/00:07:26)

Motion: To approve the agenda for the Nov. 7, 2025, meeting, with the addition of an evaluation of the director pursuant to the exception allowed under 10-15-1 NMSA 1978.

Motion by: Vice-chairwoman Salazar Hickey.

Seconded by: Commissioner Witt.

Approved: Unanimous - Chairman Stump, Vice-chairwoman Salazar Hickey, Commissioner Clemente, Commissioner Lopez and Commissioner Witt.

AGENDA ITEM NO. 5: Consent Agenda (Action Item)

The Department notified the Commission of the revocations or suspensions carried out pursuant to the Parental Responsibility Act, those who have failed to pay a penalty assessment citation within 30 days, those who have entered into a civil agreement or have a civil judgment, and pursuant to the Interstate Wildlife Violator Compact.

- 232 individuals certified by the Human Services Department as being out of compliance with the Parental Responsibility Act (40-5A-1 NMSA 1978) were suspended until in compliance.
- 249 individuals who failed to pay a penalty assessment citation within 30 days of the violation were suspended until in compliance.
- 9 individuals who have entered into a civil agreement or have a civil judgment.

The Department presented the 50 individuals who meet established criteria for the revocation or suspension of their hunting, fishing, trapping, guiding and outfitting privileges or other privileges or authorities granted by an agreement, license or permit issued by the Department.

- 50 individuals accrued 20 or more points in a 3-year period. They were mailed a notice of contemplated action and did not request a hearing.

Motion: To approve the revocation recommendations as submitted by the Department, with the following exceptions: an increase in the revocation time period to 20-years for Lester Grimmer, and an increase in the revocation time period to 15-years for Daniel Pennington.

Motion by: Vice-chairwoman Salazar Hickey.

Seconded by: Commissioner Clemente.

Approved: Unanimous - Chairman Stump, Vice-chairwoman Salazar Hickey, Commissioner Clemente, Commissioner Lopez and Commissioner Witt.

The Department summarized the total number of depredation and wildlife nuisance complaints filed with and resolved by the Department for Fiscal Year 2025, as required under Commission rule 19.30.2 NMAC.

Motion: To approve the Fiscal Year 2025 Depredation and Nuisance Abatement Report as presented.

Motion by: Vice-chairwoman Salazar Hickey.

Seconded by: Commissioner Witt.

Approved: Unanimous - Chairman Stump, Vice-chairwoman Salazar Hickey, Commissioner Clemente, Commissioner Lopez and Commissioner Witt.

Motion: To approve the minutes from the Aug. 28, 2025, meeting and the FY26 Disposal List as submitted by the Department.

Motion by: Vice-chairwoman Salazar Hickey.

Seconded by: Commissioner Clemente.

Approved: Unanimous - Chairman Stump, Vice-chairwoman Salazar Hickey, Commissioner Clemente, Commissioner Lopez and Commissioner Witt.

AGENDA ITEM NO. 6: Rule Hearing: Fisheries Rule 19.31.4 NMAC and Manner and Method Rule 19.31.10 NMAC (Action Item)

10:08:22 a.m. (00:56:57/00:52:01)

The purpose of the Rule Hearing was two-fold: 1) adopt a new Fisheries Rule and proposed changes to take effect on April 1, 2026 and 2) to adopt proposed changes in the Manner and Method Rule 19.31.10 NMAC related to fisheries to take effect on April 1, 2026. Fisheries amendments to the

Manner and Method Rule were combined into one hearing for efficient use of the Commission's time.

Motion: To adopt the new Fisheries Rule, 19.31.4 NMAC, as presented by the Department with an effective date of April 1, 2026, including potential minor edits required by State Records and Archives.

Motion by: Vice-chairwoman Salazar Hickey.

Seconded by: Commissioner Clemente.

Approved: Unanimous - Chairman Stump, Vice-chairwoman Salazar Hickey, Commissioner Clemente, Commissioner Lopez and Commissioner Witt.

Motion: To adopt amendments to the Manner and Method Rule, 19.31.10 NMAC, related to Fisheries as presented by the Department with an effective date of April 1, 2026, including potential minor edits as required by State Records and Archives.

Motion by: Vice-chairwoman Salazar Hickey.

Seconded by: Commissioner Witt.

Approved: Unanimous - Chairman Stump, Vice-chairwoman Salazar Hickey, Commissioner Clemente, Commissioner Lopez and Commissioner Witt.

AGENDA ITEM NO. 7: Rule Hearing: Upland Game Rule 19.31.5 NMAC (Action Item)

10:28:41 a.m. (01:17:16/01:12:21)

The Department presented proposed changes to the Upland Game Rule (19.31.5 NMAC) based on public comment, survey information, and management goals.

Proposed changes included:

- Adjust hunts for calendar dates
- Divide Dusky Grouse into a North and South Zone- using I-40 as the dividing line
- Set Bag Limits for Dusky Grouse Zones
 - North- 3 Birds/Day; 6 in possession
 - South- 1 Bird/Day; 2 in possession
- Add special draw permit youth pheasant hunt on Jackson Lake WMA
- Open Bluebird and Pine River WMAs for upland hunting during grouse/squirrel season
- Open Double E, LBar, Navajo and River Ranch WMAs for upland hunting during quail season

Motion: To repeal and replace 19.31.5 NMAC, as presented by the Department and allow the Department to make minor corrections to comply with filing this rule with State Records and Archives.

Motion by: Vice-chairwoman Salazar Hickey.

Seconded by: Commissioner Clemente.

Approved: Unanimous - Chairman Stump, Vice-chairwoman Salazar Hickey, Commissioner Clemente, Commissioner Lopez and Commissioner Witt.

AGENDA ITEM NO. 8: Rule Hearing: Hunting and Fishing Licenses and Application Rule 19.31.3 NMAC (Action Item)

10:58:13 a.m. (01:46:48/01:41:52)

The Department presented proposed changes to the Hunting and Fishing Licenses and Application 19.31.3 NMAC to eligibility verification requirements for the Supplemental Nutrition Assistance

Program discount as required by law, Senate Bill 5.

Motion: To adopt the proposed changes to 19.31.3 NMAC as presented by the Department and allow the Department to make minor corrections to comply with filing this rule with State Records and Archives.

Motion by: Vice-chairwoman Salazar Hickey.

Seconded by: Commissioner Clemente.

Approved: Unanimous - Chairman Stump, Vice-chairwoman Salazar Hickey, Commissioner Clemente, Commissioner Lopez and Commissioner Witt.

AGENDA ITEM NO. 9: Rule Hearing: Game and Fish License/Permits Rule 19.30.9 NMAC (Action Item)

11:13:21 a.m. (02:01:56/01:57:00)

The Department presented proposed changes to the Game and Fish License/Permits Rule 19.30.9 NMAC to increase the vendor fee from \$1.00 per transaction to \$2.00 per transaction and \$1.00 per tag issued.

Motion: To adopt the proposed changes to 19.31.9 NMAC as presented by the Department and allow the Department to make minor corrections to comply with filing this rule with State Records and Archives.

Motion by: Vice-chairwoman Salazar Hickey.

Seconded by: Commissioner Witt.

In favor: Chairman Stump, Vice-chairwoman Salazar Hickey and Commissioner Witt.

Opposed: Commissioner Lopez.

Abstained: Commissioner Clemente.

Motion failed due to the requirement that at least four members of the Commission must vote in favor of any proposed rule change for passage.

AGENDA ITEM NO. 10: General Public Comment

11:37:03 a.m. (02:25:38/02:12:08)

AGENDA ITEM NO. 11: Commissioner Comments

11:51:42 a.m. (02:40:17/02:26:47)

AGENDA ITEM NO. 12: Executive Session

12:03:50 p.m. (02:52:25/02:38:54)

Motion: To adjourn into executive session, closed to the public, pursuant to Section 10-15-1(H)(8) NMSA 1978, to discuss purchase, acquisition or disposal of real property; Section 10-15-1(H)(7) NMSA 1978, attorney-client privilege, litigation update; and Section 10-15-1 NMSA 1978, limited personnel matters.

Motion by: Commissioner Clemente.

Seconded by: Commissioner Witt.

Approved: Unanimous by roll call - Chairman Stump, Vice-chairwoman Salazar Hickey, Commissioner Clemente, Commissioner Lopez and Commissioner Witt.

AGENDA ITEM NO. 13: Action(s) from Executive Session (Action Item(s))

02:18:08 p.m. (05:06:43/02:40:33)

Motion: To accept the donation of real property in Socorro County, New Mexico, and authorize the Chair and the Department to take any and all required or needed steps to complete the property acquisition on behalf of the Commission.

Motion by: Commissioner Clemente.

Seconded by: Commissioner Witt.

Approved: Unanimous - Chairman Stump, Vice-chairwoman Salazar Hickey, Commissioner Clemente, Commissioner Lopez and Commissioner Witt.

AGENDA ITEM NO. 14: Adjourn

02:18:49 p.m. (05:07:24/02:41:14)

The meeting was adjourned at 02:18:59 p.m. (05:07:34/02:41:24).

DRAFT

TRANSCRIPTS

Richard Stump: Good morning, everybody. Welcome to the State Game Commission meeting here in Los Alamos. I hereby call this meeting to order. Director Sloane, please call the roll.

Michael Sloane: Commissioner Witt, Commissioner Lopez.

Tirzio Lopez: Here.

Michael Sloane: Commissioner Clemente.

Fernando Clemente Jr.: Here.

Michael Sloane: Vice-Chair Hickey. Chair Stump.

Richard Stump: Here.

Michael Sloane: You have a quorum.

Richard Stump: Thank you, Director Sloane. Next, we have introduction of guests. I'll start with the Commissioners, and then we'll go around the room. Followed by those online if we have anybody. Commissioner Witt, can we start with you?

Christopher Witt: I'm Commissioner Witt. I'm the newest Commissioner, and I'm from District 5, Bernalillo County, and also a professor at the University of New Mexico.

[silence]

Tirzio Lopez: Good morning. I'm Tirzio Lopez. I would like to welcome everybody to District 3 of the State Game Commission jurisdictional map. Welcome to Los Alamos. I'm from the great County of Rio Arriba, just north of here.

Sharon Salazar Hickey: Good morning, everyone. My name is Sharon Salazar Hickey. I'm the Vice-Chair of the Commission, formerly chair of the Commission. I've been here for almost, I think it's five years, and it's an honor, to serve on the Commission. I want to say where I'm from. I am from New Mexico. Santa Fe is my home, but so is Los Alamos. I worked here for 40 years in this beautiful city, and went to high school and grade school, and so this is also home. Northern New Mexico, all of New Mexico is home. I look forward to hearing from each and every one of you that are here today about yourselves. Thank you.

Richard Stump: Richard Stump, I'm Chair of the Commission. I'm a native New Mexican from Santa Fe. Thank you for being here.

Fernando Clemente Jr.: Fernando Clemente Jr., I am Commissioner at-large, and I am from the South, Sunland Park, New Mexico.

Michael Sloane: Good morning, everyone. Mike Sloane, Director of the Department of Game and Fish.

Stewart Liley: Good morning, Commissioners, members of the public. Stewart Liley, Chief of Wildlife for the Department.

Paul Varela: Good morning, Commissioners, members of the public. My name is Paul Varela, I'm the Chief of Administrative Services for the Department of Game and Fish.

Daniel Tepley: I'm Daniel Tepley, and I'm a Los Alamos resident.

Colonel Tim Cimbale: Good morning, Commissioners, members of the public. My name is Colonel Tim Cimbale with the Field Operations Division.

Garth Reader: Good morning, I'm Garth Reader, Los Alamos resident.

Jesse Deubel: Good morning, Mr. Chair, Commissioners. Jesse Deubel, Executive Director of the New Mexico Wildlife Federation.

Kirk Patten: Good morning, Commissioners. I'm Kirk Patten, Chief of Fisheries for the Department.

Lieutenant Shawn Carrell: Good morning, Commissioners. Lieutenant Shawn Carrell over revocations.

Charlie Trask: Hi, I'm Charlie Trask, I'm a native Los Alamos resident.

Toni Flora: Yes, we good. Hi, Toni Flora, Attorney for Los Alamos National Laboratory.

Jeremy Martin: Morning, Commissioners, members of the public. I'm Jeremy Martin, I'm the Department's general counsel.

Andrew Gildersleeve: Good morning, Commissioners, members of the public. I'm Andrew Gildersleeve, Deputy General Counsel of the Department.

Janet Anelli: Good morning. Janet Anelli, I'm on the board of Bosque del Apache, Friends of Bosque del Apache in Socorro, I live up here.

Valente Meza: Valente Meza, Application Developer for Game and Fish.

Darren Vaughan: Darren Vaughan, Communications Director for Game and Fish.

Curt Coffman: Good morning, Commissioners, and public. I'm Curt Coffman, Assistant Chief of Education.

Tristanna Carrell: Good morning, Commissioners and members of the public. Tristanna Carrell. I am the Chief of the Information Education Division, and we currently have seven people online. I'm going to start with Mark Mattaini. Mark, you are unmuted.

Mark Mattaini: Good morning, members of the council, and the public. My name is Mark Mattaini, I'm from Paguate Village, Laguna Pueblo.

Tristanna Carrell: Mark, it seems like we're having a problem with your speaker. Do you mind? I'm going to unmute you, and then allow you to talk again.

Mark Mattaini: Okay. How's that? All right, can you hear me now?

Tristanna Carrell: Mr. Chairman, it looks like that was the only hand that's raised, so we can come back to Mark if we're able to get his speaker working. I take that back. We have one more person that has raised their hand, so we will go over to J.S Cohen, you are allowed to speak.

J.S Cohan: Can you hear me?

Tristanna Carrell: Yes, we can.

J.S Cohen: Good morning. J.S Cohen, I'm an educator in New Mexico, I live in rural Southern Santa Fe County.

Tristanna Carrell: Thank you very much. Next we will go to Joe Youtz.

Joe Youtz: Good morning to members of the public. This is Joe Youtz, [unintelligible 00:06:31] in the Department of Fish, Wildlife and Conservation Ecology, geography at New Mexico State.

Tristanna Carrell: Thank you very much. Next we have Ernesto. Ernesto, can you unmute your microphone, please?

Ernesto Nunez: How about now? Sorry about that.

Tristanna Carrell: We can hear you.

Ernesto: I'm Ernesto Nunez, I live in Albuquerque, New Mexico. Born in Las Cruces, lived around the state throughout my life. Other places around the world, I've been an avid outdoorsman, first time joining this meeting. Good morning, and thank you all for being here.

Tristanna Carrell: Thank you very much, and Mr. Chairman, that is everyone with their hands raised.

Richard Stump: Thank you, Tristanna. Thank you everybody. Item number 4, as the approval of the agenda. Commissioners, is there any discussion? Can I have a motion to approve?

Sharon Salazar Hickey: Actually, I do have a question. In agenda by Mr. Chair, Commissioners, members of the public, on agenda item number 12, I noticed that there is nothing in the executive session about the evaluation of the director. Might we be able to add an agenda item on the evaluation of the director, please? I don't know if there's an objection, it won't take long, just a few minutes.

Richard Stump: I have no objection, anybody else? No. Okay.

Sharon Salazar Hickey: Director, how would we add that? Would it be item C, pursuant to section 10-15-1H, I believe is it 8? NMSA 1978, I can't recall the citation, but-- Do we need to? Can we just say it's just a brief evaluation of the director?

Michael Sloane: Mr. Chair. Madam Vice-Chair, I guess I would recommend that you approve the agenda with the addition of a evaluation of the director pursuant to the exception allowed under 10-15-1, NMSA 1978, since none of us can remember exactly what the number is, and I think that would be sufficient.

Sharon Salazar Hickey: Thank you, director, and thank you Mr. Chair. Is that a motion director?

Michael Sloane: Mr. Chair, Madam Vice-Chair, I think it's one you could adopt if you'd like.

Sharon Salazar Hickey: I will second that motion.

Michael Sloane: I think you would say, "So moved," and then somebody else would have to second it.

Sharon Salazar Hickey: Oh, so moved. Thank you.

Richard Stump: Okay. All in favor?

Michael Sloane: Yes, I think we need to second.

Richard Stump: I thought we had a second, do we not have a second?

Fernando Clemente Jr.: I want to second.

Christopher Witt: Second.

Richard Stump: Okay, is there any discussion? Okay, all in favor?

Sharon Salazar Hickey: Aye.

Tirzio Lopez: Aye.

Fernando Clemente Jr.: Aye.

Richard Stump: Aye. No opposed, motion passes. Agenda item number 5, approval of the consent agenda. Mr. Director, can you please provide us with a brief summary?

Michael Sloane: Certainly, Mr. Chairman. As you can see, the minutes from the August 28th, 2025 meeting are included in the packet. I think that's self-evident. For revocations, we have given you notice that we suspended 232 individuals for parental responsibility. 249 were suspended for failure to pay a penalty assessment, 9 with civil agreements or judgments, and then there are 50 revocations. We mailed notices to those people, and they did not request a hearing. Those are in your book in the table. The next item on the consent agenda is the disposal list. State Parks has received funding to do repairs and replacements to facilities at Cimarron Canyon State Park. There are two wastewater treatment packages there, and four comfort stations that have been there since the '70s. They would like to remove those, and in an abundance of caution, since we can't find them on inventory, we would ask that we officially just dispose of them. That's what those items are.

Then, the annual depredation report as required by law is also in your booklets. As you can see, bears were the number one complaint this past year, followed by cougar, raccoon on down the list. We have a 99.7% resolution rate. With that, I think we can stand for any questions.

Richard Stump: Thank you, Director Sloane. Commissioners, do you have anything that you'd like to discuss regarding any of these items?

Sharon Salazar Hickey: You mean, Mr. Chair, Director Sloane, Commissioners, do we have questions about any of the items 1, 2, 3, or 4? Is that the question?

Richard Stump: Yes.

Sharon Salazar Hickey: Was Colonel Tim Cimbal prepared to answer any questions about the revocations?

Richard Stump: I think he is.

Sharon Salazar Hickey: I have some. Thank you.

[pause 00:12:42]

Colonel Tim Cimbal: Good morning, Commissioners. I brought a backup in case I don't know all the details.

Sharon Salazar Hickey: Mr. Chair, Director Sloane, Commissioners, Colonel Cimbal, members of the public, I'm very concerned about what I received, and what with the other Commissioners, I don't know if they have the same concerns. What you presented to us today, agenda item number 5.2, you stated, and if you were planning on speaking to this, or do you want me to speak to it?

Colonel Tim Cimbal: What do you want me to speak on?

Sharon Salazar Hickey: Well, I will-- What I read from your statement. You said that there are 232 individuals certified by the Human Services Department as being out of compliance with the Parent Responsibility Act that were suspended until in compliance, 249 individuals who failed to pay a penalty assessment citation within 30 days of the violation. They were suspended until they are in compliance, and three, there are nine individuals who have entered into a civil agreement, or have a civil judgment. I thank you, Colonel Cimbal, because you included in our material, detailed information in a memo to the director describing all of those cases.

When I did an analysis, I was very troubled, because I saw on some of those instances, half of them were from out of state. In other groupings, at least 20% or more were also from out of state. In particular, the heinous crimes, I can say crimes, because they were there tried in court, were so troubling on how they had such disrespect for animals. They were heinous. I bring that up, I didn't want to gloss over this particular agenda item, because I think the Commissioners, the Department, and the members of our public need to be aware of that.

Specifically, I'm going to throw this out, one, can we receive trending information? What do I mean by trending information? Throughout my tenure on the Commission, you routinely bring to the Commission

revocations. Today, it seems like a spike. Director and Colonel Cimbal, could we begin to see maybe an analysis of these revocations over a period of time? If we could receive it before our next meeting to the Commissioners, I think that would be very helpful.

Michael Sloane: Chair, Madam Vice-Chair. Yes, of course. We're happy to do that. I think one of the things you're seeing here is that it's been a gap of time between the Commission meetings, so they pile up a little bit, versus when we have more frequent meetings, you see fewer. I think that that's part of the big number. The other thing is the suspensions are, I don't think that's a hugely unusual number for us. Again, part of the reason it's a little bit larger is because of the time between. I think that those suspensions are two or three memos worth, so we could look at those monthly. If you look at the monthly ones, the number is relatively smaller. Those are, we're just providing a notice of the suspensions. They're an administrative process. The 50 revocations are the ones that you're really approving today. Again, those are, I think, look larger because of the gap between the Commission meetings. [crosstalk] Oh, go ahead.

Colonel Tim Cimbal: Chair and Vice-Chair, I will point out, so a few years back, we changed rule where if an individual accrues 40 or more revocation points within that three-year period, that it allows us as a Department to make a recommendation to you. You're seeing for the first time us making three recommendations to you of enhanced penalties, because of the egregiousness of those crimes that we felt it needed more years.

Sharon Salazar Hickey: Mr. Chair, Director Sloane, Colonel Tim Cimbal, I recognize that, and I did see that we were receiving a number since our last, it's been several months. It was just so troubling. If you don't mind me taking just a few minutes, I would like to read into the record, because this is public information, so that the members of the public understand the severity of this case. Just one. It's one example, but I want you to hear it.

"Officers responded to a call about a possible poaching incident near Las Vegas, New Mexico. Four elk were found lying in a field, and one of the four elk was shot in the spine, and was still alive. While on the scene, officers contacted a man named," and I think it's okay to say the name because this is a public record in the 4th Judicial District of New Mexico, "A man named Lester Grimmert on the property from Mississippi. Lester did not have a hunting license, and admitted to having shot all four elk and left the elk to waste. During the investigation, he stated the following."

"He saw a herd of elk bunched up in the field. He shot approximately eight times. After shooting the elk, he drove to Walmart to buy an elk license, and when he arrived, he was told that the state game wardens was on the farm. He did not buy a hunting license. He was shooting at the large seven-by-seven bull elk, and hit three other elk before hitting the target. He admitted to shooting all four elk, and he knows he shot the seven-by-seven bull elk two times in the butt. He said he was shooting a bolt action rifle quote, 'Pretty stinking fast.' He moved to the opposite end of the field near a house, reloaded and shot about four more rounds. Each round was loaded one at a time. He said, 'This bull, see, I don't know where this bull came from. I mean, evidently I shot him.' Referring to the five-by-six bull elk that was still alive, he stated, 'I'm responsible for all this.' 'I screwed up.' He did not walk to any of the elk, because he heard a man holler at him saying, 'Hey', Referring to someone residing in the house, he shot and hit the bull elk in the butt twice, because he said that's all he could see.

After the man hollered at him, he decided he needed to get a license. He admitted to seeing at least three of the four dead elk after the shooting. Officers asked him if he had the casings, and if he picked them up from the final location where he shot. He said, 'I didn't, I chucked them.' Officers asked him where he threw them. He said, 'Somewhere between here and Walmart.'" Which is about two miles away.

"Officers asked him what he was thinking after seeing the dead elk. He said, 'I was F blank.' He said, 'Honestly, I go home tomorrow, and I didn't want to spend the money hit or miss. That's the honest truth.' He said, 'I started to get one yesterday evening and the elk have either been here or not. I was trying to cheat. Well, let's be honest, I was trying to cheat the system, and that's the truth.'"

I thank you Colonel Tim Cimbal, and I thank you Officer Shawn for the great work that the game wardens, the field officers are doing. To summarize, he entered a plea agreement with the 4th Judicial District attorney's office and pleaded guilty to two of the 11 charges. He received 728 days of probation, and paid \$0 in fine. The Department is seeking civil restitution. Thank you, attorneys.

Although Mr. Grimmatt was found guilty of two charges, he still admitted to committing the other nine violations, which would have accumulated to 180 points. Due to the egregious wildlife violations he has committed, the Department is recommending a 10-year revocation for Mr. Grimmatt. I had to read that into the record, because I was shocked. I was upset when I read it, and I'm still upset when I read about it, or as I read it now today.

Forgive me for the emotion. Mr. Chair, Commissioners, Director Sloane, Colonel Tim, where I am going is, it's important to see a trend. I think everything that you had proposed to the Department is good in terms of the fairness, and consistency in how we address these revocations. I would like to see a trend, and Director, if you think it's more appropriate that we receive them on a regular basis, instead of waiting for a chunk of period of time.

When you do the trending, maybe a month at a time, because the trending-- Why would we want to do this? The trending might help, for example, we have a Department of Education sitting here in the room today. I don't know if there's a need to improve, or target certain areas of education. Two, our management of the animals. Is there something else that we can do? I don't know. I'm just throwing these out. That is where I am coming from, and I'm sorry I took up so much time. That's all I have.

Richard Stump: Thank you Commissioner Hickey. I understand your alarm in this situation. This is one of the ones that got my attention as well as two others. The recommendation for that was 10 years. It seems 10 years is easy of a penalty for something of that severe. I recommend we give them 15 years. I don't know how you all feel about that? That's a pretty--

Christopher Witt: There's 40 points listed on the revocation list, but didn't you say that he earned more points than 40?

Colonel Tim Cimbal: Chair, Commissioners, that's the ones that he received through the court process. He was bound guilty on two 20s to make 40, but it was-- He did all of it, but there's plea agreements, and the way the court process works, where he wasn't found guilty on all of them. If he was found guilty on all of them, it would've been that 100 and something points.

Richard Stump: 180.

Fernando Clemente Jr.: Chair, to me he did harvest or kill. That should be in harvest, obviously, poached four animals, if I'm correct.

Colonel Tim Cimbal: Yes, sir.

Fernando Clemente Jr.: For me, the impact is not just the animal itself, it's what you do to the population. It's what you do to reproduction. It's a lot bigger than just for elk. I'm sorry, but to me, 10 years for each of the animals that he was poached. That's my recommendation to the Commission.

Colonel Tim Cimbal: Chair, Vice-Chair, Commissioners, I will point out Mississippi is a wildlife compact state, if he is revoked here, he will subsequently be revoked there, as well as pretty much every other state in the US. It's not like he's only going to not be able to hunt here in New Mexico, it will affect him in his home state.

[pause 00:26:29]

Tirzio Lopez: He had the potentially of violating the Lacey Act, if he wouldn't have been caught?

Colonel Tim Cimbal: Chair, Vice-Chair, he never possessed any of these. There's a lot of aspects to that, the Lacey Act, the major one that we look at is transportation between jurisdictional lines. If it leaves tribal, goes on tribal, leaves state, federal, things of that nature. Not really with this one, just pretty much outright poaching.

Michael Sloane: Mr. Chair, Commissioner, I think your question was, had he not been caught, and had he not been caught and taken those animals, and gone back home to Mississippi, yes, there would be a Lacey Act violation.

Colonel Tim Cimbal: Absolutely.

Tirzio Lopez: Go ahead.

Richard Stump: Commissioner [unintelligible 00:27:46] have any feelings on the recommendation?

Sharon Salazar Hickey: Mr. Chair, Director Sloane, Commissioners, Colonel Cimbal I had another point, not just about the trending. The second thing is what caught my eye were the number of people from out of state. I think members of the public who are here present today, and those who are not present today, have raised a concern about non-residents. That is now on my radar screen, FYI.

When you do the trending analysis director and Colonel Tim Cimbal, if you could continue to indicate the state from which these, or a general area if you're just giving us a trending analysis in the periods, maybe include how many of them are a percentage, maybe 50% are residents, and 50% are non-residents, or 80% resident, non-resident, 20%, whatever. I think those are two important factors to look at when we see a trending analysis.

Colonel Tim Cimbal: Chair, Vice-Chair, we can probably do you one better, not just the revocation data, but we could do a presentation of just violations. We track all of that. I can show you how many violators are residents versus non-residents.

Sharon Salazar Hickey: Thank you. I'd like that. Maybe at the next meeting, or maybe we continue to start doing that trending analysis with the revocations, that would be very helpful. Thank you, Mr. Chair.

Michael Sloane: Mr. Chair, if I may add, just as a reminder to the Commission, you do have the authority to change the recommendation. It's ultimately your decision based on your feelings about how egregious the crimes were. Certainly anything that's been put out here today is well within your purview to determine. Just wanted to make that clear.

Richard Stump: That being said, I recommended 15 years. Commissioner Clemente recommended 40. Does anybody else have any feelings?

Christopher Witt: I think a compromise of 20 seems like a good idea.

Richard Stump: Commissioner Lopez.

Tirzio Lopez: [unintelligible 00:30:24]

Lieutenant Shawn Carrell: I do have a case report. There's a couple of supplementals with it, and then I just have one copy--
[crosstalk]

Michael Sloane: [unintelligible 00:30:39] I think that the case report is largely what Vice-Chair read into the record, I'm assuming.

Colonel Tim Cimbal: Yes, Chair, Vice-Chair. We're pretty familiar with any of them. If you just want to give us to give a synopsis, rather than reading, it's up to you.

[pause 00:30:58]

Sharon Salazar Hickey: Mr. Chair, Commissioners, Director Sloane, and Colonel Cimbal, while Commissioner Lopez reviews the file, I'd like to hear your thoughts on changing the number of years from 10 to 40, or maybe possibly 20. What are your thoughts on that?

Colonel Tim Cimbal: Chair, all of the officers, we do a lot of training to get ahead of the game, and when we do catch these people, I feel, honestly, we do these a lot. There's been a lot of studies that 4% of true poachers are actually caught, because they're in the forest. It's not like you're speeding down the streets, or in the middle of a city. You're on a different game board where you're doing these kinds of crimes. When we do catch them, we do make a good case on it. [inaudible 00:32:20] down here. As you can see, what the court did with it, not very much. That's another thing that we contend with. Our officers do an awful lot of hard work. It catches you off guard, and sentencing occurs, and it's not a very big penalty. That's the beauty of this administrative process, and working with you [unintelligible 00:32:45] to be able to have a true penalty that affects a person. Taking away hunting and fishing privileges across the country is a pretty severe one. They can walk away, and get a couple \$100 in fines. It means nothing, but we together [unintelligible 00:33:05] go at recommending more years as per our recommendation. I like that we did change that, so we'll continue to do that on these egregious ones. I'm going to support on what the Commission [unintelligible 00:33:24] today.

Michael Sloane: Mr. Chair, Colonel Cimbal, could you talk, maybe a little bit, about how we got to 10 years, and what the process is for your recommendations?

Colonel Tim Cimbal: Obviously, the typical is a three-year period when they accrue 20 or more points in a three-year period. This individual accrued, and was convicted of 40 points. A lot of what we do revolves around what we've had in the past. Since we generally haven't made a Department recommendation yet, it's egregious in nature. 10 years is a long time. 40, 20, any of those years are a long time, but we basically came to this, based it similarly on what we've had in the past. We have had previous Commissions recommend similar to this, but we've also had previous Commissioners recommend, and pass 99 years for revocation. We fell on the 10 for 2 individuals that we made recommendations, and the

third was for 5. We based it on-- We lost four animals that are belonging to the people here in the state of New Mexico. We felt it was egregious enough to go with 10, but certainly open to more.

Richard Stump: One thing that comes to mind is I don't think this individual actually premeditated something like this. I can't say for certain, but it seems as though he saw something and not-- I don't know if he's hunted elk before, but he just got really excited, and started shooting, which is completely wrong, but I have to look at that as well.

Sharon Salazar Hickey: Mr. Chair, Director Sloane, Commissioners, he had a gun. He was prepared to hunt, I'm sorry to say. I think based on the facts, he had an intent of hunting, and to start shooting when you see those animals. Whether it was like that or-- He was prepared.

[silence]

Mr. Chair, Director Sloane, Commissioners, Colonel, and members of the public, I think the tenure is fine. I do think that there has been some justice, he's been to court, he has paid, there's been some restitution. What struck me is when Colonel Cimbal said that there's some reciprocity with the home state of Mississippi, and the impact that it's going to have. 10 years is a lot time, and we typically go with 3 to 5 years. I think Mr. Chair to go beyond 10 years, and plus, all that he's done with the court system.

Fernando Clemente Jr.: Mr. Chair, may I? I have a comment and a question, actually, regarding that. You mentioned something about that he got excited, and he started shooting. What bothers me, is I'm a hunter. I hunted since I was eight years old. One of the things that I was thought it was, you follow the law first, and then you do the right thing. Whether you're alone, or whether you're with somebody. Whether somebody's watching you, or whether they're not.

Here, and correct me if I'm wrong, but I believe he started shooting at the elk. He knew he was going to hunt. Then, he went to Walmart after he shot, and he bought the license. I'm sorry, that is planned. The reason why the other states, there's reciprocity, is because a lot of people, they go into different states, and they do the wrong thing, because they can get away with it. It's easier for them to do so. The reason there is reciprocity from other states, is because we are trying to stop that illegal take of wildlife across the United States, not just in the state of New Mexico.

If we look at wildlife management, what is, what we do. We don't protect the species just in one group, we do it as a species, correct? Diversity. The impact is huge. I know the impact is big – only four animals. It was planned. He knew what he was doing. That is why it bothers me. That's the reason why it went so high. Whether it goes for one state or 13 or 15 states, we're good.

Those states will be protected, because I don't know what that person has done in other states. That's that. Then, it comes to a question, thinking about this. Looking at what the court did, is the Department of Game and Fish, I don't know why the decision of the court is so lenient, but [unintelligible 00:38:51] talking to the judge on what is the impact of those criminals [unintelligible 00:39:02] for wildlife.

Colonel Tim Cimbal: Chair, Vice-Chair, Commissioners, we certainly are-- We have a lot of rural communities, our officers do speak with the judges, and it's not just a New Mexico problem. Recently, I was at a work conference, and it's across the country, people dealing with this. There's a lot of SCI, Safari Club International is fronting a campaign to better educate the public, as well as prosecutors and judges, to pay attention to what we're really losing here. When you really start putting the money, the monetary value to what our wildlife is worth, it's alarming what is being stolen from each state when poaching occurs.

Sharon Salazar Hickey: Mr. Chair, Commissioners, Director Sloane, Commissioner Clemente, are you recommending the 10, or the 40, or the 20?

Fernando Clemente Jr.: I had recommended the 40, but-

Sharon Salazar Hickey: You're still with us.

Fernando Clemente Jr.: Commissioner Witt mentioned 20 that he was a good- I will say at least that.

Richard Stump: Commissioner Witt.

Christopher Witt: I had a question, a point of clarification. I thought in what you read, that you-- I wasn't clear whether this person did pay restitution. You mentioned that they did, but I thought there was a civil suit. Can you clarify that?

Lieutenant Shawn Carrell: There was \$0 in fines with that. We have not gotten our civil with him yet. We're waiting on the finalization of the case and the revocation. Right now, he's looking between \$10,000

and \$12,000 in civil restitution toward the state. One of the seven-by-seven elk scored out. Our officer scored at 301 and some change. That's close enough to the 300 threshold that they want to get it officially measured. They're going to go to a master measurer and have that officially measured and then file that civil with the individual.

Christopher Witt: Thank you. I just want to add that I really agree with all the comments that Fernando made, and I think it's really important in this case that we raise the level of the penalty. The account that was read, showed such deeply irresponsible, and deeply criminal behavior that I think it's really incumbent on us to do that. I thought it was really disturbing. Also, I will note that one of the quotes from the individual mentioned that it was his last day here. That's an indication of planning to me. That's not an indication of a last-second bad decision.

Richard Stump: Thank you, [unintelligible 00:41:43]. [inaudible 00:41:45]
[silence]

Sharon Salazar Hickey: Mr. Chair, Director Sloane, Commissioners, I think we need a motion. Is that correct?

Michael Sloane: Mr. Chair, Madam Vice-Chair, you could do a single motion approving everything with changes, or you can do a motion relative to the revocations with whatever changes you would like, but yes, you will need a motion.

Sharon Salazar Hickey: Mr. Chair, Commissioner Lopez has one more case that he just quickly wanted to talk to.

[pause 00:42:27]

Tirzio Lopez: Daniel Pennington happened in Gila.

Colonel Tim Cimbal: Chair, Vice-Chair, Commissioners, that is correct.

Lieutenant Shawn Carrell: Daniel Pennington happened in Clayton.

Tirzio Lopez: In Clayton.

Lieutenant Shawn Carrell: Aaron Tuffell happened in the Gila.

Tirzio Lopez: Let's go over Daniel Pennington. Can you just give us a quick synopsis in that case?

Colonel Tim Cimbal: Yes, that one's, if you have more to tell, I've got a basic, but an individual, it's a big time waste of game. There's two felony waste of game charges there. This is a hunter that shot and killed two mule deer, and just took the head, and left all of the meat.

Tirzio Lopez: I was just hunting a mule deer this past weekend in unit 4, and we weren't successful, my daughter and I, but to know that someone shot them, and just took the head. We had a similar case. I don't know if the Department knew about it, where Highway 84, someone took the head of an elk and just left it on the side of the road.

Colonel Tim Cimbal: I remember that.

Tirzio Lopez: This was maybe a couple of weeks ago. Now, this guy did the same in Clayton and left the meat there. With that being said, I don't know if we can increase Mr. Pennington from 10 to 15 years, being that there was actually two animals. Did he have a license? No?

Colonel Tim Cimbal: No.

Tirzio Lopez: He had planned that and was planning to sell them or what have you. I can tell you not having a deer or not getting a deer this year in this hunting season, kind of disappointing, but it was fun. Knowing that people are wasting meat is not fun and not cool. I don't know, on the other case, was that meat salvageable for Mr. Lester? Was that able to be--

Lieutenant Shawn Carrell: Yes, it was. It was sold.

Tirzio Lopez: Okay. Unfortunately, this one probably wasn't be able to be sold, because he just left them there. They were probably [unintelligible 00:44:48] salvaged as well?

Lieutenant Shawn Carrell: These were salvaged as well.

Tirzio Lopez: These were salvaged as well.

Lieutenant Shawn Carrell: The officer got there within--[crosstalk]

Tirzio Lopez: Although we were able to salvage the meat and help someone in need, I still think that it's egregious enough to increase the penalty up to 15 years for him. That's all I have, Mr. Chair.

Richard Stump: Any Commissioners have anything to say about Mr. Pennington, and his recommendation? Anybody else have anything to say? No? I'm in agreement with Commissioner Lopez.

Nothing makes me madder than wasting game and just shooting something, and taking the head. I would recommend 15 years as well.

Sharon Salazar Hickey: Mr. Chair, Commissioners, Director Sloane and Colonel Cimbale, and members of the public. Director, you're a wonderful secretary for the Commission. Would you please assist us by recapping the motion that we would like, and to close up agenda item number 5 on revocations?

Michael Sloane: Mr. Chair, Madam Vice-Chair, I think the Chair may have one more he'd like to discuss.

Richard Stump: Yes, I do have one more, and that is Aaron Tuffell. I think that was in the Gila, is that right?

Lieutenant Shawn Carrell: Right.

Richard Stump: Yes. Could you go ahead and describe that for me?

Lieutenant Shawn Carrell: Yes. In this case in particular, I'll try to sum this up. There was four individuals, one juvenile, three adults. They went hunting on a youth hunt. The youth individual shot an elk with the muzzleloader initially. Didn't kill it, followed it up with a 270 scope rifle shot that killed that elk. Everyone loaded that elk up in the back of the pickup, to get back to camp.

Actually, that night, this—Aaron, in particular, shot at another elk with a muzzleloader. He had a license for the next week, but he shot at them. They did not tag that initial, the youth kids' elk, because they were going to utilize that tag for Aaron. They got back to camp. The next morning, they went out. The youth kids stayed at camp with his elk, but they utilized a tag, went back out, and tried to fill it as well.

He shot at one earlier that morning, missed it. Then, the elk in particular, that the officer caught him with, was shot-- They were all shot with a muzzleloader on that one. When they were loading it up, is when the officer made contact with them. Long story short, lied to him about where all the elk were, and what happened, and whose tag was whose. They said the kid shot the second one. When we found out later, he had already harvested. It was a cow elk on this one.

Richard Stump: Thank you. Appreciate it. Anybody else have anything to say about anything else with revocations? Motion to change, in general, right?

Michael Sloane: Mr. Chair, I think you could make a motion to approve the items on the consent agenda with the changes of moving Grimmer to a 20-year revocation and Pennington to a 15-year revocation.

Sharon Salazar Hickey: I think, based on what we did last time, Mr. Chair and Director Sloane, and Commissioners, I move to accept the revocation recommendations as submitted by the Department with the following exceptions. One, Mr. Grimmer to 20 years. Two, Mr. Pennington to 15 years.

Fernando Clemente Jr.: I will second that motion.

Colonel Tim Cimbale: Chair, Vice-Chair, we also discussed that Tuffell one. Did you want anything done with that one?

Richard Stump: No, I think that's fine.

Colonel Tim Cimbale: Okay.

Richard Stump: Is there any more discussion? All in favor?

Fernando Clemente Jr.: Aye.

Tirzio Lopez: Aye.

Christopher Witt: Aye.

Richard Stump: Aye.

Sharon Salazar Hickey: Aye.

Richard Stump: Motion passes. Thank you, Colonel. Thank you, Shawn.

Colonel Tim Cimbale: Thank you.

Michael Sloane: Mr. Chair, we still need a motion on the remaining items on the consent agenda.

Sharon Salazar Hickey: Mr. Chair, Commissioners, Director Sloane, and members of the public, I move to approve the fiscal year 2025 depredation and nuisance abatement report as presented.

Richard Stump: Do you have a second?

Christopher Witt: Second.

Richard Stump: All in favor?

Sharon Salazar Hickey: Aye.

Christopher Witt: Aye.

Tirzio Lopez: Aye.

Richard Stump: Motion passes. Is there a consent agenda?

Michael Sloane: Mr. Chair, if we're going to do these individually, we'll need a motion on the minutes from our August 28th meeting, and a motion on the disposal list.

Richard Stump: Commissioner? Can you?

Sharon Salazar Hickey: Yes. Director Sloane, I think I'm going to combine them into one motion, if that's okay?

Michael Sloane: I think that would be fine.

Sharon Salazar Hickey: Thank you, sir. Mr. Chair, Commissioners, Director Sloane, I hereby move that the Commission adopt the minutes from the August 28th, 2025, meeting and the annual depredation report as submitted by the Department.

Michael Sloane: Mr. Chair and Vice-Chair, I think you're looking for approval of the minutes, and approval of the disposal list. You've already done the depredation report.

Sharon Salazar Hickey: Repeat. My motion is to approve the minutes from the August 28th, 2025, meeting and the disposal list as provided by the Department. Thank you.

Fernando Clemente Jr.: I second the motion as stated.

Richard Stump: All in favor?

Christopher Witt: Aye.

Fernando Clemente Jr.: Aye.

Richard Stump: Motion passes.

Sharon Salazar Hickey: Mr. Chair, may we take just a five-minute break, please?

Richard Stump: Okay. Commissioner Hickey, five minutes.

Sharon Salazar Hickey: Thank you.

Richard Stump: Fisheries Rule 19.31.4 NMAC, Manner and Method Rule 19.31.10 NMAC, this will be presented by Chief Patten and Colonel Cimbale. Just Chief Patten. This hearing will please come to order. My name is Richard Stump, Chair of the Commission. I will be serving as a hearing officer and be advised by the Commission's counsel.

The purpose of this hearing is for the Commission to receive public comment on repealing and replacing the fisheries, and amending the Manner and Methods Rule Title 19, Chapter 31, Part 4, and Title 19, Chapter 31, Part 10, New Mexico Administrative Code, respectively, which will become effective on April 1st, 2026.

This hearing is being conducted in accordance with the provisions of the Game and Fish Act and the State Rules Act. This hearing is being audio-taped, and video-recorded. Anyone interested in a copy of the audio tape, or video recording should contact Darren Vaughan with the Game and Fish Department. Public notice of this hearing was advertised in the *New Mexico Register*, the New Mexico Sunshine Portal, and on the Department's website.

Copies of the proposed rules have been available on the Department's website. Those wishing to comment here today must have registered to submit public comments. The rule hearing will be conducted in the following manner. Staff will present pre-filed exhibits. Exhibits submitted into evidence are available for review by the public in the Department's website.

Participants are asked to wait until they're called upon to speak. In order to ensure that the hearing is accurately recorded, only one person at a time shall be allowed to speak. Any person recognized to speak is asked to identify yourself by name, who you're affiliated with for the record, each time you're recognized. Speak loud and clear to accurately record your comments.

After a person has offered comment, they will stand for questions from the hearing officer. The audience may also ask questions of anyone offering comments after being recognized by me. This hearing is not subject to judicial rules of evidence. However, in the interest of efficiency, I reserve the right to limit any testimony deemed irrelevant, redundant, or unduly repetitious.

The Commission may discuss the proposed new rule after the public comment portion of the hearing. Final Commission action, including adoption of the rule, may occur after the conclusion of the presentation, and public comment period of the hearing. In the preliminary matters of hearing item number 6, fisheries and Manner and Method 19.31.4 and 19.31.10 NMAC, this hearing is now open. Do you have any exhibits, Kirk?

Kirk Patten: Good morning, Chair. Yes, I do have six exhibits I would like to enter into the record.

Richard Stump: Exhibits 1 through 6.

Kirk Patten: Just for the record, they are the copy of the rulemaking notice that was published in the *New Mexico Register*, the clean and red-line version of the proposed rules, technical information relied upon in making of these rules, a summary of the proposed changes, which was published on the Department website, a copy of all the public comments received along the way, as well as a copy of my presentation today.

Richard Stump: Thank you, Chief. Exhibits 1 through 6 are admitted into record. Please introduce the proposed fishery rule, followed by the proposed Manner and Method rule, Kirk. Thank you.

Kirk Patten: Mr. Chair, Commissioners, thank you very much for having me today. I wanted to start off with a preliminary clarification regarding the past several months in the development of this rule, and the Manner and Method rule. Since last spring, the Department has presented to you the fisheries rule, as well as fisheries-related topics in the Manner and Method rule.

During that same time period, Colonel Cimbal was presenting concepts related to the shed hunting portion of the Manner and Method rule. For administrative efficiency, as we saw the two, I guess, processes for the shed hunting rule, and the fisheries-related changes to the rule, we were planning on presenting to you one rulemaking hearing today. Based upon some differences in language, we decided to pull the shed hunting consideration from you today.

Colonel Cimbal will be back in front of you at your January meeting to proceed with that part of the Manner and Method amendment. I just wanted to clarify that, because we did, in fact, do the rulemaking carrying publication with all three of those elements. Just want to make sure it's clear for the public and for yourselves. As you stated previously, the Department has been developing updates to the fisheries rule over the past six, seven months or so.

The fisheries rule, like other species rule, is on a four-year rule cycle. It is set to expire on March 31st, 2026, so we need to adopt a new rule with proposed changes that I will get into in a minute. As well as-- it's customary that we include fisheries-related changes to the Manner and Method rule, that's why we are presenting both of these rules for your consideration today.

As I indicated in previous presentations to you on this topic, not long after the previous rule was adopted by the Commission, we start getting comments and suggestions from both internal and external stakeholders. We continually update our databases in order to develop this rule. This is years in the making. You've seen this slide before. These are several of the proposed changes that we are recommending for inclusion into the new fisheries rule.

Briefly, we are recommending updating the definition of barbless lure or fly to be consistent with the Manner and Method definition. We're also recommending the addition of three new native trout conservation special trout waters. That being Jack's Creek, upper Rio Chiquito, and the Rio San Antonio up Lagunitas Lakes. If adopted, the new regulations for those waters would be catch and release only for native Rio Grande cutthroat trout, limited terminal tackle to barbless lures or flies, as well as unlimited harvest for non-native trout that are encroaching in those areas. This has been relatively popular with the public. They can actually go out and participate in the conservation efforts for our native trout.

Next proposal is to remove specific references to Santa Cruz, Bonito, Monastery, and Springer Lakes for a prohibition of ice fishing. We feel like it could be handled through local signs rather than having to worry about differences in named waters that were closed to ice fishing in both the Manner and Method rule and the fisheries rule. At the urging of our law enforcement division, or field operations division, they asked us to add a definition of special trout water to better, I guess, document the significance of those fisheries, and the rule.

Based upon public comment we received, we're also recommending the Commission include a change to prohibit fishing from the Crusher Hole and the Texas Hole boat ramps within the San Juan tailwater trout fishery. Moving on to the Manner and Method proposals, similar to the fisheries rule, we are recommending clarifying the definition of barbless lure or fly, removing specific references to prohibitions for ice fishing.

We are also recommending to include a prohibition for using bait fish within the BLM Overflow Wetlands. This would, I guess, reduce the potential for unwanted bait fish to be introduced to those areas. It's critical

for Pecos pupfish conservation down near Roswell. We're also proposing to allow electric trolling motors at Jackson Lake. We're working on improving boating access in that area with a boat ramp. We wanted to make it a little easier for people to get around once those improvements are completed. Probably the most significant in the Manner and Method proposals this time is expanding the Director's authority to modify angling limits, modify methods potentially close a water.

This would give us greater flexibility in being able to respond to fires or long-term drought, so on and so forth, to protect individual fisheries in a more timely manner. That rule does limit the ability to change the rules to just six months, during which, if we needed to go down that road, we would recommend coming to you with a formal rule adoption, or it would expire after a six-month period.

After we initially presented this to you in April, we had information posted on our website. We conducted two virtual public meetings where we had, I believe, it was 13 attendees and got a variety of different comments, which are summarized here. Most of those you have seen before, whether it was clarifying language regarding barbless lures or flies. Some individuals were interested in expanding special trout waters into other areas that we didn't think was advisable at this time.

During the formal comment period, as we sought written comments after the rule was noticed in the *New Mexico Register*, we got three additional comments. One was to support the proposals. One was support for the new native trout waters, and one individual opposed closing the fishing access at Crusher Hole and Texas Hole boat ramps. That's all I have for you at this time. Based upon those comments, we did not change any of the proposals in either the fisheries rule or the Manner and Method rule at this time. Again, just for clarity, we are seeking your approval for the adoption of a new fisheries rule, which will go into effect April 1 of 2026. We are also seeking your approval of amending the Manner and Method rule, which will also go into effect on April 1 of 2026. Thank you for your time, and I'd be happy to answer any questions.

Richard Stump: Are there any Commissioners that have any questions?

Tirzio Lopez: I do have a question. Regarding the fishing from the boat ramps at the San Juan River, aren't those ramps on State Parks property?

Kirk Patten: Chair and Commissioner Lopez, yes, I believe they're on State Park property. If they're not, they're administered within Navajo Lake by State Parks.

Tirzio Lopez: I think there were just complaints from outfitters, the ones that were saying that it was interfering with people fishing in that area. Was it some type of safety concern?

Kirk Patten: Mr. Chair and Commissioner Lopez, it was a potential resource conflict from people setting up on a boat ramp. It also could be characterized as a safety issue. If someone's set up sitting there and someone's trying to back a truck in with a dory on it, it could turn into an issue there.

Tirzio Lopez: I'm in the middle of the road on that one because we all know how much it costs to fish to San Juan, or maybe not, but it's almost \$800 a day per person on a half-day trip. That public land in that area is checkerboarded, and we're trying to restrict the public from fishing a really good public water on those two areas and giving the heads-up, I guess, or better-- a hand to the outfitters there that are making money off the people who are paying the money to go fish and restricting the public who can't afford that to fish in those areas.

Kirk Patten: Mr. Chair, Commissioner Lopez, just to clarify, it would just be the physical concrete boat ramp that would be part of that.

Tirzio Lopez: They can fish off the boat ramp. Six inches to the left, where the concrete is, they can fish there. Just on the boat ramp, so where the sidewalk ends and the road begins, that's where it's going to be at.

Kirk Patten: Mr. Chair, that is my understanding, yes, of the description.

Tirzio Lopez: Is State Parks going to be enforcing that law for us?

Kirk Patten: Mr. Chair, Commissioner Lopez, we have been working with State Parks to heighten the awareness of this potential conflict during the development of this rule. I believe they just installed it this week, a large sign saying that these areas are closed to fishing, the boat ramp.

Tirzio Lopez: Before the rule was passed.

Kirk Patten: Well, this is under their authority. Yes. They are aware of it. They have, I guess, committed to trying to do a better job of enforcing it. They are continually short-staffed at that facility, and so it is just

like enforcement in other areas. It is going to be a challenge, but we feel like with this adoption, it gives our officers more ability to address this resource conflict, as well as hoping that State Parks can assist with this as well.

Tirzio Lopez: If it's on the boat ramp, physically where the concrete is, and I see no issue with it. If there're going to be that whole section there, it's going to be restricted. I see it's limiting public access for some reason.

Kirk Patten: Mr. Chair, Commissioner Lopez, the way the rule is written, it will be the concrete.

Tirzio Lopez: Then I get it, then, because that's how it happens at Abiquiu Lake and stuff then. I'm okay with it.

Richard Stump: I'm in complete agreement with the Department's recommendation on that. I have been a boatman, and boat ramps are clogged up. It could be tragic. Anyone else have any comments? Anyone from the audience? Anyone online? Tristanna?

Tristanna Carrell: Mr. Chairman, no one has their hand raised.

Richard Stump: Okay. Thank you.

Sharon Salazar Hickey: Mr. Chair, Director Sloane, Commissioners. I would like to move to adopt. May I make a motion?

Richard Stump: Hang on a second.

Sharon Salazar Hickey: Not yet. Not all of them.

Richard Stump: Not yet. Those that registered and participated in the hearing will be included on the attendance sheet. At this time, the attendance sheet shall be marked and admitted as Exhibit number--

Michael Sloane: 7.

Richard Stump: 7. The comments submitted and testimony heard during this rule hearing will be reviewed by the Commission and discussed during the open session of today's meeting. The Commission will vote on the proposed rule at that time. I would like to thank everyone present for the participation today. I'll let the records show that this rule-making hearing was adjourned at 10:23 AM. Anything else besides making a motion? Anybody like to add? Can I have a motion to approve?

Sharon Salazar Hickey: Thank you, Mr. Chair, Director Sloane, Commissioners. I would hereby like to move to adopt the new Fisheries Rule 19.31.4 NMAC as presented by the Department with an effective date of April 1, 2026, including potential minor edits required by the State Records and Archives.

Richard Stump: Is there a second?

Fernando Clemente Jr.: I also move to second the motion as presented.

Richard Stump: All in favor?

Fernando Clemente Jr.: Aye.

Christopher Witt: Aye.

Richard Stump: Aye.

Tirzio Lopez: Aye.

Sharon Salazar Hickey: Aye.

Richard Stump: Motion passes.

Sharon Salazar Hickey: Mr. Chair, Director Sloane, Commissioners, members of the public, I would like to move to adopt amendments to the Manner and Method rule 19.31.10 NMAC related to the fisheries as presented by the Department, with an effective date of April 1, 2026, including potential minor edits as required by the State Records and Archives.

Richard Stump: Is there a second?

Christopher Witt: Second.

Richard Stump: Motion passes.

Michael Sloane: Mr. Chair, I think you need to vote.

Richard Stump: Sorry. All in favor?

Christopher Witt: Aye.

Fernando Clemente Jr.: Aye.

Sharon Salazar Hickey: Aye.

Richard Stump: Aye. Motion passes.

Fernando Clemente Jr.: My vote does count. Thank you.

Richard Stump: Thank you, Kirk.

Kirk Patten: Thank you, Commissioners.

Richard Stump: Do you want to ask him?

Fernando Clemente Jr.: Yes. Could I ask a question? It is something that my second meeting as a Commissioner, public meeting, and believe it or not, it keeps me awake. There was this gentleman that he asked, and every time we're going to have a meeting, I think I got to ask that question. He was very concerned of the hook size on the trout waters that the trout's, I believe, he was recommending at least to be a size three or four so they would not pass. He presented that he's seen fish damage, that it will go all the way to their stomach, and that the hooks that they're allowed to use, they were too small. Following up on that, did he ever get a call back from the Department-- whatever end up with his comment?

Kirk Patten: Mr. Chair, Commissioner Clemente, I do not recall receiving that comment. I would be happy to call him back if I had the number.

Michael Sloane: Mr. Chair, Commissioner. I believe that was at the Roswell meeting. I believe that, unfortunately, that gentleman has subsequently passed, but that probably is enough of a reminder for Chief Patten to have a comment.

Kirk Patten: Mr. Chair and Commissioner Clemente, I do recall who that individual was now. There's a whole lot wrapped up into that question about hook size, and really, that's going to depend upon the size of the fish, how you're actively engaged in fishing. There's a recent publication now to where-- for years and years, there was concern that bait fishing led to an increased mortality of fish because you would, potentially, hook them in the throat or in the gills and that sort of thing. That study is indicating that a lot of it has to depend on how you're actively engaged in fishing when you are bait fishing. I really can't answer the size of the hook and whether it's appropriate or not and so on and so forth. I would love to learn more about the conversation and see what we could answer.

Fernando Clemente Jr.: Thank you for the answer. I always keep up with people's comments. Believe it or not, this is two to three years ago, so it stayed in my head, so I just want that information. Thank you.

Kirk Patten: Thank you for the reminder. [silence]

Richard Stump: Thank you, Chief Patten. Agenda item number seven will be presented by Chief Liley, rule hearing Upland Game Rule 19.31.5 NMAC. This hearing will come to order. My name is Richard Stump, chair of the Commission. I will be serving as a hearing officer and be advised by the Commission's counsel. The purpose of this hearing is for the Commission to receive public comment on repealing and replacing the Upland Game Rule Title 19, chapter 31, part five, New Mexico Administrative Code, which will become effective on April 1st, 2026.

This hearing is being conducted in accordance with the provisions of the Game and Fish Act and the State Rules Act. This hearing is being audio-taped and video-recorded. Anyone interested in the copy of the audio tape or video recording should contact Darren Vaughan with the Game and Fish Department. Public notice of this hearing is advertised in the *New Mexico Register* and the New Mexico Sunshine Portal, and on the Department's website. Copies of the proposed rule have been available on the Department's website.

Those wishing to comment here today must have registered to submit public comments. This rule hearing will be conducted in the following manner. Staff will present pre-filed exhibits. Exhibits submitted and evidence are available for review by the public on the Department's website. After all exhibits are entered, we'll proceed to the presentation of the proposed rule, after which testimony will be taken from the audience. Participants are asked to wait until they're called upon to speak in order to ensure that the hearing is accurately recorded.

Only one person at a time shall be allowed to speak. Any person recognized to speak is asked to identify yourself by name and who you're affiliated with. For the record, each time you're recognized, speak loud and clear to accurately record your comments. After a person is offered to comment, they will stand for questions from the hearing officer. The audience may also ask questions of anyone offering comments after being recognized by me. This hearing is not subject to judicial rules of evidence.

However, in the interest of efficiency, I reserve the right to limit any testimony deemed irrelevant, redundant, or unduly repetitious. The Commission may discuss the proposed new rule after the public comment portion of the hearing. Final Commission action, including adoption of the rule, may occur after

the conclusion of the presentation and public comment period of the hearing. In the preliminary matters of a hearing item number 7, Upland Game Rule 19.31.5 NMAC this hearing is now open. Do you have any exhibits?

Stewart Liley: Mr. Chair, I wish to submit six exhibits. Exhibit number 1, the notice of the rule-making. Exhibit number 2, the initial proposed rules that were posted to the Department's website. Exhibit 3, the presentation that I'll be giving today. Exhibit 4, the summary of our proposed changes that were posted to the website. Exhibit 5, the technical information we relied upon when developing the rule. Exhibit 6, the 11 public comments we received during the rule-making effort.

Richard Stump: Items 1 through 6 are admitted into record. [silence] Chief Liley, please introduce the proposed Upland Game rule.

Stewart Liley: Mr. Chair, thank you. Members of the Commission, we started this rulemaking process approximately in April of this last year. I just real quick going to go through, you've seen these slides, some of you multiple times, but just for edification of others that haven't maybe seen that. Just real bit of background. What you're looking at here is a graphic of the breeding bird survey, is a survey to try to get at a annual indices. It's not abundance, but it index to see maybe what abundance looks like.

What this is, is a scaled quail. The point of this is you see big fluctuations in these gallinaceous birds, quail, grouse, et cetera, really tied more to environmental factors. Good years, big booms. Poor years, you see a big reduction. Why I wanted to discuss these animals have an ability to really respond to environmental conditions, and really respond quick to environmental conditions, and have really big boom population cycles. You'll see there this is scaled quail.

If you recall around 2013/'14 in the Southeast, we had some really great moisture years. You'll see those quail just exploded in populations. Probably some of our best scaled quail years that we've had since '50, '60s. This year might be one of those kind of years, too. We had some really good early rains in the Southeast, and I think we'll see a scaled quail increase as well. What we're looking at here is tracking harvest trends with our breeding bird indexes on some of the quail species.

Prior to 2006, we had voluntary harvest reports that were done at random. Starting 2006, we had still voluntary, but it was specific to the species. You see it tracks a little better, that gray line. What it's showing is harvest tracks population trends. Really, when we see a population increase from our breeding bird index, you see harvest track that. Really, harvest isn't really driving the population trajectories of these, but you see that trends are tracking fairly well when we have high populations of quail, we have higher harvest, et cetera.

I think one of the other important points, looking at it, some of the public comments discussed, well, maybe we could reduce bag limits to get at increasing quail populations. Really, biologically, we don't think that harvest is impacting the populations. It's really driven more by environmental conditions. What you see here is a data lump from 2014 to 2024, or 10-year timeframe, looking at hunters that harvest over the total of the season. November 15 to February 15, you'll see 85% of people submitting their harvest reports harvest less than 15 quail over the entirety of the season.

Not 15 a day. The bag limit's 15 a day, but the entirety of the season, they're harvesting 15 or less. Very few people that are harvesting more than 15 birds you'll see really in a season. Scaled quail are going to be our more frequent birds in the east. Again, that's really driven by that really good years, the 2014/'15, and that's when we saw the biggest scaled quail harvest, but very few hunters harvesting more than 30 birds in a season. You're talking maybe one to two hunters that are actually harvesting even over 100 birds in a season, and that's going to be scaled quail.

The very vast majority of these are harvesting less than a bag limit over the entirety of the season. Not a lot of harvest occurring. One of the proposed amendments that we had and we've discussed is splitting our grouse zone north and south. We do have dusky grouse in the Gila-- populations are not as high. We are proposing splitting that and changing the bag limit. Harvest could potentially drive local populations there. We're talking not a lot of birds in the Gila, we're proposing one bird a day, two in possession. We really don't actually see that much harvest reported out there, anyway.

We're talking less than 15 birds harvested on reports in an annual basis. Just to make sure we don't have really localized population impacts on maybe a one or two reproducing grouse areas. That's just the graphic of where we're proposing that. The majority of our grouse harvest does occur in the Sangre de

Cristos, with the next, probably following up here in the Jemez Mountains, whereas our next more harvest. Also, like we do at all of our rule cycles, we adjust the calendar or our hunt dates according to the calendar creep, you get one day forward, so we have a lot of hunts that start on Saturday.

We have to adjust those every six years because of the leap year. Then, creating a new special draw pheasant hunt on Jackson Lake WMA for a youth-only hunt. Then opening in some WMAs for upland game and grouse and squirrel, for example, Bluebird, Pine River. Bluebird's here in the Jemez Mountains, Pine River's up by Navajo, and then Double E, LBar, Navajo, River Ranch for quail hunting. Double E is down in the southwest, Navajo up north, and then River Ranch is in the southwest as well.

LBar is the newer property that was acquired just outside of Grants near Mount Taylor. Here's the proposed hunt dates for pheasant. Then, in terms of public comment, we did host two public meetings, virtual hybrid meetings, one in Albuquerque, one in Las Cruces in May. Then we also had a specific meeting with Quail Forever. You could see the number of people that attended those meetings. We did receive, as I mentioned, when we submitted exhibits, 11 comments during the rulemaking process. That doesn't mean that people just commented on one thing.

I'm going to summarize the comments for you here in a second. You might have had one comment on 15 different topics, so that's why the numbers don't add up to 11, that we'll get to here in a second. The biggest comment we heard from everyone was trying to make harvest reports for small game mandatory. If you recall, a game hunting license is required to put into the draw. Game hunting licenses allow you to hunt small game. I would say the vast majority of people that buy those game hunting licenses don't go out small game hunting.

What we've talked about, instead of a mandatory harvest, and I think with our commenters, is creating more of a harvest information program that you see for waterfowl. When you buy that license, ask those licensed buyers at the time, "Do you intend to hunt small game in New Mexico the next season?" That way, we could do a follow-up survey with those individuals to see did you actually go. If you went, what was your harvest? To get at a better idea of instead of that pure voluntary, those that went hunting, those that harvested, are you giving us reports?

We could look at, did you actually go? If you went, were you unsuccessful? Where did you hunt? What species did you hunt? Et cetera. I think it'll give us more data on the hunter aspect of hunter actions. Not necessarily help us much more with the biological, but more on how hunters are behaving, how they're hunting, where they're hunting, what they're hunting for. There was some support for the proposal for us on lowering the grouse limits in the south. You'll see that was the next most common comment. Then you'll go down.

There was some other comments, some people asking for making sure quail opener doesn't overlap with the deer opener. Again, we open deer on a Saturday. We always open quail on November 15th, so rarely does it happen on the 15th, but sometimes it will. That's something we would look more in the deer rule. Then, a couple of comments on reducing harvest limits. Again, we discussed the harvest limits. I do not think are driving our population dynamics in these birds, will not impact population levels, and so a reduced harvest just reduces opportunity, but not having a biological impact.

Comments on the potentially delineating a new grouse zone east-west in the south. There are not grouse in the Lincoln Mountains, the Sacramento Mountains. It's open, but there's no grouse there. I think there was just people wanting us to close that, but if you want to go try to find a grouse in the Sacramentos, you can, but you're not going to because there's no grouse there. Then some comments about trying to have a very small reduced grouse limit around Pecos.

Again, we didn't think it was a population impact that we would recommend. In fact, we're actually seeing more grouse at higher elevations. Where we would've used to seem more ptarmigan, we're seeing more grouse above timberline more nowadays, probably trying to get out of the heat on some of that. Then these, I'm not going to go through every one of those, but you'll see there's a lot of comments, single comments.

Some of them are applicable to this rule. Some are not even applicable to this rule. Some of them are counter to each other, such as release more pheasants, where one says, "Don't release any non-natives." It's just a whole mix of different comments. Again, we received 11 comments from 11 different individuals, but some people had multiple comments. With that, I would stand for any questions.

Richard Stump: Thank you, Chief Liley. Do we have any questions from anybody in the audience or comments? Thank you. Jesse, you want to come on up?

Jesse Deubel: Thank you very much, Mr. Chair. Commissioners, thank you for the presentation. Chief Liley, this comment--

Richard Stump: Jesse, can you go ahead and identify yourself for the record since this is a hearing?

Jesse Deubel: Absolutely. Yes. Sorry about that, Mr. Chair. Jesse Deubel, New Mexico Wildlife Federation. This comment pertains to tightening up the rulemaking process, specifically with regard to the way that public comment is handled. This comment's going to be very similar to one that was made at the last Commission meeting by Kerrie Romero from the New Mexico Council of Outfitters and Guides. I normally don't read these comments, but being that this is being read into the record, I want it to be accurate, so bear with me as I read this.

The New Mexico Wildlife Federation protests that the Game Commission stands ready to give final approval to the Upland Game Rule without having afforded the public any opportunity for meaningful public involvement. By failing to give any real consideration to public comment, the Game Commissioners failed to follow the letter in the spirit of the state law that spells out the legal procedure for adopting rules. The Commission opened the rulemaking process in the spring and solicited public comment.

At the August meeting, Game Department staff recommended that the Commission adopt the Upland Game Rule without adopting changes suggested by the New Mexico Wildlife Federation. It was clear from Commissioner's comments in August that you weren't familiar with the written comments that our group submitted before the meeting. Department staff said at the August meeting that there wasn't time for the Commission to consider certain proposed changes from NMWF because any changes would require re-advertising the proposals for public comment.

Today, you're ready to enact final rules that will stand for the next four years without ever having taken time to consider our comments. The Game Commission needs at least to consider public comments that recommend changes to draft rules before accepting staff recommendations to disregard them. The Game Commission next year will be considering the elk rule and other rules. The New Mexico Wildlife Federation will be watching carefully to ensure that the Commission affords the public a meaningful opportunity for comment and real involvement in the rulemaking process. Thank you.

Richard Stump: Thank you, Jesse. Anybody else from the audience? No. Commissioners, do you have anything you like to discuss?

Sharon Salazar Hickey: Mr. Chair, Director Sloane, Commissioners, Chief Liley, and members of the public. I would also agree with the concerns that were just stated. As an inactive lawyer with the New Mexico State Bar Association, and for one who has served as an attorney for the last 40 years, the issue of following the process and accepting public comments in an appropriate way is very troubling to me. I think that moving forward into next year's rulemaking, I think we need to be very mindful of what was just presented. I suggest that we take a more close look at public comment in how we proceed with the rulemaking process. That's all I have to say.

Richard Stump: I'm in agreement. I think that if we could be a little more proactive with public comment input to the Commission itself in a timely matter so that-- there's a lot to go through, so it'd be good to have something like that. I don't know how we would set that up, but something we should definitely look at. Thank you.

Fernando Clemente Jr.: I have a comment. A question. Are we talking about the process that the Commission over reviews the comments or are we talking about the opportunity that the public has to provide those comments? Those are two totally different things that we're talking about here.

Richard Stump: I think we're talking about both.

Fernando Clemente Jr: OK.

Commissioner Witt, I can see you thinking over there.

Christopher Witt: I just want to thank Mr. Deubel for his comments and thank Chief Liley for the presentation. I wonder if I could follow up a little bit, just ask you to expand on a couple of the public comments. Specifically with respect to quail, you presented this very compelling data about the (Breeding Bird Survey) and quail harvest being tracked. I want to know if that specifically applies to the Montezuma quail or if that's more relevant to the scaled and Gambel's quails that are more widespread in the State.

Stewart Liley: Mr. Chair, Commissioner Witt, as you may or may not know, BBS really on Montezuma is just the way the birds are. They're not observable. Call counts are not as much, and where they live are not along roadways as much, so the BBS survey index probably is not as much. We do track harvest, though, and so we look at what our reported harvest is. That's not to say that we wouldn't be more concerned with Montezuma. I think summer monsoonal rains is really where Montezuma's are tied more to not as much as early spring, like Gambel's, but absolutely, we're tracking it.

They're more isolated in the mountain ranges. We did have a partnership research study with Texas Tech University not too long ago, actually out in the eastern part in the Capitan Mountains on Montezuma quail. Not necessarily the core that everyone thinks about, and so we do look at some of that mortality on that. They were marked birds, was not harvest-driven. It was almost all climatic driven or predation. I don't know if we had any birds actually harvested of our marked birds out of that. Definitely looking at other aspects of Montezuma quail biology.

Christopher Witt: To follow up. For now, you think that the limit should stay where they are for Montezuma quail based on the data that you have?

Stewart Liley: Mr. Chair, Commissioner Witt, yes. I think from our perspective and how many are actually reported harvest, we just don't see much harvest in Montezuma quail overall. I think what will help us on more of what we were proposing changing, it's not regulatory change, but something that we could do administratively, is getting more information specific down to, like we discussed a HIP-type program like waterfowl, so we could go back out.

Those that notified that they went and hunted Montezuma, we could ask questions, even like how many coveys did you see? What were the numbers in the coveys and track trends through time? That's a way that we might be able to use hunters to help get more data on Montezuma outside of BBS-type surveys.

Christopher Witt: I'd like to specifically commend you for that proposal to add that new data collection. I think that's going to be really, really useful. Specifically, if you can get that level of granular data that you were just mentioning. I'm wondering if you could comment on one other comment that was the one to restrict out-of-state hunters to five days. If you recall that one, it was on your last list there. Singular comments.

Stewart Liley: Mr. Chair, Commissioner Witt, biologically speaking, we don't think that would have an impact. It's more on who gets the resource. From a Department perspective on the proposal, your seats, is that social aspect of it. We're seeing harvest impacts. Let's say if we thought the harvest was impacting the population, we need to reduce harvest. It may have been something that we would've come to you with a recommendation of maybe shortening a season or reducing bag limits over totality.

Harvest, for the most part, is driven by residents. There definitely are non-resident harvests in there, but the majority of our harvest occurs from resident hunters. If we thought harvest was driving it, we would maybe look at a season length reduction or a bag limit proposal to you all. The comment was more on the Commission considering dividing harvest amongst a resident, non-resident class based off of opportunity. That's a Commission decision at that.

Christopher Witt: Well, am I correct to assume that the data that you're going to be collecting will really allow us to get a quantitative answer to that question about the partitioning between in-state and out-of-state hunters?

Stewart Liley: Mr. Chair, Commissioner Witt, exactly. It will allow more ideas on effort. Also as well how many days they're hunting? Who's hunting to have what proportion in general? What percent of non-resident license buyers are hunting quail versus percent of resident license buyers? Those kinds of things will have better ideas.

Christopher Witt: Great. I look forward to seeing that data when it becomes available. Thank you.

Richard Stump: Thank you, Commissioner Witt. Chief Liley, thank you for your presentation.

Tristanna Carrell: Mr. Chairman, if I can interrupt, we do have a comment online. He's had his hand raised for a while.

Christopher Witt: Thank you, Tristanna.

Tristanna Carrell: No problem. Joe, you are allowed to speak.

Joe Youtz: I thank you, the members of the Commission, for allowing me to speak today. Also, for reviewing our written comments, specifically related to the changes directed at dusky grouse. While I'm

supporting the reduction in the number of birds that could be bagged from the southern proposed region, at this point, I'm not entirely sure that the scientific data there supports it. As was mentioned earlier, birds are already pretty extremely rare in that area. Even though harvests are relatively low as well, we are not entirely sure what the population status or genetic status is of that population.

At the meeting in Las Cruces earlier this year, staff member Casey Cardinal hinted at the possibility that there may be surveys conducted for grouse in the Gila region specifically, which I am supportive of, but until we have such data at this time, I don't think it is scientifically reasonable to suggest that those added harvests are compensatory. In fact, they may be additive, and so I would suggest that the Commission consider the possibility of closing the southern region to grouse harvest at this time. Thank you.

Richard Stump: Thank you. Would anyone like to respond to that? Commissioner Witt?

Christopher Witt: Yes, I want to thank that member of the public for that comment. I didn't catch the name, but I think it's really important to consider. I just want to mention that we do have specimens at the Museum of Southwestern Biology of this population in the Gila. We have sequenced mitochondrial DNA from those because there was a very large mitochondrial DNA survey across the range of dusky grouse and sooty grouse that was published about a decade ago.

We wanted to see where they fit into that. We wanted to see, specifically wanted to test if they're really diversion **[unintelligible 01:37:22]** population, and they're not. They fit right into the larger mitochondrial DNA phylogeny. They've only recently become isolated. There's no reason to think that they're a distinct population. That said, I do share the concerns of the comment. Thank you. [silence]

Richard Stump: Anyone else? No, thank you, guys. Commissioner Lopez.

Tirzio Lopez: **[inaudible 01:37:49]** We extended it several years ago towards the end of December. I don't know if we thought of increasing it or starting it earlier.

Stewart Liley: Mr. Chair, Commissioner Lopez, that September 1st date is on fledgling birds. Why we started there is we think that the birds could go independent if the hen is shot at that point. Any earlier than that, if you shoot the hen, you might lose all the fledglings, too. That's why that season date is that. The extension on the back end of it would just increase potentially total harvest, but not have the impact of killing a hen that's raising the young. That's why we start that season there. We wouldn't really propose starting earlier because of the potential consequence on that.

Tirzio Lopez: Has the climate change been taken into effect through that-- steady science?

Stewart Liley: Mr. Chair, Commissioner Lopez, yes. I think we're even seeing potentially some later clutches now, too. It might even push the season almost later, later. For example, we're definitely seeing birds above timberline, even mixed in with ptarmigan. We were seeing a lot more grouse above timberline in the summertime, raising young in there. That might be because of forest conditions below, insect hatches, for example, maybe more rainfall. I think through time we'll have to consider that.

Going back even to the Gila, probably driving that population more than anything is catastrophic wildfire in there burning down spruce. They really use spruce a lot in the wintertime. We've seen hundreds of thousands, if not close to a million acres of mixed conifer burning in the Gila. That's probably driving that population down there more than anything. If anything, climate change maybe would push season later than it would earlier, I think.

Tirzio Lopez: That's all I have.

Richard Stump: Thank you, Commissioner Lopez, Chief Liley. Those that registered and participated in hearing will be included in the attendance sheet. At this time, the attendance sheet shall be marked as admitted as Exhibit number 7, the last number 7. The comments submitted and testimony heard during this rule hearing will be reviewed by the Commission and discussed during the open session of today's meeting.

The Commission will vote on the proposed rule at that time. I would like to thank everyone present for the participation today. Let the records show that this rule-making hearing was adjourned at 10:56 AM.

Anything else, Commissioners? Any more discussion?

Sharon Salazar Hickey: Mr. Chair, Director Sloane, Commissioners, Chief Liley, I'd like to make a motion, if I may. I'd like to move to repeal and replace 19.31.5 NMAC as presented by the Department and allow the Department to make minor corrections to comply with filing this rule with state records and archives.

Richard Stump: Is there a second?

Fernando Clemente Jr.: Move to second the motion as presented.

Richard Stump: All in favor?

Christopher Witt: Aye.

Fernando Clemente Jr.: Aye.

Richard Stump: Aye.

Tirzio Lopez: Aye.

Sharon Salazar Hickey: Aye.

Richard Stump: Motion passes. Thank you, Chief Liley. Agenda Item number 8, Rule Hearing: Hunting and Fishing Licenses and Application Rule 19.31.3 NMAC, which will be presented by Chief Paul Varela. This hearing will please come to order. My name is Richard Stump, chair of the Commission. I will be serving as a hearing officer and be advised by the Commission's counsel. The purpose of this hearing is for the Commission to receive public comment on amend the hunting and fishing licenses and applications.

Rule Title 19, Chapter 31, Part 3, New Mexico Administrative Code, respectively, which will become effective on April 1st, 2026. This hearing is being conducted in accordance with the provisions of the Game and Fish Act and the State Rules Act. This hearing is being audiotaped and video recorded. Anyone interested in a copy of the audiotape or video recording should contact Darren Vaughan with the Game and Fish Department. Public notice that this hearing was advertised in the *New Mexico Register* and New Mexico Sunshine Portal, and on the Department's website.

Copies of the proposed rules have been available on the Department's website. Those wishing to comment here today must have registered and submitted public comments. The rule hearing will be conducted in the following manner. Staff will present pre-filed exhibits, exhibits admitted into evidence, or available for review by the public on the Department's website. After all exhibits are entered, we will proceed to the presentation of the proposed rule, after which testimony will be taken from the audience. Participants are asked to wait until they're called upon to speak.

In order to ensure that the hearing is accurately recorded, only one person at a time shall be allowed to speak. Any person recognized to speak is asked to identify yourself by name and who you're affiliated with. For the record, each time you're recognized, speak loud and clear to accurately record your comments. After a person is offered comment, they will stand for questions from the hearing officer, and the audience may also ask questions of anyone offering comments after being recognized by me. This hearing is not subject to judicial rules of evidence.

However, in the interest of efficiency, I reserve the right to limit any testimony deemed irrelevant, redundant, or unduly repetitious. The Commission may discuss the proposed new rule after the public comment portion of the hearing. Final Commission action, including adoption of the rule, may occur after the conclusion of the presentation and public comment period of the hearing. In the preliminary matters of hearing Item number 8, Hunting and Fishing Licenses and Application Rule 19.31.3 NMAC. This hearing is now open. Paul, do you have any exhibits?

Paul Varela: Mr. Chair, yes, I do. I have five exhibits to submit. Exhibit 1 is a copy of the rule-making notice. Exhibit 2 is a summary of the proposed rule. Exhibit 3 is a clean copy of the final proposed rule. Exhibit 4 is a copy of the presentation today. Exhibit 5 is a copy of Senate Bill 5.

Richard Stump: Thank you, Paul. Exhibits 1 through 5 are admitted into record. Please introduce the proposed Hunting and Fishing License and Application Rule, Paul.

Paul Varela: Mr. Chair, during the 2025 legislative session, the New Mexico Legislature passed Senate Bill 5. Senate Bill 5 provides a 25% discount for all license fees for New Mexico residents who receive Supplemental Nutrition Assistance Program benefits. New law requires a Commission rule to establish eligibility verification for the SNAP discount. The Department has been working with the Health Care Authority for the SNAP verification process. The proposed amendment to the rule would read as follows. New Mexico residents participating in a Supplemental Nutrition Assistance Program are eligible to receive a 25% discount on all licenses as established in 17-3-13 NMSA for the following license year. The Department will qualify individuals for the following license year between January 1st and January 10th annually. If not qualified by the Department in January, applicants may prove eligibility in person at any

Department office to have the discount applied. No refunds will be offered for full-fee purchases made prior to the verification of eligibility. With that, I'll stand for any questions.

Richard Stump: Well, that was fast. Any discussion, Commissioners?

Tirzio Lopez: [inaudible 01:46:31] We've worked on quite some time, and [inaudible 01:46:42] happen [inaudible 01:46:51].

Richard Stump: Thank you, Commissioner Lopez. Do we have anyone from the audience that'd like to comment?

Sharon Salazar Hickey: Mr. Chair, Director Sloane, Commissioners, and Chief Varela, this may not be a relevant comment or a question that I have. I read in today's paper, in the *Santa Fe New Mexican*, that there's a second special session that's being called for Monday, gathering to extend \$30 million in the SNAP food aid during ongoing federal shutdown. I think that this rule hearing and proposed changes to rule 19.31.3 is very good and very helpful. Director, do you think this would be of interest to the Legislature on Monday? Again, I don't know if this is relevant?

Michael Sloane: Mr. Chair, Madam Vice-Chair, I think the Legislature is aware of it by virtue of having passed Senate Bill 5 and instructing us to give the discount. The rule itself is simply an implementation of that, which I would imagine they're expecting, but certainly we can make them aware. I know we sent the rule to the legislative-- It's not finance; it's legislative council service in advance of this, as required by the State Rules Act. There has been some notification, and we can do additional.

Sharon Salazar Hickey: To follow up with that statement, I agree with what you said, but there's not been any outreach to you, the Department, or Mr. Chair for any input at the state Legislature for Monday's session.

Michael Sloane: Mr. Chair, Madam Vice-Chair, not specifically.

Richard Stump: Commissioner Lopez?

Tirzio Lopez: [inaudible 01:48:42] MOU with HCA to see how we're going to verify the eligibility of the applicants through the Aspen program versus our program?

Paul Varela: Mr. Chair, Commissioner Lopez, yes, we have been in contact with the Health Care Authority, and we are working on an MOU currently to receive the data for the verification process to identify individuals who receive SNAP benefits, which includes adults and children. Then we would take that data and match that against our system to see who qualifies.

Tirzio Lopez: Is Game and Fish staff going to have access to the Aspen database, the HC Aspen database, or are they just going to provide us that info monthly, annually, weekly?

Paul Varela: Mr. Chair, Commissioner Lopez, they're going to provide it several times before January, but during that timeframe of January 1st to January 10th, that will be the final version. That is the information that we will use to match their data to our data. If they are not on that data dump that we received from the Health Care Authority, then they would have to come into the Department office and show their verification.

Tirzio Lopez: That was my question. If an individual qualifies and applies for SNAP or applies and qualifies for SNAP, and they're not in that threshold, then they're going to be required to come into the office with proof of benefits to get the discount.

Paul Varela: Yes, that's correct.

Tirzio Lopez: Okay. I just want to make sure we're not missing anybody. Thank you.

Richard Stump: Thank you, Commissioner Lopez, Chief Varela.

Fernando Clemente Jr.: I have a question.

Richard Stump: Commissioner Clemente.

Fernando Clemente Jr.: I think this is really good. I think it's a really good program that is going to support a lot of families. I have heard good things about it, people being excited. My question is, how would the person that qualifies for it, how is he going to hear about this discount?

Paul Varela: Mr. Chair, Commissioner Clemente. The only way that they would hear about this discount is through word of mouth or through their own verification, their own research. I'm sure that we could put out some information, also.

Michael Sloane: Mr. Chair, Commissioner, so the way this is going to work is if they are in the SNAP database on January 1st, early January, they will come to us. We'll match up the license with the account.

If they go in to buy a license, they will automatically receive the discount. There are those that could sign up for SNAP, say, in June, which we would miss. I believe the discount will be talked about in the proclamations, the RIB. Certainly, we can do a press release and make people more aware of it. We can work with the Health Care Authority to ensure that when somebody does become eligible for SNAP benefits, they are given information about the discount.

Fernando Clemente Jr.: Thank you for that. The reason why I'm asking this is I know several people, obviously, I own an archery shop, and several people come to the shop, and they want to hunt. One of the reasons they don't hunt is because literally they mention, sometimes it's more expensive to harvest an animal, process it, do everything, than to go and buy a steak. With that being said, we're talking about that there are people that they want to get into hunting and they want to harvest.

They want to harvest their own food, obviously. How would they know? If it's not a hunter, I understand the ones that they already hunt, they're going to know, and they're going to come, and they will be informed of the 25% discount. It will be great. That will be the push for them to become hunters. That is my question.

Michael Sloane: Certainly, I think that the best way to solve that problem will be to work with the Health Care Authority so that when you apply for SNAP, you are aware that this benefit is available to you.

Richard Stump: Thank you, Commissioner Clemente. Commissioner Lopez?

Tirzio Lopez: Now, Mike and Mr. Chair, members, Director, and bouncing off what Commissioner Clemente said and what you're saying, Mike, we strongly suggest that the Department ask HCA to have some type of pamphlet from us when they're applying. Well, I don't know if they're still doing paper applications anymore. When they get the certification letter that-- the eligibility requirements, what have information, if you're interested.

I know some families don't want it advertised that they're on benefits. If they're eligible for this specific benefit through Game and Fish, they should be notified. I don't know if we can do a PR spin, so to say, on our website as well as maybe the media. I subscribe to *New Mexico Magazine*, and I see our advertisements in there. Maybe it should be a little bit bigger, but that's a different topic.

Something like that, so they can be aware and make sure that everybody that's going to be affected can take advantage of this opportunity. I know kids will be liking to fish at this rate once they get of age, but they need the license, right? Thank you.

Sharon Salazar Hickey: Mr. Chair, Commissioner Clemente, Commissioner Lopez, and Director Sloane, I echo what was just said, and I thank Commissioner Clemente for bringing that up. I'd be more specific. Can we ask the Department for a press release explaining if and when this rule change happens? Two, as Commissioner Lopez said, let's update that website of the Department of Game and Fish. Let's have it very clear and then any other advertising that we have available to us. Those have to be done.

Richard Stump: Thank you, Commissioners. Anything else? Is anybody online, Tristanna?

Tristanna Carrell: Mr. Chairman, no one has their hand raised.

Richard Stump: Thank you. Those that registered and participated in the hearing will be included on the attendance sheet. At this time, the attendance sheet shall be marked and amended as Exhibit 6. The comments submitted and testimony heard during this rule hearing will be reviewed by the Commission and discussed during the open session of today's meeting. Commission will vote on the proposed rule at that time. I would like to thank everyone for being present for their participation today. Let the record show that this rulemaking hearing was adjourned at 11:12 AM. Can I have a motion to approve?

Sharon Salazar Hickey: Mr. Chair, I would like to make that motion, please. I'd like to move to adopt the proposed changes to 19.31.3 NMAC as presented by the Department and allow the Department to make minor corrections to comply with filing this rule with state records and archives.

Richard Stump: Is there a second?

Fernando Clemente Jr.: I'll second the motion.

Richard Stump: All in favor?

Christopher Witt: Aye.

Tirzio Lopez: Aye.

Sharon Salazar Hickey: Aye.

Richard Stump: Motion passes. Chief Varela will also be presenting agenda item number 9, Rule Hearing: Game and Fish License/Permits Rule 19.30.9 NMAC. This hearing will please come to order. My name is Richard Stump, Chair of the Commission. I will be serving as a hearing officer and be advised by the Commission's counsel. Purpose of this hearing is for the Commission to receive public comment on amending the Game and Fish License Permits Rule, Title 19, Chapter 30, Part 9, New Mexico Administrative Code, respectively, which will become effective on April 1st, 2026.

This hearing is being conducted in accordance with the provisions of the Game and Fish Act and the State Rules Act. This hearing is being audio-taped and video-recorded. Anyone interested in a copy of this audio tape or video recording should contact Darren Vaughan with the Game and Fish Department. Public notice of this hearing was advertised in the *New Mexico Register*, the New Mexico Sunshine Portal, and the Department's website. Copies of the proposed rules have been available on the Department's website.

Those wishing to comment here today must have registered to submit public comments. The rule hearing will be conducted in the following manner. Staff will present pre-filed exhibits. Exhibits admitted into evidence are available for review by the public on the Department's website. After all exhibits are entered, we will proceed to the presentation of the proposed rule, after which testimony will be taken from the audience. Participants are asked to wait until they are called upon to speak.

In order to ensure that the hearing is accurately recorded, only one person at a time shall be allowed to speak. Any person recognized to speak is asked to identify yourself by name, who you're affiliated with, for the record each time you're recognized. Speak loud and clear to accurately record your comments. After a person has offered comment, they will stand for questions from the hearing officer. The audience may also ask questions of anyone offering comments after being recognized by name. These hearings are not subject to judicial rules of evidence.

However, in the interest of efficiency, I reserve the right to limit any testimony deemed irrelevant, redundant, or unduly repetitious. The Commission may discuss the proposed new rule after the public comment portion of the hearing. Final Commission action, including adoption of the rule, may occur after the conclusion of the presentation and public comment period of the hearing. In the preliminary matters of hearing item number 9, Game and Fish License Permits Rule 19.30.9 NMAC, this hearing is now open.

Do you have any exhibits, Paul, for this?

Paul Varela: Mr. Chair, yes, I have five exhibits. The first exhibit is a copy of the rulemaking notice. Exhibit 2 is a summary of the proposed rule. Exhibit 3 is a clean copy of the final proposed rule. Exhibit 4 is a copy of the presentation today, and Exhibit 5 is a copy of Senate Bill 5.

Richard Stump: Okay, exhibits 1 through 5 are admitted into record. Please proceed, Paul, with the Game and Fish License Permits Rule.

Paul Varela: Mr. Chair, the Department is seeking a proposal to increase the license benefit per transaction to \$2, which is up from \$1, than what it is currently. We also propose an additional carcass tag issuance fee of \$1 per tag. During the month of May, The Department issued a survey, which we received valuable input, and we also received public comments from July from vendors and also from public. During the month of July, the public comments-- we've received 200 public comments throughout that timeframe. 43% supported proposal number three was no transaction fee for The Department, \$2 transaction fee for vendors, and \$1 carcass tag for vendors.

22% supported proposal number one, which is a proposal that we are suggesting today, which is \$2 per transaction and \$1 per carcass tag and 12% supported proposal number two, which is \$1 dollar transaction fee for the Department and \$2 per vendor, and \$1 carcass fee. We have received no public comments since the August Commission meeting and with that, I'll stand for any questions.

Richard Stump: Thank you, Chief Varela. Do we have anyone from the audience that would like to comment on this? Anyone online? Commissioners?

Commissioner Lopez.

Tirzio Lopez: Chief Varela, can you go back to your last screen, and you said 43%. Please touch on that one again.

Paul Varela: Mr. Chair, Commissioner Lopez, yes. 43% supported proposal number three.

Richard Stump: And what was proposal number three?

Paul Varela: Proposal number three was no transaction fee for the Department, \$2 transaction fee for vendors, and \$1 carcass tag for vendors.

Tirzio Lopez: Mr. Chair, I'll just say, we just approved SNAP benefits for the public in need and now, in the rule this Commission is about to approve, that the Department, our employees, when they walk into an office and we've talked about this before, I just want to say it. If they walk into our office to buy a license fee from The Department-- for our license of The Department, we're still going to charge them the fee. We're still charging them when we're doing our jobs. Then when they're online, and using our website and printing out on their paper using their megabytes at their home, we're still going to charge them a fee. I totally agree with supporting small business with charging \$2 for a fee to compensate their cost of the system and of their staff, but we're already paying our staff and I know there's a cost of upkeeping our system, I understand that. There is. I've seen the numbers, but it just doesn't seem right. And I call that "nickel and diming." It might not be the right term but, we're public servants. On this Commission, we're not paid. Our salaries are your salaries, and I just feel it's a little tax that they come into our office, which not many people do. I mean our officers are scattered throughout the state.

We come in there, and we got to fix an issue with a license, right? That we can't do over the phone and now we're going to charge them \$2 to make the trip to our office to print them out a license and we're still charging them when they're at home. I'll tell you, it just doesn't feel right and that's all I say. Thank you for all the work and following our request in the prior meetings in June, getting the surveys out there, conducting the surveys, but when I see 87%, I kind of don't feel that. Which [crosstalk] fit in 87 people that were surveyed or that participated and I do take into account the 44 undecided.

I'm on the side when I fill out the Walmart survey at the end every time I go buy. Depends which Walmart, okay? I'll say it, we all go to the grocery store and we forget our bags and we got to pay \$0.10, right? This is \$2 that makes a difference in some people's lives. Whether it's a cup of coffee or donating to Make-A-Wish Foundation, I think we've done the study. That's all I have, Mr. Chair.

Richard Stump: Thank you, Commissioner Lopez. Commissioner Clemente, I think you have something?

Fernando Clemente Jr. Jr: Yes, just for the record, I'm going to abstain on any comments or voting on these items since I own a business that it is a vendor for New Mexico Department of Game and Fish.

Richard Stump: Thank you for your disclosure, Commissioner Clemente. Any other Commissioners have anything? Okay, thank you. [silence] Those who are registered and participated in hearing will be included on the attendance sheet. This time, the attendance sheet will be marked and admitted as Exhibit 6. The comments submitted in testimony heard during, this will sit here and will be reviewed by the Commission and discussed during the open session of today's meeting. The Commission will vote on the proposal at that time. I would like to thank everyone present for their participation today. Let the record show that this rule-making hearing was adjourned at 11:21 AM. [silence] Can I have a motion to approve?

Sharon Salazar Hickey: Yes, Mr. Chair, Director Sloane, Commissioners, I'd like to move to adopt the proposed changes to 19.31.9 NMAC, as presented by the Department, and allow the Department to make minor corrections to comply with filing this rule, with State Records and Archives.

Richard Stump: Is there second?

Christopher Witt: Second.

Richard Stump: All in favor?

Group: Aye.

Richard Stump: Aye.

Tirzio Lopez: No.

Richard Stump: Motion passes.

Michael Sloane: Mr. Chairman, I'm afraid we have a problem. By statute, in order for the Commission to adopt the rule, it needs a minimum of four Commissioners to vote in the affirmative. So that motion fails by virtue of not having the minimum four vote.

Sharon Salazar Hickey: Commissioner Fulfer is not online. Is that correct?

Richard Stump: That is correct.

Sharon Salazar Hickey: Okay.

Richard Stump: Are going to bring this forth to the next meeting?

Michael Sloane: Mr. Chairman-

Sharon Salazar Hickey: Director, I apologize for interrupting you. Mr. Chair, Director Sloane, Commissioners, can we have more discussion to see if we can convince Commissioner Lopez to change his vote?

Tirzio Lopez: I've drawn my line in the sand.

Sharon Salazar Hickey: Okay.

Tirzio Lopez: Sorry. I'll say it, I'll explain my vote. The Department should not be charging people to come into our office to offer them service. I understand the cost, but we can work with that cost, we have money in the budget to move stuff around to come up with the cost. We've done it before, it's not a lot of money, and we're going to get a license fee increase next year because of Senate Bill 5, we can prepare for this. That's what the license fee increase is for, to get us out of the red. We can-- we still have time.

Sharon Salazar Hickey: And for the record, Mr. Chair, Director Sloane, Commissioner Lopez, I value and appreciate what you're saying, but in principle, that is what the Department does with pretty much everything else we do. We charge, we have those stamps, we're actually imposing taxes, using your words, already on other business that we're doing. So I disagree with you, respectfully disagree.

Richard Stump: Thank you, Commissioners. Director Sloane, I need a little guidance on this situation. Are we going to bring this forth next?

Michael Sloane: Mr. Chairman, I guess the first thing to say is that, by not adopting the rule, we will continue to collect the vendor fee that we currently have in rule for both the Department and the vendors, so the vendors would not see an increase in their ability to charge a fee.

Could we bring it forward in the next Commissioning? Certainly, I guess I would request the Commission what it is you would like us to bring forward for approval if this is not something they can approve or would you like us to bring this same thing forward and hope that Commissioner Fulfer is present to provide an additional vote. I don't know how you would like to proceed.

Richard Stump: I recollected the last meeting we had this conversation and I thought it was clear that we agreed that we were going to move forward with this. It was a significant cost to do this service at The Department, and I don't know. I disagree with you, too, Commissioner Lopez. I don't think it's that much money. People spend \$2 on a Coke and whatever a pack of cigarettes costs, so I respectfully disagree with you. I propose that we bring it forward in the next meeting when we have a full Commission at meeting, hopefully.

Michael Sloane: Mr. Chairman, if I may add one more complicating factor, yesterday was the last day to publish a new notice that would meet the timeline for the January meeting so it would not be until, I don't know, whenever we schedule our next meeting. I think we're probably going to propose late February before we would hear this again.

Sharon Salazar Hickey: Mr. Chair, Director Sloane, Commissioners, can we take a five-minute recess and then come back and come forward. I'd like to make some phone calls on this issue.

Richard Stump: Let's take a 10-minute recess.

Sharon Salazar Hickey: Thank you.

Richard Stump: Let's meet back here in 10 minutes. [silence] We're back in session here, folks.

Michael Sloane: Mr. Chairman, I need to correct my earlier statement.

Richard Stump: Sure.

Michael Sloane: After more closely looking at the publication dates for the register, it is possible to notice a rule and have it on the January agenda, if that's the Commission's direction.

Richard Stump: I think that's where the Commission needs to go with this, so we can resolve it. Do Commissioners agree with me to direct the Department to bring it forward to the next meeting?

Sharon Salazar Hickey: Director Sloane, do we need a motion for that?

Michael Sloane: Mr. Chairman, vice chair, no, I don't think. If the chair feels like he can give direction, I think that's sufficient.

Richard Stump: Can you do that, please? 19.30.9 NMAC Game and Fish License/Permits Rule.

Paul Varela: Mr. Chair, yes. We'll bring it forward in January.

Richard Stump: Thank you very much. Moving on to agenda item number 10, is general public comment. Do we have commenters? We do. How about Garth Reader?

[silence]

Garth Reader: Good morning. I'm Garth Reader, Los Alamos resident. Chairman Stump, Madam Vice Chair, Commissioners, Director Sloane. As a 30-year resident of Los Alamos and an avid sportsman, I'd like to express my thanks to the Department personnel, especially officers Tyler Carter and Ariel Perraglio, for their support and for developing the background information necessary for the recent passing of Los Alamos County Ordinance 02-373, which prohibits the feeding of certain wild animals. This has been necessary for some time due to the explosion of wildlife that has become accustomed to handouts, have no fear of humans, and have become a public nuisance hazard in general. Hopefully, with proper enforcement, Los Alamos can begin the process of returning our wildlife to the wild where they belong for their betterment, as well as ours. With so many deer that have taken up full-time residents within the boundaries of Los Alamos Townsite, this will take some time, and hopefully, effective methods of encouraging them to move areas more appropriate for them can be developed and implemented. While not on the agenda today, I would also like to take this opportunity to voice my continued support for EPLUS.

This innovative system provides the incentives necessary for the management of private lands for wildlife, which is necessary in a state where approximately half the primary elk habitat is privately held. Without this system, not only would there be a loss of critical habitat and migration corridors that complement overuse and undermanaged public lands, but also a loss of wildlife that these habitats support. Loss of any habitat in New Mexico is a direct threat to the diverse wildlife of our state. Despite its detractors, EPLUS provides a huge benefit to all New Mexicans. Thank you for the opportunity to comment on these issues, and thank you for your service.

Richard Stump: Thank you, Mr. Reader. Charlie Trask.

Charlie Trask: Yes, good morning. Never been to a Commission meeting, so it's a first for me. I was born in Los Alamos. There was a military hospital right across the street, and that's where I was born. I've been hunting and fishing ever since I could walk. That's been a lot of years. I'll try to make this brief. In 2017, I got cancer, and I am now a staunch advocate of breast cancer awareness.

Having said that, before that, I had a lot of health issues, and I am a strong advocate of the Mobility Impairment Rules. I've been fortunate enough, or you might say unfortunate enough, to qualify for a mobility card. For many years, I've had that card, and several times in the past-- Those cards are good for four years. I just want to point out to the Commission that, in fact, I sent an email to all of you, and I didn't get any answers, none, zero.

I called the Department. I didn't get any answers. Your ISPA or whatever it is, goes into a black hole. You could call the Department and I did. I put my phone on my desk while I worked, and two hours later, they answered the phone. I've got a communication problem that I want to talk about. Initially, I sent all of you a copy. I think that Mr. Lopez, your email bounces.

Now, that could be a system error, but I don't feel like I'm getting good communication with anybody over there. It's like a black hole to tell you the truth. I appreciate what the game Department does, don't get me wrong, but I wrote an email about, specifically in law, there's a requirement that you have to re-up your card every four years. Let's start at the beginning. How do you get the card?

You have to have a doctor swear that you're permanently disabled. Trust me, that's not going to make a U-turn. If you get a doctor and you agree that you're permanently disabled, you don't need to come back to that in four years. It's a dumb rule. We need to get rid of it. It's the last sentence in the law. If I can get the title. I don't know where I'm at exactly but-

Richard Stump: Mr. Trask.

Charlie Trask: -it says that every person qualified as an MI shall have their card eligibility expire in 48 months, blah, blah, blah. You need to get rid of that rule. This is a burden.

Richard Stump: Mr. Trask, we'll look at that. Thank you very much. Your time is actually up.

Charlie Trask: Oh, I'm sorry.

Richard Stump: Thank you for pointing that out to us. I think that's an important thing to look at. Thank you. Jesse Deubel.

[silence]

Jesse Deubel: Thank you very much, Mr. Chair and Commissioners. Jesse Deubel, executive director of the New Mexico Wildlife Federation. Just a couple of quick comments. First, I'd like to deliver a very

sincere thank you to Commissioner Witt, who, in his capacity as a professor of ornithology, last month provided an exceptional presentation on PFAS levels in waterfowl to a concerned group of waterfowl hunters in Albuquerque.

It was a really wonderful presentation with valuable information, and Commissioner Witt is doing exceptional work at the university on this particular issue. I just wanted to thank him publicly for taking the time in his personal capacity to provide that information to the public. It was super valuable. Next, I just want to really appreciate the Department and agency staff, Director Sloane, for the implementation of the State Wildlife Action Plan and the beginning process of that. I'm on the swap core, it's called, working with Dr. Virginia Seamster and a group of other advocates to help support the Department and the agency with whatever they need as they work on this implementation.

Director Sloane did a presentation during the interim committee hearing of the Water and Natural Resource Committee up in Taos recently, and it was super well-received. Both the implementation of SB5 and also the work that's being done on SWAP. It was very appreciated by legislators that I spoke with after the committee meeting. Thank you so much to the Department for that. As part of the SB5 swap implementation, the Department, as I understand it, has recently hired eight new biologists, which is very exciting news. I'm thrilled about that. They're going to be working, as I understand, primarily on species of greatest conservation need, which is super important.

One parting thought I just wanted to leave you all with is, I still think it would be really exceptional if we had an entomologist on staff, an actual biologist focused specifically on insect life with a focus on pollinators. I think that's an area that more work can still be done, and I think we're making a lot of strides and progress in that Department, but dedicated entomologists would sure be a great addition to the agency. Thank you all very much. Appreciate your time.

Richard Stump: Thank you, Jesse. Michael Altherr.

Michael Altherr: I would like to thank the members of the Commission for allowing me the opportunity to speak. I want to recognize right off the bat, I appreciate your community outreach coming out to the local communities. I've had this meeting on my calendar, I think since June, and it's a great opportunity to participate in this process. I'm a retired labby. I'm from Los Alamos. I'm a geneticist by training, and recently I've started to do a lot of blue line fishing. As a blue line fisher, I have visited a large number of remote fisheries throughout the state in this past year.

One particular case that I wanted to call to your attention is a habitat for the Rio Grande cutthroat, a native trout to New Mexico, in an area that is above the Seven Springs fish hatchery, past the McKinney Pond on the Rio Guadalupe. It's designated as a red line trout fishery. It's supposed to hold largely real ground, cutthroat. There's a large sign promoting the fishery. As such, it's a beautiful area, but it's largely inhabited by non-native brown trout.

I suspect that a large amount of expense went into trying to restore that as a native trout fishery, but that's not what it really is. A personal anecdote, fishing up there, I caught 20 brown and one native Rio Grande cutthroat in a two-day fishing session. I don't think that's the intention of the expense that was put into trying to restore that habitat. I also took the opportunity to do a report to the Department. I've heard a lot about expenses. The work you do costs money, having enforcement officers costs money, doing the environmental restoration costs money.

Calling out that, and as a geneticist, I'm a bit of a data geek, and I also do avalanche training, and I understand the value of crowdsourcing to do avalanche prediction in northern New Mexico, Southern Colorado. Being a data geek, I wanted to report what I was finding on the Rio Cibola and sent to the Commissioner a report. Never heard back. I have no idea whether that's of any value to you at all, whether crowdsourced information provides any value to the Commission, to the Department, and such. That's all I wanted to share with you all. Thank you for your time.

Richard Stump: Thank you, Mr. Altherr. Tristanna, do we have anybody online?

Tristanna Carrell: No, we do not have any hands raised at this time.

Richard Stump: Okay. Let's move on to agenda item number 11.

Tristanna Carrell: Mr. Chairman, I apologize. Right as I said that, we did have one person raise their hand. I will unmute Ernesto Nunez.

Ernesto Nunez: Good morning, Commissioner and public attendees. Thank you. Sorry for the late raising my hand. I thought there was a couple more to speak, but either way, I'll try to make it short and sweet. I had sent an email to all the Commissioners yesterday. Just trying to bring up something that's been on my mind for quite a while. I don't really need to get into it necessarily, but how do I get something on the agenda? Is there a process, or can I just submit something? Is there a deadline to get on the next meeting agenda, the following meeting agenda? I'm unfamiliar, and I couldn't find anything in the website to answer to that to start that process and get that going.

Richard Stump: Director Sloane, would you like to address that?

Michael Sloane: Mr. Chairman, I can give it a try. Certainly, we generate an agenda about a minimum of two weeks in advance of the Commission meetings, when we like to get them posted. We'll be working on that in early December. If you wanted to reach out to me, I can work with the chair, who ultimately decides what is or isn't on the agenda. Probably the best thing to do is to email me, and I will talk to the chair about your agenda item proposal and see if it makes the agenda for the January meeting.

Ernesto Nunez: Okay. Fair enough. Simple, straightforward. Love it. I also want to comment this is my first time meeting, like I said earlier in the introductions. It's pretty impressive what you all are doing, and I appreciate your work. Keep it up. Thank you.

Richard Stump: Thank you, sir. Anyone else, Tristanna?

Tristanna Carrell: No, sir.

Richard Stump: Okay. Oh, let's move on to agenda item number 11. Commissioner Clemente. Does anybody? Commissioner Clemente?

Fernando Clemente Jr.: I can start. On the comments, what I wanted to mention is a little bit of what I've been doing. First of all, I would like to thank all those people that they have emailed me. I apologize to those that I have not answered. Obviously, I just heard some comments that emails were sent and they were not answered, and I apologize. I will look into that. As well, I tried to answer everybody, but those people that they have sent me emails thanking me and being happy of certain things that I have done with meetings with them and everything, if I don't respond back it's just, I don't want a full conversation. I do want to say I really appreciate those comments and those emails.

Another thing is I've been meeting with different groups, non-profit organizations, to talk about different stuff on access and different concerns that they have. Other things, and I'm going to say publicly, I have started working for Southwest University as a professor, so that way everybody knows. As well, last I attended to some interviews with CBS regarding what is the militarization zone, national defense zone. Thank you. He was out there and just explained a little bit of how the Sportsman's could be impacted on some of the decisions. Thank you.

Richard Stump: Thank you, Commissioner Clemente. Commissioners, anybody else? Mr. Witt?

Christopher Witt: Thank you. Yes, I just wanted to emphasize that we do read our emails, and particularly with respect to that email from Charlie Trask, which I read and took note of and now have responded to, but I thought his comments and suggestions were really compelling. I hope that's something we can take up. That permanent handicap status shouldn't need to be renewed. It's a very logical improvement that seems like we can make in the near future. I wanted to follow up because Mr. Duebel was commenting that I was updating his organization about our research on PFAS and waterfowl. I will have a public update on that soon. I wanted to preface that by saying we do have a really nice new data set with about 400 ducks surveyed over 32 years in New Mexico that have all been measured for 17 PFAS substances in their livers. It's a really comprehensive data set. I'll say that I'll still be eating my ducks this year. There's not a lot of bad news from that. There is also a top-line result that's really good news, which is the levels of the worst PFAS substances are really clearly declining over the 32 years, which is not something totally unexpected because we know that particular compound has been phased out of manufacture. I think I'll be having more detailed results to share very soon. Thank you.

Richard Stump: Thank you, Commissioner Witt, for all that work and knowledge and sharing that with us. That's a big deal. Will you eat their livers?

Christopher Witt: No.

Richard Stump: [laughs]. Okay. Thank you, Commissioner Witt. Anyone else? Commissioner Lopez.

Tirzio Lopez: Thank you, Mr. Chair, and members of the Commission as well. Staff members present, just quick comments. As I stated earlier, I was able to hunt unit four this past weekend with my daughter. It was a good experience, so thank you for all the staff who actually took part in making that happen in a roundabout way, with our rule-making and enforcing the laws.

Especially shout-out to our northwest district law enforcement officers who are always out there patrolling. I see them, hear them on the radio, get questions by them. They're always busy, and special thanks to-- Where is Chief Patten? Did he already leave? Well, Chief Patten, but his staff at the Parkview Fish Hatchery did a really good job this year, as they always have in stocking all our lakes across the state, especially in district three, got nothing but accolades from members of the public, regarding the amount of fish and the size of fish that were being taken out of local area lakes. Special thanks to them.

They did a really good job and especially managing a lot of those rough roads that those trucks have to go through. I'm pretty sure there's a couple of flats that happened. Thank you to all staff throughout the Department. We won't see you again till January. I'll just say happy Thanksgiving. Merry Christmas, and thank you for all that voodoo that you all do so well. That's all I have.

Richard Stump: Thank you, Commissioner Lopez. Commissioner Hickey, do you have anything?

Sharon Salazar Hickey: Mr. Chair, Director Sloane, Commissioners. I do have a few comments, and thank you, members of the public. Two things that start with the letter C. Communication, that's been an important topic today. Thank you for kicking that off, from the public, Mr. Trask. Our communication is very important, and I think you heard that in some of our meeting today.

Whether we were talking about the SNAP program, the communication, just as an example. I'll echo what Commissioner Witt said. We read every email, and publicly, I would like to apologize for giving the impression that we do not read emails because we did not reply to you. We receive sometimes hundreds of emails, and I don't want to give the appearance that I only listen to one part of the public and then not-- I'm not picking and choosing.

I read every email, and so I'm going to ask Director Sloane, again, for assistance, that sometimes, with email, I'd like to get assistance from the Department on how we can standardize a response to all members of the public. I used to receive that when I was chair, a reply to many of these emails. I'd like to let you all know that I'm going to do that again.

The second C is conflict of interest. I want to say thank you to Commissioner Clemente for stepping aside with his vote today because of the actual or appearance of a conflict, because of his vendor status. I want to assure the Commission, the Department, and members of the public that I and all the other Commissioners take our role very seriously. We are very mindful of that.

Then the third thing is not a C, but it's a T, it's transparency. I want to say thank you to the chair and the Director Sloane for some of the activities that you're doing. It's essentially a question, because I know that sometimes you have meetings, like Commissioner Witt attending a group meeting. If you could explain some things that are coming up that might be of interest to all members of the public, and the Commissioners. For example, the December 11th meeting that's coming up. Again, transparency, if you could.

Richard Stump: Thank you, Commissioner Hickey. Would you like to address that, or would you like me to?

Michael Sloane: Mr. Chair, Madam Vice Chair, excuse me. Were requested on December 10th and December 11th, on December 10th by the Range Improvement Task force to attend an agency round table at the Cattle Growers Annual Conference. Then on December 11th to attend a smaller discussion related to elk management on federal public lands with federal agencies and the Cattle Growers Association.

We intend, as we would with any organization, to attend those to listen and participate. I think those are the two big public meetings or semi-public meetings that I think are out there. I'm not aware of any specific other ones other than the executive or the legislative session will be coming up shortly thereafter. We'll be hard at work at that one. Trying to get our budget through.

Richard Stump: Thank you, Director Sloane. Yes, the Commission, I think we all received that email to participate. Because of the Public Rules Act, we can't all be there. It's important that some of us are there, so I decided to be at that meeting.

Sharon Salazar Hickey: Mr. Chair, we can attend that. All of us could attend, and if we attend as a group, we can notice it as a public meeting.

Richard Stump: That's very correct. That is true if we want to do that. Thank you for pointing that out.

Michael Sloane: Mr. Chair, at the moment, it's my understanding that Commissioner Lopez and yourself will be attending, in particular, on the December 11th date. If two more Commissioners decide to attend, please let me know so that I can provide that notice.

Sharon Salazar Hickey: Director Sloane, Mr. Chair, Commissioners, I would be interested in participating, but I'm out of state, I'm out of town on that date. If I did join, it'd have to be the call. I don't know if I could do it by Zoom, but it would be by phone call. I know the person that was hosting it is not present today, but I will put that on the record.

Richard Stump: Thanks, Commissioner Hickey. Anybody else? Okay. I'd just like to thank staff and the Department for all the work you guys do. It's a tremendous amount, and this time of year, it's really crazy. All this work that you've done, all our directors, and then all our chiefs, thank you so much. Thank you all for being here. We appreciate everything you guys do in the world of wildlife. Saying that, we're going to move on to agenda item number 12, which is executive session. I need a motion.

Fernando Clemente Jr.: I get to do a motion.

Sharon Salazar Hickey: You do the motion.

Fernando Clemente Jr.: Move to adjourn into executive session, closed to the public, pursuant to Section 10-15-1 (H)(8) NMSA 1978, to discuss property purchase, acquisition and disposal, pursuant to section 10-15-1 (H)(7) NMSA 1978, to discuss attorney-client privilege and, for limited personnel matters, pursuant to 10-15-1 NMAC.

Richard Stump: Is there a second?

Christopher Witt: Second.

Richard Stump: Director Sloane, please call the roll.

Michael Sloane: Commissioner Witt.

Christopher Witt: Yes.

Michael Sloane: Commissioner Lopez.

Tirzio Lopez: Yes.

Michael Sloane: Commissioner Clemente.

Fernando Clemente Jr.: Yes.

Michael Sloane: Commissioner Salazar Hickey.

Sharon Salazar Hickey: Yes.

Michael Sloane: Commissioner-- Chair Stump.

Richard Stump: Yes. [unintelligible 02:40:12] Motion passes. We are now adjourning into executive session.

Richard Stump: The Commission had adjourned into executive session, closed to the public. During the executive session, the Commission discussed only those matters specified in its motion to adjourn and it took no action as to any matter. Are there any motions from Commissioners?

Fernando Clemente Jr.: I would like to move to present a motion. I move to accept donation of real property in Socorro County, New Mexico, and authorize the Chair and the Department to take any and all required or needed steps to complete the property acquisition on behalf of the Commission.

Richard Stump: Is there a second?

Christopher Witt: Second.

Richard Stump: Any discussion? All in favor?

Tirzio Lopez: Aye.

Sharon Salazar Hickey: Aye.

Christopher Witt: Aye.

Richard Stump: Aye. Motion passes. Thank you all for attending today. Our next meeting is January 9th, 2026, in Santa Fe at the State Library. We stand adjourned.

[02:41:24] [END OF AUDIO]