

**STATE GAME COMMISSION MEETING AND RULE MAKING NOTICE**

The New Mexico State Game Commission (“Commission”) has scheduled a regular meeting and rule hearing for Thursday January 17, 2020, beginning at 9:00 a.m. at the Farm and Ranch Heritage Museum, 4100 Dripping Springs Rd, Las Cruces, NM, 88011 to hear and consider action as appropriate on the following: 1) presentation of proposed new Fair Chase rule.

**Synopsis:**

The proposal is to adopt a new Fair Chase rule, 19.30.18 NMAC, which will become effective February 11, 2020.

The proposed new Fair Chase rule will allow the Department to withhold data that could be used to locate a wild animal or be used contrary to the principles of fair chase. This includes location information from: 1) any live animal with a transmitter; 2) animals included in an ongoing study; 3) animals that may have limited distribution; 4) animals that could encourage illegal take or compromise a population’s viability; 5) studies conducted by other agencies or researchers; and 6) VHF frequencies of the aforementioned animals. Any location that is disclosed may be buffered so that the information will not compromise the individual or population. Location data may be provided if an agreement is entered into for scientific, management, conservation, or educational purposes.

A full text of changes will be available on the Department’s website at: [www.wildlife.state.nm.us](http://www.wildlife.state.nm.us). Interested persons may submit comments on the proposed changes to the Fair Chase rule at: [Elise.Goldstein@state.nm.us](mailto:Elise.Goldstein@state.nm.us), or individuals may submit written comments to the physical address below. Comments are due by 9:00 a.m. on January 16, 2020. The final proposed rule will be voted on by the Commission during a public meeting on January 17, 2020. Interested persons may also provide data, views or arguments, orally or in writing, at the public rule hearing to be held on January 17, 2020.

Full copies of text of the proposed new rule, technical information related to proposed rule changes, and the agenda can be obtained from the Office of the Director, New Mexico Department of Game and Fish, 1 Wildlife Way, Santa Fe, New Mexico 87507, or from the Department’s website at [www.wildlife.state.nm.us/commission/proposals-under-consideration/](http://www.wildlife.state.nm.us/commission/proposals-under-consideration/). This agenda is subject to change up to 72 hours prior to the meeting. Please contact the Director’s Office at (505) 476-8000, or the Department’s website at [www.wildlife.state.nm.us](http://www.wildlife.state.nm.us) for updated information.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Department at (505) 476-8000 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Department at 505-476-8000 if a summary or other type of accessible format is needed.

Legal authority for this rulemaking can be found in the General Powers and Duties of the State Game Commission 17-1-14, et seq. NMSA 1978; Commission’s Power to establish rules and regulations 17-1-26, et seq. NMSA 1978.



## Initial Proposed Rule

### TITLE 19 NATURAL RESOURCES AND WILDLIFE CHAPTER 30 WILDLIFE ADMINISTRATION PART 18 FAIR CHASE

**19.30.18.1 ISSUING AGENCY:** New Mexico department of game and fish.  
[19.30.18.1 NMAC – N, 2/11/2020]

**19.30.18.2 SCOPE:** Distribution and use of wildlife location data collected by the department of game and fish or its contractors.  
[19.30.18.2 NMAC – N, 2/11/2020]

**19.30.18.3 STATUTORY AUTHORITY:** Section 17-2-1 NMSA 1978 provides that the New Mexico state game commission may prescribe rules that embody the principles of fair chase, including prohibitions on the use of specific wildlife location data. Sections 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected species.  
[19.30.18.3 NMAC – N, 2/11/2020]

**19.30.18.4 DURATION:** Permanent.  
[19.30.18.4 NMAC – N, 2/11/2020]

**19.30.18.5 EFFECTIVE DATE:** December 17, 2019,(whatever the next posting date after Jan 17) unless a later date is cited in the history note at the end of a section.  
[19.30.18.5 NMAC – N, 2/11/2020]

**19.30.18.6 OBJECTIVE:** To prevent the inappropriate distribution and use of wildlife location data collected by the department or its contractors that could be used to locate or assist in locating an individual animal or population.  
[19.30.18.6 NMAC – N, 2/11/2020]

**19.30.18.7 DEFINITIONS:**

- A. **“Department”** shall mean the New Mexico department of game and fish.
  - B. **“Director”** shall mean the director of the New Mexico department of game and fish
  - C. **“Fair chase”** shall mean the ethical, sportsmanlike, and lawful pursuit and taking of any free-ranging wildlife species in a manner that does not give an individual an improper advantage over such animals.
  - D. **“Location information”** shall mean any data or information derived from methods including but not limited to Global Positioning System (GPS), radio telemetry, photographs, aerial and ground surveys, and visual or aural observation. Such data includes, but is not limited to, coordinates, location description, and similar information.
- [19.30.18.7 NMAC – N, 2/11/2020]

**19.30.18.8 LOCATION INFORMATION TO BE WITHHELD:**

EXHIBIT

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- A.** The department shall withhold location information:
- (1) that could be used to locate an animal(s) or be used contrary to the principles of fair chase;
  - (2) as long as a transmitter is active;
  - (3) until the transmitted animal is known, or can be reasonably be assumed, to be dead;
  - (4) during an ongoing study;
  - (5) if it could compromise the viability of a population where there is a known demand to visit, take, or disturb the species;
  - (6) if it could encourage illegal take;
  - (7) if the species has a limited distribution either continuously or at specific times;
  - (8) that has been provided to the department from other agencies, universities, or other researchers; and
  - (9) as provided in 19.33.4 NMAC.

**B.** The department shall withhold individual active radio frequencies.  
[19.30.18.8 NMAC – N, 2/11/2020]

**19.30.18.9 EXEMPTIONS FROM WITHHOLDING LOCATION INFORMATION:**

The department may release location information and radio frequencies if:

- A.** entering into agreements for scientific, management, conservation, or educational purposes.
- B.** determined that the individual or population is not at risk of being compromised by releasing the location data.
- C.** buffered such that the location information would not compromise the individual or population.

[19.30.18.9 NMAC – N, 2/11/2020]

**HISTORY OF 19.30.18 NMAC: [RESERVED]**

## Final Adopted Rule

2020 JAN 24 AM 10: 39

**TITLE 19**      **NATURAL RESOURCES AND WILDLIFE**  
**CHAPTER 30**   **WILDLIFE ADMINISTRATION**  
**PART 18**       **FAIR CHASE**

**19.30.18.1**      **ISSUING AGENCY:** New Mexico department of game and fish.  
[19.30.18.1 NMAC – N, 2/11/2020]

**19.30.18.2**      **SCOPE:** Distribution and use of wildlife location data collected by the department of game and fish or its contractors.  
[19.30.18.2 NMAC – N, 2/11/2020]

**19.30.18.3**      **STATUTORY AUTHORITY:** Section 17-2-1 NMSA 1978 provides that the New Mexico state game commission may prescribe rules that embody the principles of fair chase, including prohibitions on the use of specific wildlife location data. Sections 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected species.  
[19.30.18.3 NMAC – N, 2/11/2020]

**19.30.18.4**      **DURATION:** Permanent.  
[19.30.18.4 NMAC – N, 2/11/2020]

**19.30.18.5**      **EFFECTIVE DATE:** February 11, 2020, unless a later date is cited in the history note at the end of a section.  
[19.30.18.5 NMAC – N, 2/11/2020]

**19.30.18.6**      **OBJECTIVE:** To prevent the inappropriate distribution and use of wildlife location data collected by the department or its contractors that could be used to locate or assist in locating an individual animal or population.  
[19.30.18.6 NMAC – N, 2/11/2020]

**19.30.18.7**      **DEFINITIONS:**  
**A.**      **“Department”** shall mean the New Mexico department of game and fish.  
**B.**      **“Director”** shall mean the director of the New Mexico department of game and fish.  
**C.**      **“Fair chase”** shall mean the ethical, sportsmanlike, and lawful pursuit and taking of any free-ranging wildlife species in a manner that does not give an individual an improper advantage over such animals.  
**D.**      **“Location information”** shall mean any data or information derived from methods including but not limited to Global Positioning System (GPS), radio telemetry, photographs, aerial and ground surveys, and visual or aural observation. Such data includes, but is not limited to, coordinates, location description, and similar information.  
[19.30.18.7 NMAC – N, 2/11/2020]

**19.30.18.8**      **LOCATION INFORMATION TO BE WITHHELD:**  
**A.**      The department shall withhold location information:  
          **(1)**      that could be used to locate an animal(s) or be used contrary to the principles of fair chase;  
          **(2)**      as long as a transmitter is active;  
          **(3)**      until the transmitted animal is known, or can be reasonably be assumed, to be dead;  
          **(4)**      during an ongoing study;  
          **(5)**      if it could compromise the viability of a population where there is a known demand to visit, take, or disturb the species;  
          **(6)**      if it could encourage illegal take;  
          **(7)**      if the species has a limited distribution either continuously or at specific times;  
          **(8)**      that has been provided to the department from other agencies, universities, or other researchers; and  
          **(9)**      as provided in 19.33.4 NMAC.  
**B.**      The department shall withhold individual active radio frequencies.

[19.30.18.8 NMAC – N, 2/11/2020]


**19.30.19 EXEMPTIONS FROM WITHHOLDING LOCATION INFORMATION:** The department may release location information and radio frequencies if:

- A.** entering into agreements for scientific, management, conservation, or educational purposes.
- B.** determined that the individual or population is not at risk of being compromised by releasing the location data.
- C.** buffered such that the location information would not compromise the individual or population.

[19.30.18.9 NMAC – N, 2/11/2020]

**HISTORY OF 19.30.18 NMAC: [RESERVED]**

# NMAC Transmittal Form

NEW MEXICO   
Commission of Public Records  
at the State Records Center and Archives  
Your Access to Public Information

2020 JAN 24 AM 10: 38

Volume:  Issue:  Publication date:  Number of pages:  (ALD Use Only) Sequence No.

Issuing agency name and address:  Agency DFA code:

Contact person's name:  Phone number:  E-mail address:

Type of rule action:  New  Amendment  Repeal  Emergency  Renumber  (ALD Use Only) Most recent filing date:

Title number:  Title name:

Chapter number:  Chapter name:

Part number:  Part name:

Amendment description (If filing an amendment):

Amendment's NMAC citation (If filing an amendment):

Are there any materials incorporated by reference?  
Yes  No

Please list attachments or Internet sites if applicable.

If materials are attached, has copyright permission been received? Yes  No  Public domain

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**Specific statutory or other authority authorizing rulemaking:**

Notice date(s):  Hearing date(s):  Rule adoption date:  Rule effective date:

2020 JAN 24 AM 10: 39

## Concise Explanatory Statement For Rulemaking Adoption:

### Findings required for rulemaking adoption:

#### Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

The rulemaking was undertaken to adopt a new Fair Chase rule, 19.30.18 NMAC, which will become effective February 11, 2020. This is a new rule.

This rule was created as directed by HB 383 which was signed by the Governor in 2019. The rule allows the Department to withhold data that could be used to locate a wild animal or be used contrary to the principles of fair chase. This includes location information from: 1) any live animal with a transmitter, regardless of if the transmitter is active; 2) animals included in an ongoing study; 3) animals that may have limited distribution; 4) animals that could encourage illegal take or compromise a population's viability; 5) studies conducted by other agencies or researchers; and 6) VHF frequencies of the aforementioned animals. Any location that is disclosed may be buffered so that the information will not compromise the individual or population. Location data may be provided if an agreement is entered into for scientific, management, conservation, or educational purposes.

There have been no changes between the published proposed rule and the final rule. There were no substantive arguments made through public comment that were not accepted. To view public comments, please visit [www.wildlife.state.nm.us/commission/meeting-agendas/](http://www.wildlife.state.nm.us/commission/meeting-agendas/) and click on the Hearing Archive tab. The resulting rule was based on what was best for the resource and overall hunter satisfaction.

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Michael B. Sloane

Check if authority has been delegated

Title:

Director

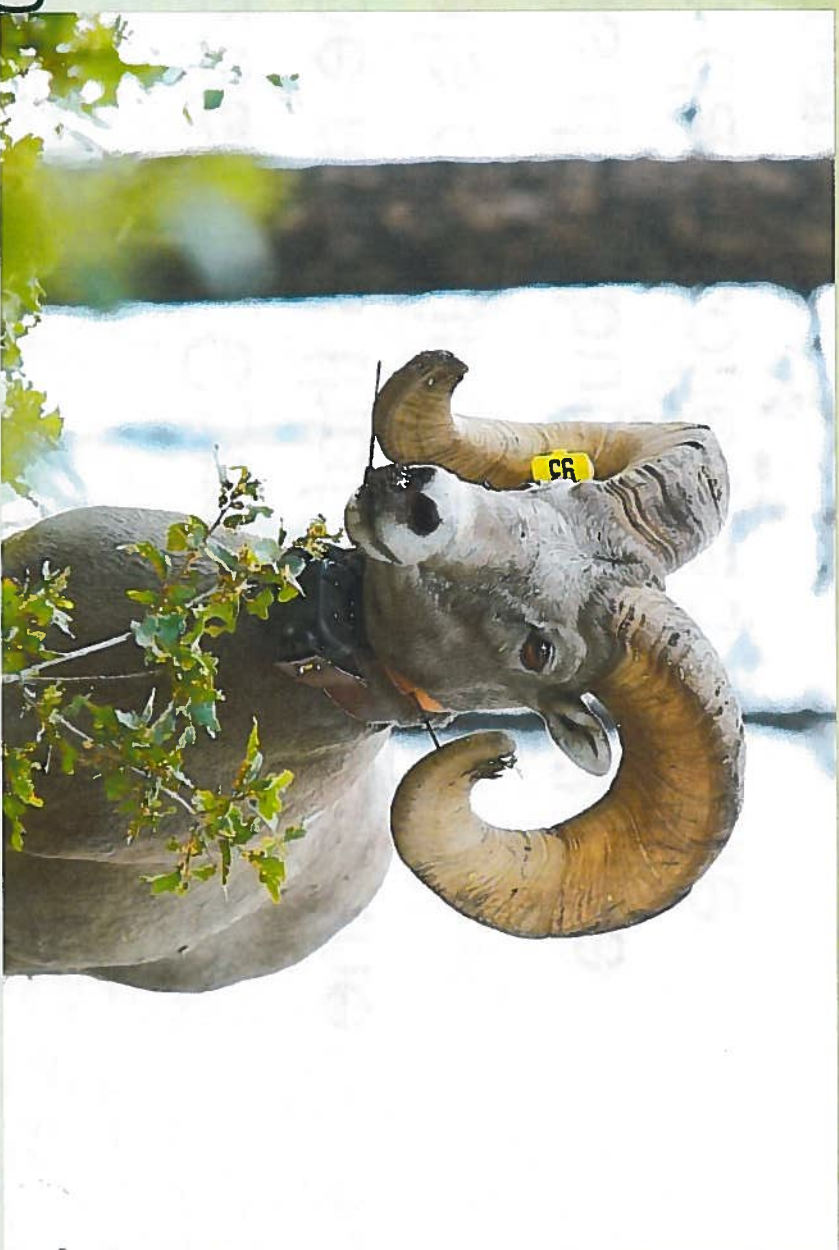
Signature: (BLACK ink only)



Date signed:

1/21/2020

# Fair Chase Rule Development



January 17, 2020  
New Mexico State Game Commission Meeting  
Las Cruces, NM

*Wildlife Management Division*

EXHIBIT

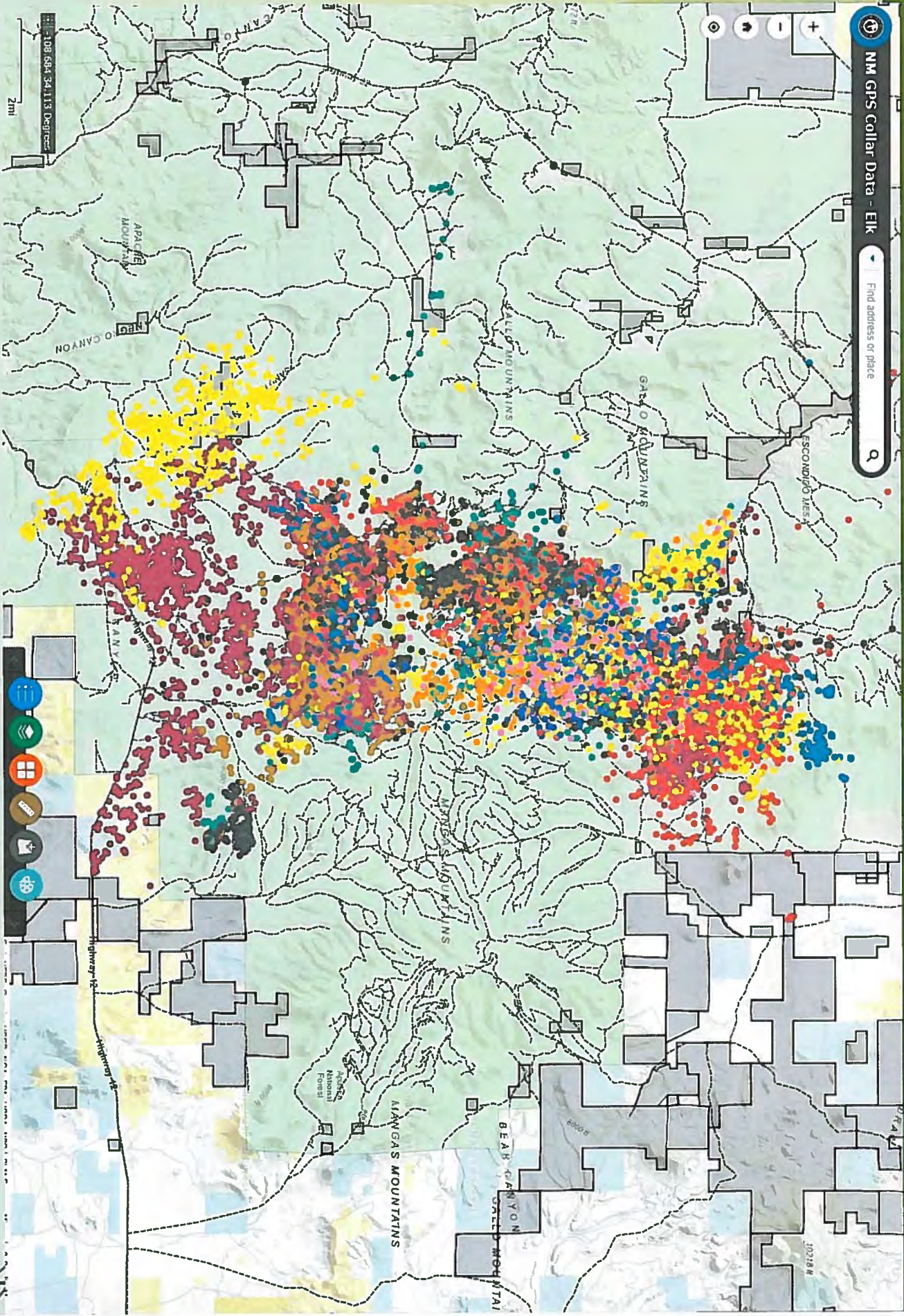
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## Senate Bill 383

- Authorizes the Commission to prescribe rules that embody the principals of fair chase.
- Prohibits distribution of wildlife location data collected by the Department







# Proposed Rule

Withhold location data as long as

- a transmitter is active
- the animal is alive
- there is an ongoing study
- the data could reasonably predict the animal's current or future location
- the data would provide a hunter with an advantage contrary to fair chase principals



# Proposed Rule

## Withhold location data

- from aerial and ground surveys
- that could compromise the viability of a population
- that could encourage illegal take
- when the species has a very limited distribution either continuously or at specific times
- provided to the Department from other researchers



# Proposed Rule

- Withhold radio frequencies of active transmitters
- Buffer location data to a polygon applicable to the species
- Allow data to be shared with university researchers and wildlife management agencies



# Public Comments

- 2 comments were made at previous Commission meetings
- One in support of the new rule
- One offering additional information on concept of fair chase



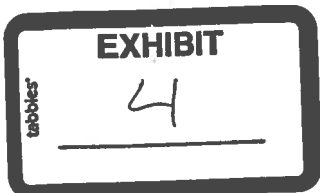


# Questions



NEW FAIR CHASE RULE PROPOSAL SUMMARY 2020  
Updated December 2, 2019

This rule is being created as directed by HB 383 which was signed by the Governor in 2019. The rule will allow the Department to withhold data that could be used to locate a wild animal or be used contrary to the principles of fair chase. This includes location information from: 1) any live animal with a transmitter, regardless of if the transmitter is active; 2) animals included in an ongoing study; 3) animals that may have limited distribution; 4) animals that could encourage illegal take or compromise a population's viability; 5) studies conducted by other agencies or researchers; and 6) VHF frequencies of the aforementioned animals. Any location that is disclosed may be buffered so that the information will not compromise the individual or population. Location data may be provided if an agreement is entered into for scientific, management, conservation, or educational purposes.





ORIGINAL HOUSE  
BILL NO. HB0006

ENROLLED ACT NO. 53, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2018 BUDGET SESSION

AN ACT relating to public records; limiting public inspection of details of research projects and of sensitive wildlife location data as specified; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** W.S. 16-4-203(b)(iii) and by creating a new paragraph (viii) is amended to read:

**16-4-203. Right of inspection; grounds for denial; access of news media; order permitting or restricting disclosure; exceptions.**

(b) The custodian may deny the right of inspection of the following records, unless otherwise provided by law, on the ground that disclosure to the applicant would be contrary to the public interest:

(iii) The specific details of bona fide research projects being conducted by a state institution, agency or any other person;

(viii) Sensitive wildlife location data in the custody of the game and fish department which could be used to determine the specific location of an individual animal or a group of animals.



ORIGINAL HOUSE  
BILL NO. HB0006

ENROLLED ACT NO. 53, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2018 BUDGET SESSION

**Section 2.** This act is effective July 1, 2018.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk

**RCW 42.56.430****Fish and wildlife. (Effective until June 30, 2022.)**

The following information relating to fish and wildlife is exempt from disclosure under this chapter:

(1) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data, however, this information may be released to government agencies concerned with the management of fish and wildlife resources;

(2) Sensitive fish and wildlife data. Sensitive fish and wildlife data may be released to the following entities and their agents for fish, wildlife, land management purposes, or scientific research needs: Government agencies, public utilities, and accredited colleges and universities. Sensitive fish and wildlife data may be released to tribal governments. Sensitive fish and wildlife data may also be released to the owner, lessee, or right-of-way or easement holder of the private land to which the data pertains. The release of sensitive fish and wildlife data must be subject to a confidentiality agreement, except upon release of sensitive fish and wildlife data to the owner, lessee, or right-of-way or easement holder of private land who initially provided the data. Sensitive fish and wildlife data does not include data related to reports of predatory wildlife as specified in RCW 77.12.885. Sensitive fish and wildlife data must meet at least one of the following criteria of this subsection as applied by the department of fish and wildlife:

(a) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(b) Radio frequencies used in, or locational data generated by, telemetry studies; or

(c) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(i) The species has a known commercial or black market value;

(ii) There is a history of malicious take of that species and the species behavior or ecology renders it especially vulnerable;

(iii) There is a known demand to visit, take, or disturb the species; or

(iv) The species has an extremely limited distribution and concentration;

(3) The following information regarding any damage prevention cooperative agreement, or nonlethal preventative measures deployed to minimize wolf interactions with pets and livestock:

(a) The name, telephone number, residential address, and other personally identifying information of any person who has a current damage prevention cooperative agreement with the department, including a pet or livestock owner, and his or her employees or immediate family members, who agrees to deploy, or is responsible for the deployment of, nonlethal, preventative measures; and

(b) The legal description or name of any residential property, ranch, or farm, that is owned, leased, or used by any person included in (a) of this subsection;

(4) The following information regarding a reported depredation by wolves on pets or livestock:

(a) The name, telephone number, residential address, and other personally identifying information of:

(i) Any person who reported the depredation;

(ii) Any pet or livestock owner, and his or her employees or immediate family members, whose pet or livestock was the subject of a reported depredation; and

(iii) Any department of fish and wildlife employee, range rider contractor, or trapper contractor who directly:

(A) Responds to a depredation; or

(B) Assists in the lethal removal of a wolf; and

(b) The legal description, location coordinates, or name that identifies any residential property, or ranch or farm that contains a residence, that is owned, leased, or used by any person included in (a) of

this subsection;

(5) The personally identifying information of persons who acquire recreational licenses under RCW **77.32.010** or commercial licenses under chapter **77.65** or **77.70** RCW, except name, address of contact used by the department, and type of license, endorsement, or tag; however, the department of fish and wildlife may disclose personally identifying information to:

(a) Government agencies concerned with the management of fish and wildlife resources;

(b) The department of social and health services, child support division, and to the department of licensing in order to implement RCW **77.32.014** and **46.20.291**; and

(c) Law enforcement agencies for the purpose of firearm possession enforcement under RCW **9.41.040**;

(6) Information that the department of fish and wildlife has received or accessed but may not disclose due to confidentiality requirements in the Magnuson-Stevens fishery conservation and management reauthorization act of 2006 (16 U.S.C. Sec. 1861(h)(3) and (i), and Sec. 1881a(b));

(7) The following tribal fish and shellfish harvest information, shared with the department of fish and wildlife:

(a) Fisher name;

(b) Fisher signature;

(c) Total harvest value per species;

(d) Total harvest value;

(e) Price per pound; and

(f) Tribal tax information; and

(8) The following commercial shellfish harvest information, shared with the department of fish and wildlife:

(a) Individual farmer name;

(b) Individual farmer signature;

(c) Total harvest value per species;

(d) Total harvest value;

(e) Price per pound; and

(f) Tax information.

[ 2018 c 214 § 1. Prior: 2017 c 246 § 1; 2017 c 71 § 1; 2008 c 252 § 1; 2007 c 293 § 1; 2005 c 274 § 423.]

## NOTES:

**Expiration date—2018 c 214 § 1:** "Section 1 of this act expires June 30, 2022." [ 2018 c 214 § 3.]

**Expiration date—2017 c 246:** "This act expires June 30, 2022." [ 2017 c 246 § 4.]

## RCW 42.56.430

### Fish and wildlife. (*Effective June 30, 2022.*)

The following information relating to fish and wildlife is exempt from disclosure under this chapter:

(1) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW **77.12.047**, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data, however, this information may be released to government agencies concerned with the management of fish and wildlife resources;

(2) Sensitive fish and wildlife data. Sensitive fish and wildlife data may be released to the following entities and their agents for fish, wildlife, land management purposes, or scientific research needs: Government agencies, public utilities, and accredited colleges and universities. Sensitive fish and wildlife data may be released to tribal governments. Sensitive fish and wildlife data may also be released to the owner, lessee, or right-of-way or easement holder of the private land to which the data pertains. The release of sensitive fish and wildlife data must be subject to a confidentiality agreement, except upon release of sensitive fish and wildlife data to the owner, lessee, or right-of-way or easement holder of private land who initially provided the data. Sensitive fish and wildlife data does not include data related to reports of predatory wildlife as specified in RCW **77.12.885**. Sensitive fish and wildlife data must meet at least one of the following criteria of this subsection as applied by the department of fish and wildlife:

(a) The nesting sites or specific locations of endangered species designated under RCW **77.12.020**, or threatened or sensitive species classified by rule of the department of fish and wildlife;  
 (b) Radio frequencies used in, or locational data generated by, telemetry studies; or  
 (c) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(i) The species has a known commercial or black market value;  
 (ii) There is a history of malicious take of that species and the species behavior or ecology renders it especially vulnerable;  
 (iii) There is a known demand to visit, take, or disturb the species; or  
 (iv) The species has an extremely limited distribution and concentration;

(3) The personally identifying information of persons who acquire recreational licenses under RCW **77.32.010** or commercial licenses under chapter **77.65** or **77.70** RCW, except name, address of contact used by the department, and type of license, endorsement, or tag; however, the department of fish and wildlife may disclose personally identifying information to:

(a) Government agencies concerned with the management of fish and wildlife resources;  
 (b) The department of social and health services, child support division, and to the department of licensing in order to implement RCW **77.32.014** and **46.20.291**; and  
 (c) Law enforcement agencies for the purpose of firearm possession enforcement under RCW **9.41.040**;

(4) Information that the department of fish and wildlife has received or accessed but may not disclose due to confidentiality requirements in the Magnuson-Stevens fishery conservation and management reauthorization act of 2006 (16 U.S.C. Sec. 1861(h)(3) and (i), and Sec. 1881a(b));

(5) The following tribal fish and shellfish harvest information, shared with the department of fish and wildlife:

- (a) Fisher name;
- (b) Fisher signature;
- (c) Total harvest value per species;
- (d) Total harvest value;
- (e) Price per pound; and
- (f) Tribal tax information; and

(6) The following commercial shellfish harvest information, shared with the department of fish and wildlife:

- (a) Individual farmer name;
- (b) Individual farmer signature;
- (c) Total harvest value per species;
- (d) Total harvest value;
- (e) Price per pound; and
- (f) Tax information.

[ 2018 c 214 § 2; 2017 c 71 § 1; 2008 c 252 § 1; 2007 c 293 § 1; 2005 c 274 § 423.]

**NOTES:**

**Effective date—2018 c 214 § 2:** "Section 2 of this act takes effect June 30, 2022." [ 2018 c 214 § 4.]

1 AN ACT

2 RELATING TO THE STATE GAME COMMISSION; AMENDING THE  
3 COMMISSION'S POWERS TO INCLUDE RULEMAKING RELATING TO THE  
4 PRINCIPLES OF FAIR CHASE.

5  
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

7 SECTION 1. Section 17-2-1 NMSA 1978 (being Laws 1931,  
8 Chapter 117, Section 3, as amended) is amended to read:

9 "17-2-1. COMMISSION POWERS.--The state game commission,  
10 in addition to the powers now vested in it and not as a  
11 limitation of those powers, is expressly authorized and  
12 empowered by regulation adopted and promulgated in the manner  
13 provided in Chapter 17 NMSA 1978 to:

14 A. define game birds, game animals and game fish;

15 B. establish open and closed seasons for the  
16 killing or taking of all kinds of game animals, game birds  
17 and game fish and to change such open seasons from year to  
18 year and to fix different seasons for different parts of the  
19 state;

20 C. establish bag limits covering all kinds of game  
21 animals, game birds and game fish and the numbers thereof  
22 which may be killed or taken by any one person during any one  
23 day or during any one open season;

24 D. authorize or prohibit the killing or taking of  
25 any game animals, game birds or game fish of any kind or sex;

1           E. prescribe the manner, methods and devices that  
2 may be used in hunting, taking or killing game animals, game  
3 birds and game fish;

4           F. prescribe rules to prohibit any vehicle or  
5 vehicles used in transporting persons engaged in hunting,  
6 taking or killing game animals, game birds and game fish from  
7 leaving established roadways;

8           G. prescribe rules that embody the principles of  
9 fair chase, which rules may include prohibitions on the use  
10 of certain technologies for hunting or fishing and specific  
11 wildlife location data that is collected by the department of  
12 game and fish or its contractors; and

13           H. appoint one or more advisory committees to  
14 furnish advice, evaluations and recommendations for wildlife  
15 management projects utilizing revenue derived from the sale of  
16 public land management stamps. The advisory committees shall  
17 be created pursuant to the procedures of Section 9-1-9 NMSA  
18 1978, provided that the restrictions on the life of advisory  
19 committees contained in Subsection F of that section shall not  
20 apply."

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NEW MEXICO STATE GAME COMMISSION  
Friday, January 17, 2020  
Farm & Ranch Heritage Museum, Ventanas Room  
4100 Dripping Springs Road  
Las Cruces, NM 88011

APPEARANCES:

Madame Chair Sharon Salazar Hickey  
Commissioner Jimmy Bates  
Vice-Chair Roberta Salazar-Henry  
Commissioner David Soules  
Commissioner Tirzio Lopez  
Commissioner Jeremy Vesbach  
Commissioner Gail Cramer

1 MADAME VICE CHAIR SALAZAR-HENRY: Good  
2 morning everybody, welcome to Las Cruces. For those  
3 of you who went through the snow and ice to get here,  
4 I appreciate you taking the time to do this and I  
5 appreciate everybody who lives in Las Cruces for  
6 taking the time to come to this meeting. The first  
7 thing we're going to do this morning is go ahead and  
8 call the roll. Mr. Secretary?

9 DIRECTOR SLOAN: Commissioner Bates?

10 COMMISSIONER BATES: Here.

11 DIRECTOR SLOAN: Commissioner Cramer?

12 COMMISSIONER CRAMER: Here.

13 DIRECTOR SLOAN: Commissioner Lopez?

14 COMMISSIONER LOPEZ: Here.

15 DIRECTOR SLOAN: Commissioner Salazar-

16 Hickey?

17 COMMISSIONER SALAZAR HICKEY: Here.

18 DIRECTOR SLOAN: Commissioner Soules?

19 COMMISSIONER SOULES: Here.

20 DIRECTOR SLOAN: Commissioner Vesbach?

21 COMMISSIONER VESBACH: Here.

22 DIRECTOR SLOAN: Ms. Salazar-Henry?

23 MADAME VICE-CHAIR SALAZAR-HENRY: Here.

24 DIRECTOR SLOAN: We have a quorum.

25 MADAME VICE CHAIR SALAZAR-HENRY: Thank

1 you. We'll move on to agenda, item number three,  
2 approval of the agenda. Are there any comments, any  
3 additions to listen from the commission's body?

4 COMMISSIONER VESBACH: Madame Vice Chair --

5 MADAME VICE CHAIR SALAZAR-HENRY: Yes,  
6 Commissioner Vesbach?

7 COMMISSIONER VESBACH: I'd like to make a  
8 motion to move one agenda item. What I would like to  
9 do is move agenda item number 13, the workshop around  
10 the e-plus system.

11 MADAME VICE CHAIR SALAZAR-HENRY: No.

12 COMMISSIONER VESBACH: Okay, I apologize.  
13 It's actually, it's agenda number twelve, to right  
14 after the lunch break. The reasoning for that is  
15 that we -- you know, there's a high interest in this  
16 issue and we want to -- I believe we've tried really  
17 hard to be accommodating to the public and their  
18 schedules and people who need to get back to work, so  
19 if it's after lunch, people can know when that is and  
20 know that they can go leave if they want to, after  
21 they comment. So, with that, I would like to make a  
22 motion to move agenda item number, the E-Plus Hearing  
23 to right after the lunch break.

24 MADAME VICE CHAIR SALAZAR-HENRY: Do I have a  
25 second?

1 MS. SALAZAR-HICKEY: Motion to adopt the rules.

2 UNKNOWN: Second.

3 MS. SALAZAR-HICKEY: Very good. May I have aye  
4 in favor?

5 COMMISSIONERS: Aye.

6 MS. SALAZAR-HICKEY: Any nays? Motion passes.

7 Okay. Moving on -- oh, thank you. So moving  
8 on to the next agenda item is the public rule. So  
9 it is the hearing -- it's my responsibility to  
10 protect the worker, making sure that only one  
11 person speaks at a time. The record is all that  
12 matters on appeal, so if something is not on record  
13 then it does not exist to the judge. Make sure  
14 that gestures are entered into the record. For  
15 example, let the record reflect that, A, or  
16 somebody nodded, and that means a yes. I think a  
17 few minutes ago, I was using my head quite a bit so  
18 I'm going to try and get rid of that, and just use  
19 a lot of words.

20 And make sure that each person addressing the  
21 Board identifies him or herself for the record each  
22 time you address the Board. And getting back to  
23 the spirit of this hearing, respect, listen. Let's  
24 not be argumentative. Let's hear what everybody  
25 has to say. Do not permit the hearing to become

1 argumentative. Okay?

2 The Board will have an opportunity to discuss  
3 the entire record, including exhibits and testimony  
4 during its meeting after the rule hearing is closed  
5 at which time there will be no right for members of  
6 the public to cross-examine or question members of  
7 the Board. Statements of support, rationale, and  
8 even response to negative feedback can be provided  
9 by the Board while considering adoption of the  
10 proposed rules during its subsequent Board meeting.

11 Okay. So with that said, this hearing will  
12 please come to order.

13 Yes. My name is Sharon Salazar Hickey. I  
14 will be serving as the hearing officer for this  
15 portion of the meeting. And be advised by the  
16 Commission's counsel from the Office of the  
17 Attorney General. The purpose of this hearing is  
18 for consideration of final adoption of the  
19 following proposed rule by the Commission.

20 The hearing item is, one, for the Commission  
21 to receive public comment on the proposed new Fair  
22 Chase Rule, Title 19, Chapter 30, Part 18 of the  
23 New Mexico Administrative Code. The Fair Chase  
24 Rule will become effective on February 11th, 2020.

25 These hearings are being conducted in



1           accordance with the provisions of the Game & Fish  
2           Act and the State Rules Act. These hearings are  
3           being audiotaped, thank you, and video recorded.  
4           Anyone interested in a copy of the audiotape or  
5           video recording should contact Tristanna Bickford  
6           with the Game & Fish Department.

7           Public notice of this hearing was advertised  
8           in the New Mexico Registrar, the New Mexico  
9           Sunshine Portal, and on the Department's website.  
10          Copies of the proposed new rules have been  
11          available on the Department's website. Those  
12          wishing to comment here today, please sign the  
13          attendance sheet at the back of the room, which  
14          will later be entered into the record as an  
15          exhibit.

16          These -- now an explanation of our hearing  
17          procedures. These rule hearings will be conducted  
18          in the following manner: staff will present  
19          prefiled exhibits. Exhibits admitted into evidence  
20          are available for review by the public but exhibits  
21          may not be removed from this room. After all  
22          exhibits are entered, we will proceed to the  
23          presentation of the proposed rule after which  
24          testimony will be taken from the audience.

25                 In order to make sure that the hearing is

1 accurately recorded, only one person at a time  
2 shall be allowed to speak. Any person recognized  
3 to speak is asked to, one, identify yourself by  
4 name and who you are affiliated with for the record  
5 each time you are recognized. And two, speak  
6 loudly and clearly to accurately record your  
7 comments. After a person has offered comment, they  
8 will stand for questions from me, and the audience  
9 may also ask questions of anyone offering comments  
10 after being recognized by me. These hearings are  
11 not subject to judicial rules of evidence. We're  
12 not in court. However, in the interest of  
13 efficiency, I reserve the right to limit any  
14 testimony deemed irrelevant, redundant, or unduly  
15 repetitious.

16 The Commission may discuss the proposed new  
17 rules after the public comment portion of the  
18 hearing. Final Commission action, including  
19 adoption of the rules, may occur after the  
20 conclusion of the presentation and public comment  
21 period.

22 Okay. Any questions? So far so good? Okay.

23 Now moving on to item number 1A, rule making  
24 hearing on Fair Chase Rule, 19.30.18 NMAC. The  
25 hearing is now open.

1           Are there any exhibits for a proposed meeting  
2 rule 219.30.18 for the record?

3           DIRECTOR SLOAN: Chair, I'd like to enter six  
4 exhibits into the record. Exhibit 1, the notice of  
5 rule making; Exhibit 2, the initial proposed rule  
6 that was posted on the website; Exhibit 3, the  
7 presentation that will be given today to you all;  
8 Exhibit 4, the summary of the proposed rule;  
9 Exhibit 5, the technical information we relied upon  
10 to develop the rule; and Exhibit 6, the two public  
11 comments that we received during the public comment  
12 period.

13           MADAME VICE CHAIR SALAZAR-HENRY: Thank you.

14           CHIEF LILEY: So, Madame Chair, Members of the  
15 Commission, for some of you this is the first time  
16 you've seen this. For others of you, this is the  
17 third time that we've presented this in front of  
18 the Commission for final adoption. Some of the  
19 background on this is in the last legislative  
20 session, Senate Bill 383 authorized the Commission  
21 to create rules that embody the principles of Fair  
22 Chase. It's for the body -- the principles of Fair  
23 Chase where it doesn't give an undue advantage to  
24 sportsman and the taking of wildlife.

25           Really, what the specifics of that legislation

1 did was also prohibit the distribution of wildlife  
2 location data, that we as the Department collect,  
3 our contractor's collect on behalf of wildlife  
4 management. Why we need that specific provision in  
5 the statute was under the inspection of public  
6 records acts, those are free information currently,  
7 but we needed a statutory provision that would  
8 allow us to prohibit the distribution of that data.

9 We went through, and a background of why we  
10 want to prohibit it, some of the technology that's  
11 been developed over the last five to ten years that  
12 we use to get more accurate information on how  
13 animals use the landscape allows us to collect  
14 location data from a GPS collar placed on these  
15 animals at sometimes frequencies of every 15  
16 minutes and uploading to the satellites every hour  
17 and then downloading to our computer. So we have  
18 realtime knowledge of about how animals move across  
19 the landscape, how they use it, what habitats they  
20 select for, why they're avoiding certain areas, why  
21 they're selecting other areas to better manage  
22 those populations.

23 However, as you can see, if we were to release  
24 that information to the public for a hunting  
25 purpose, someone would have an unfair or undue

1 advantage over those animals in terms of a hunting  
2 perspective. They'd know exactly how those animals  
3 work on the landscape, where they are, et cetera,  
4 and so it would increase take against their animal  
5 from the harvest.

6 But not only on the legal takes, we also worry  
7 about illegal take. We have species that are  
8 caused by either a state threatened or endangered  
9 or federally endangered or threatened that are  
10 wearing these transmitters as well. Some of them  
11 have collection value such as the State Gila  
12 Monster, et cetera, or Tarmigan, or those kind of  
13 things where we want to prohibit the use of that  
14 data for illegal collection of those animals as  
15 well.

16 So as we went through the rule process, we  
17 went back, because with you all and the public,  
18 again, we discussed we only received two public  
19 comments during the rule making process. That was  
20 at one of the first meetings that we had. That was  
21 at the Santa Fe meeting. We didn't actually  
22 receive any through the website. But one of the  
23 biggest things that we came up was we would  
24 prohibit the release of the data while there's an  
25 active transmitter on it.

1           If the animal is alive or if there's an  
2 ongoing study around those animals we'd prohibit  
3 the release of that data. We would then also  
4 prohibit if it reasonably can predict where the  
5 animal's current or future location would be. And  
6 like I said, it would be contrary to the principles  
7 of Fair Chase.

8           The other thing that you'll see in the  
9 proposed rule is it limits data collected from our  
10 aerial or ground survey. So we do a lot of  
11 population surveys either with helicopters or  
12 planes or ground surveys where we're taking a GPS  
13 location of where we sighted those animals. For  
14 example, we've had requests that come in when we  
15 land a helicopter after an elk survey to get all  
16 the GPS locations as soon as we land on a specific  
17 GMU for hunting purposes. So this would prohibit  
18 the release of that data now, or anything that  
19 could compromise the viability of a population.  
20 For example, if we have known den locations for  
21 bears or some of them, they den back at the same  
22 location every year, we would prohibit the release  
23 of some of that location, something that would  
24 encourage a legal take.

25           And then it varies by species depending

1 on -- excuse me, depending on their distribution  
2 across the land today. We would also prohibit the  
3 release of data that we receive from either  
4 contract researchers or universities that we work  
5 in cooperation in so that data would stay  
6 protected. We would -- we would propose keeping  
7 that data while the transmitters and frequencies  
8 are active.

9 But one of the things that we are proposing  
10 doing, you'll see in the rule, is we could buffer  
11 that data to where we don't think it would be a  
12 risk. So if we went back to that first example of  
13 those individual points on that map, we could  
14 buffer, depending on the species, we might put a  
15 five-mile buffer radius around it and say this is  
16 the general distribution of where these animals  
17 live but this is not the exact location where they  
18 go to water or where they go to some other aspect  
19 and still be able to release that data while the  
20 animal is still wearing the transmitter as long as  
21 we don't think it will compromise the individual  
22 animal or the population.

23 And then we would enter into agreements to be  
24 able to share the data with university researchers  
25 or other wildlife management or land management

1 agencies to help conserve population or do habitat  
2 work that would be a benefit by using that data.  
3 But it would then -- those agreements would  
4 prohibit them from releasing that data through  
5 other means to the public.

6 So again, I mentioned there was two public  
7 comments that were made at one of the previous  
8 Commission meetings. One supported the new rule  
9 and the other one actually didn't really pertain  
10 much to Fair Chase during the time.

11 With that, I take any questions specific to  
12 the proposed rule.

13 MADAME VICE CHAIR SALAZAR-HENRY: Would anyone  
14 like to comment on this?

15 COMMISSIONER SOULES: Madame Chair?

16 MADAME VICE CHAIR SALAZAR-HENRY: Commissioner  
17 Soules?

18 COMMISSIONER SOULES: Chief Liley, I realize  
19 this is not exactly pertaining to this rule, so  
20 I -- I apologize, but I think it may be relevant.  
21 If in the -- your -- this rule pertains only to  
22 data collected by the Department for its  
23 contractors. If individuals set up things like  
24 gain (inaudible) that can alert them to the  
25 location of mole or some other manner had a way to



1 track animals themselves and use that in realtime,  
2 are there any existing regulations that speak to  
3 that and whether that's allowable or not?

4 CHIEF LILEY: Madame Chair, Commissioner  
5 Soules, so we have an overarching rule or  
6 Commission rule that's called the manner and method  
7 of take, more or less. Manner and method of take a  
8 species. So your example of realtime game cameras  
9 or satellite cameras is actually prohibited by  
10 Commission rule already, so you can't use those  
11 satellite cameras or cell phone cameras to aid in  
12 the taking of wildlife. So that's already set by  
13 rule in the manner and method.

14 Some of the other principles of Fair Chase  
15 would be set by manner and method rules. Why this  
16 is so specific is because of the -- as it relates  
17 to release of public information. And that's why  
18 this rule is different from the manner and method  
19 where you prescribe how animals would be taken  
20 across the landscape.

21 And to another point to your question, if  
22 someone has a game camera that's not a satellite,  
23 they're just using it, or even someone that does  
24 have a satellite that's not using it for the take  
25 of animals but they're doing it for their own

1 information in their backyard or something like  
2 that, nothing precludes them from releasing that  
3 data to anybody else. This is just data that's  
4 collected by us or our contractors.

5 COMMISSIONER CRAMER: Madame Chair, Chief  
6 Liley, is -- are the radio frequencies unique where  
7 a person can't scan and get those?

8 CHIEF LILEY: Madame Chair, Commissioner  
9 Cramer, yes, they are all unique frequencies that  
10 we would not release and someone cannot just scan  
11 and pick them up.

12 MADAME VICE CHAIR SALAZAR-HENRY: Any other  
13 questions? A question from the public.

14 If you would like to come to the microphone,  
15 state your name.

16 DIRECTOR SLOAN: Madame Chair, we'll have to  
17 have him fill out a comment card. I just want to  
18 make sure he's aware of that.

19 But you can come up.

20 UNIDENTIFIED MALE: I just had a question  
21 about how you (inaudible). That's all.

22 MADAME VICE CHAIR SALAZAR-HENRY: What is your  
23 question? Again, in the spirit of -- I know we  
24 have our rules --

25 UNIDENTIFIED MALE: There's so much cyber

1 security problems, how do we think the Gaming  
2 Commission has the capability of doing it?

3 MADAME VICE CHAIR SALAZAR-HENRY: Thank you.

4 CHIEF LILEY: Madame Chair, yeah, so we have  
5 firewall -- we protect a lot of information on our  
6 computers, our firewall through the State,  
7 et cetera. We try to -- it's no different than  
8 some of the personal information people enter to  
9 purchase licenses. We protect them on our  
10 computers. It's not going out to personal  
11 computers that we're putting the State on and lids  
12 on our servers in the department. And so we hope  
13 we have a really well firewall. I know there's  
14 been times where people have gotten behind some,  
15 but not ours. But we would hope that someone  
16 doesn't hack into our systems to specifically steal  
17 our wildlife rotations.

18 DIRECTOR SLOAN: Madame Chair, we do have a  
19 robust cyber security effort at the agency, largely  
20 due to our (inaudible) nature of our business.

21 MADAME VICE CHAIR SALAZAR-HENRY: Very good.  
22 Thank you. Okay, good.

23 Are there any other exhibits anyone wants to  
24 enter into the record at this time? Okay. If  
25 there are no further questions, I will admit the

1 attendance sheet as Exhibit --

2 DIRECTOR SLOAN: 7.

3 MADAME VICE CHAIR SALAZAR-HENRY: -- 7, and  
4 the comments submitted in testimony heard during  
5 this rule hearing will be reviewed by the  
6 Commission and discussed during the open session of  
7 today's meeting. The Commission will vote on  
8 proposed rule at this one.

9 Yes. I would like to thank everyone present  
10 for their participation today. Let the record show  
11 that this rule making hearing was adjourned today  
12 at -- what time is it?

13 DIRECTOR SLOAN: 10 AM.

14 MADAME VICE CHAIR SALAZAR-HENRY: 10 AM. Very  
15 good.

16 So moving on to rule number -- oh, excuse me.  
17 Excuse me. Thank you, Vice Chair. No, no, no, no,  
18 we've had plenty of discussion, so now do I have a  
19 motion on the rule 1b, the Fair Chase Rule?

20 COMMISSIONER SALAZAR HICKEY: Madame Chair?

21 MADAME VICE CHAIR SALAZAR-HENRY: Yes?

22 COMMISSIONER SALAZAR HICKEY: I move to adopt  
23 19.30.18 NMAC as presented by the Department and  
24 allow the Department to make minor corrections to  
25 comply with filing this rule with state records and

1 archives.

2 MADAME VICE CHAIR SALAZAR-HENRY: Do I have a  
3 second?

4 COMMISSIONER BATES: Second.

5 MADAME VICE CHAIR SALAZAR-HENRY: Thank you,  
6 Commissioner Bates?

7 Thank you, Commissioner Henry.

8 All in favor say aye.

9 ALL COMMISSIONERS: Aye.

10 MADAME VICE CHAIR SALAZAR-HENRY: All opposed  
11 say nay. That rule passes.

12 Are we ready to move on to rule number 2, 2A?

13 Yes, okay. This is the rule hearing trapping and  
14 furbearing rule, 19.32.2 NMAC, and hunting and  
15 fishing manner and method of taking rule, 19.31.10  
16 NMAC. This hearing is now open. Are there any  
17 exhibits for the proposed new rule, 19.32.2 or for  
18 the amendments to 19.31.10 for the record?

19 DIRECTOR SLOAN: Madame Chair, I wish to enter  
20 six exhibits into the record. Exhibit Number 1,  
21 the notice of the rule making that was posted on  
22 our website as well as the Sunshine Portal; Exhibit  
23 2, the initial proposed rules that were posted on  
24 our website; Exhibit 3, the presentation that I'll  
25 be giving today; Exhibit 4, the summary of the

1 proposed changes; Exhibit 5, the technical  
2 information we relied upon when developing the  
3 rule; and Exhibit 6, the 5,002 public comments we  
4 received during the rule making process.

5 MADAME CHAIR SALAZAR HICKEY: Thank you very  
6 much, Stewart. Can you continue to proceed?

7 CHIEF LILEY: Madame Chair, Members of the  
8 Commission, for those of you that are new, this is  
9 going to be the first time that you see it. For  
10 those of you that have been around, you've seen  
11 this -- it will be the fourth or fifth time I  
12 believe you've seen this now. So this -- this  
13 process started back in August of this year when we  
14 presented initially to the Commission at the Santa  
15 Fe meeting. We also presented it to the Commission  
16 at the October and November meeting.

17 We put on our website back in August our  
18 initial proposals on the website and built upon  
19 since then. We did hold public meetings throughout  
20 the state in October. And then in December we  
21 posted the final rules on our website for public  
22 comment. We were taking comments before those  
23 public -- or before those rules were posted, but  
24 again, we did post the rules as required under the  
25 rule making act by the December time frame and as

1 we are here today to act on the final rules.

2 As I stated when I entered into the exhibit,  
3 we received 5,002 comments for this rule. I do  
4 want to state there was -- that was 2,002, or 2,024  
5 unique senders, so there was multiple comments  
6 sometimes from the same individual but I wanted to  
7 point out there was 2,024 unique senders. There  
8 was a significant amount of comments that came in  
9 the form of a form letter where they just changed  
10 the name on it and maybe a little bit of change at  
11 the back. And most of those comments didn't really  
12 deal with the -- the specific proposed changes that  
13 we were proposing but it was more on the specifics  
14 of eliminate trapping or support trapping or one of  
15 those kind of aspects. There was -- that was the  
16 majority of the comments we received was one or the  
17 other on either an all-out banning on trapping or  
18 not.

19 We did then get specific comments. When we  
20 got specific comments they really pertained to  
21 three different topics. That was our set back  
22 distances that we were proposing, and the set backs  
23 from trails but also the set back distance from  
24 trail heads. Both in -- we had the comments that  
25 favored some, very few of the favoring, but we had

1 comments that said you're going too far one way,  
2 the extreme, and you're not going far enough. So  
3 that was the majority by the comments we saw was  
4 pro and con under the same exact issue.

5 So there was -- the only one where we had  
6 almost total support for it from all of our  
7 commenters was a mandatory trapper education. That  
8 was supported across on both sides of that.

9 There was -- on our additional closures that  
10 we'll get to in a minute, there was people opposed  
11 to us closing any more areas and people that would  
12 wish that we present more closures to the areas.  
13 So again, like I said, there was comments on both  
14 sides of the aisle on the trap -- on the topic, and  
15 a lot of that was, like I said, more of a form  
16 letter on just in opposition to a support of rather  
17 than specific to the proposed changes.

18 For the interest of the Commission, and since  
19 we're in a new area of the state, I'm going to go  
20 through the kind of presentation you all have seen  
21 before. But kind of going back through the history  
22 of trapping a little bit, how trapping fits in the  
23 North American model and some of the other stuff  
24 that we've gone through, but really trapping is the  
25 most effective and efficient method for managing



1       furbearers. And when I say managing furbearers,  
2       some of that is for sustainable harvest of  
3       furbearers, some of that is managing wildlife  
4       conflict. And when I say conflict, livestock  
5       conflict on some of the damage that we do deal  
6       with. It is the most effective way. Trapping is  
7       the most effective way to manage those furbearer  
8       populations.

9               We, ourselves, use trapping as a tool to radio  
10       mark our bobcats, for example, or other species  
11       that we do use. It's highly regulated. As you'll  
12       see, it's fairly complex in terms of our manner and  
13       method. If you look at the manner and method  
14       sections for some of our rifle hunts it prescribes  
15       maybe a caliber, but this really goes into detail  
16       on how a person has to set a trap, what kind of  
17       trap they can set, how far back it has to be set.  
18       So it's more regulated than some of our rules and  
19       more -- we are only proposing more additional  
20       proposed regulations as you'll see through time.

21               And it's guided by international standards.  
22       And when I say guided international standards, I'll  
23       get to it in a few slides. It discusses a minute  
24       that was signed with the European Union with the  
25       United States that kind of described on how we'll

1 try to deal with humane standards when it deals  
2 with trapping and best management practices.

3 One of the things that you sometimes will hear  
4 as trapping is brought up is how does trapping fit  
5 into the North American model of wildlife or it  
6 doesn't fit into the North American model of  
7 wildlife management. I think the guiding  
8 principles of the North American model, again, came  
9 off of this principle of wildlife is held in the  
10 public trust in North American, or specifically in  
11 Canada and the United States. It is a public trust  
12 species.

13 We, as the Department, are managers of that  
14 public trust resource. You, as the Commission, set  
15 the policies and the rules that surround how you  
16 manage that public trust resource. One of the  
17 other tenants of that model talk about  
18 unreg -- elimination of unregulated markets and  
19 over exploitation of the species. This is where  
20 some people sometimes refer to this as the  
21 commercial taking of a species.

22 When they're referring to that as the tenant  
23 it's not necessarily that that person can sell it.  
24 It's more of if you go back to the days of the  
25 bison and when it was sold on the rail on the

1 markets for market hunting that was not regulated,  
2 an unregulated take that was in the commercial  
3 process. That's more of where that tenant came  
4 from rather than a commercial take.

5 For example, we have commercial take of salmon  
6 from the fisheries across our Western Coast, all  
7 across. If you harvested, legally harvest, an elk,  
8 you can sell the hide, the antlers, those kind of  
9 things. So it really points to the unregulated  
10 commercial take of the species and the sell of  
11 that.

12 Strict enforcement of the regulations and the  
13 laws is one of the other tenants of the North  
14 American model. As you all are aware, we have a  
15 lot of law enforcement officers or game wardens  
16 across the state that enforce these regulations.  
17 You all just revoked the individuals that violated  
18 those regulations. That took away their hunting  
19 and privileges. So there is that tenant that's  
20 very well followed.

21 The democracy of law of what we're doing today  
22 is just that. You all are the body that will  
23 decide the laws that govern how we manage  
24 furbearers and how trapping is done. So that's  
25 another big tenant of the North American model and

1 the scientific management goes into our  
2 recommendations. We, as the Department, try to  
3 make the most robust scientific decision that  
4 we -- or recommendation to you all that we can make  
5 when proposing rules to ensure a sustainable  
6 population moving forward.

7 So one of the things that's really important  
8 is we only harvest those populations where  
9 abundant. If you look at the statutes that are of  
10 the protected furbearer species in 17-5, or in our  
11 statutes, we only -- we do not allow harvest, legal  
12 harvest, of over 30 percent of the species that are  
13 protected. For example, we do not allow harvest  
14 right now of coatimundis or otters or those kind of  
15 species where we do not think the population is  
16 large enough to sustain a take. So we regulate  
17 those animals through rule, which ones are actually  
18 available to take by the legal means.

19 We also regulate the seasons in which these  
20 animals may be harvested. For example, it's the  
21 trapping season starts in November and ends  
22 majority of the time on March 31st for some of  
23 these species. Some are shorter seasons to mirror  
24 on a sustainable take on how we regulate the  
25 harvest to ensure that we have populations moving

1 in the future.

2 We also require recording requirements. We  
3 have mandatory trapping recording for all of our  
4 trappers to ensure that we can know what the take  
5 on the landscape is to see how that aligns with  
6 what we feel is sustainable and what we detect is  
7 sustainable. We regulate, and you all will see  
8 some of the proposed changes to that, the types and  
9 size and the designs of traps that we allow on the  
10 landscape for taking.

11 And then we also regulate how often the trap  
12 has to be checked. For example, we are proposing  
13 and continuing to propose currently under the rule  
14 a date check. Every date you have to check your  
15 traps visually. So that requires that there's not  
16 these long lines that were previously up on some of  
17 the previous -- days of old of trapping where you  
18 had people set up 200 traps, move 200 miles away  
19 and set 200 traps and come back on a circuit to  
20 take furbearers out of traps. We do not permit  
21 that. So it requires a person to be physically  
22 there with the traps. It prevents long lining of  
23 traps set across multiple areas in this state. So  
24 it limits the take just by having that daily check  
25 as it is.

1 I mentioned earlier the international  
2 standards that are guiding. What it is, is that in  
3 1997 the United States signed an agreed minute and  
4 the agreed minute concerned humane trapping of  
5 furbearers and the ability of the U.S. to sell fur  
6 in the European Union, was that we would look at  
7 humane practices or look at methods, what has been  
8 determined as the best management practices for  
9 humane traps. Every trap is evaluated based on  
10 animal welfare, the efficiency in catching the  
11 selectivity. So are you trapping the species that  
12 you're going out for, the practicality of setting  
13 that trap, and the safety both to the animal and to  
14 the human.

15 So since 1997, approximately 40 million  
16 dollars has been sent on trap development to try to  
17 get at more humane trapping standards or fall into  
18 those five criteria that they select. An important  
19 thing to note is trapping is the only activity  
20 where there is a humaneness standard set to it of  
21 all our takes. So if it's with firearm or bow,  
22 there's not been a humane standard that we try to  
23 look at or best management practices where it's  
24 been developed. This is specific to trapping.

25 So a little bit -- that's a little bit of the

1 background behind where we are or how we got to  
2 where we are today and then some of the proposed  
3 changes that we're proposing to you all for  
4 consideration today. One of the things is the  
5 current rule is a four-year rule. We're proposing  
6 to make -- or excuse me, the current rule is a  
7 permanent rule and we're proposing to make this a  
8 four-year rule through you every four years. The  
9 trapping rule in its entirety has not been reviewed  
10 in almost 10 years as a fold. We're proposing  
11 making this a four-year rule.

12 One of the other proposals we're doing, like  
13 we did with all the rest of our big game rules is  
14 putting manner and method in the manner and method  
15 rule where it belongs. So it will remove the  
16 manner and methods sections out of this rule like  
17 we've done in elk or we've done in deer and put it  
18 in manner and method. And trapping will  
19 really -- the trapping and furbearer rule will  
20 really revolve around season dates, bag limits, and  
21 areas that are open or closed and will be renewed  
22 every four years to ensure that the bag limits or  
23 the seasons or the areas are still relevant.

24 One of the other proposals that we are putting  
25 in front of you is requiring a mandatory trapper

1 education. So we require every trapper that  
2 purchases a furbearer license be required to pass a  
3 trapper education course. We would do that in a  
4 manner of three different ways. If you -- if an  
5 individual does not have a trapper ed from anywhere  
6 in the nation that we recognize in another state,  
7 we would require them to take what we consider a  
8 full course, a course that talks about all trapping  
9 regulation -- the furbearer trapping and trapping  
10 education but a New Mexico specific education  
11 course, too, that talks specifically to our rules  
12 and regulations and our species identification  
13 because it varies from state to state across the  
14 country.

15 Individuals that are coming into our state  
16 from outside that would have a trapper education  
17 from a different entity that we recognize, we would  
18 allow that but they would still have to take the  
19 New Mexico regulation specific portion of the  
20 course and the New Mexico species specific  
21 regulation of the course.

22 Those individuals that don't wish to trap but  
23 still, because it's a trapping or furbearer license  
24 that doesn't require trapping and -- but those that  
25 would like to call furbearers and shoot, we would



1 still require them to take, not the trapper  
2 portion, but the New Mexico rules and species  
3 identifications as well. So that, as you'll see in  
4 the proposed rules, we have those different tiers  
5 for different individuals on how they're planning  
6 on taking furbearer species.

7 One of the big things that we are proposing,  
8 the specific area closures to trapping to try to  
9 minimize or reduce the potential conflict between  
10 recreationists and trappers. Those specific areas,  
11 we do know of a fairly high traffic use. That's  
12 the Sandia -- Sandia ranger district of the  
13 forest -- forest service portion, the Sandia ranger  
14 district right outside of Albuquerque just to  
15 the -- to the east of Albuquerque there. We've  
16 proposed closing that to (inaudible) within those  
17 lands.

18 Another one is just basically right outside  
19 our window here is that Eastern portion of the  
20 Oregon Mountains, Desert Peaks National Monument, a  
21 lot of recreation throughout that we're proposing  
22 closing that to land sets. And then two different  
23 closures along a highway within a half a mile. On  
24 both sides of that highway would be closed, and  
25 those are those Highway 475 and Highway 150. Those

1 are the highways leading up to the Santa Fe Ski  
2 Basin and the Taos Ski Basin. Those are the  
3 two -- two highway forest service roads that we  
4 propose closing.

5 I think one of the biggest proposed changes  
6 that we are making in terms of setbacks is we are  
7 proposing making a half a mile radius closure  
8 around any designated trailhead, public designated  
9 trailhead. In effect, this closes the area where  
10 you have a high access point for recreationists  
11 into a forest or into BLM, et cetera. So within a  
12 half mile radius no traps can be set within  
13 that -- that closure.

14 In effect, it's closing a lot of that area  
15 down because, again, a day check is going to  
16 require a trapper to get at least a half mile back  
17 in before they could even set their equipment, and  
18 it really effectively closes those areas down. So  
19 we think that is our biggest of our setbacks that  
20 we thought could kind of try to minimize some of  
21 that potential conflict between recreationists and  
22 trappers.

23 Some of these other ones were previously set  
24 backs that we had in the old rule, but we've  
25 increased the distance on setbacks for road rest

1 areas and picnic areas and occupied dwellings. One  
2 of the things that we discussed at the last  
3 Commission meeting was if the occupant of that  
4 dwelling is fine with someone trapping within a  
5 half mile, they can allow that. If you recall, we  
6 wanted to make sure there was clarity in there if  
7 that private landowner has an occupied dwelling,  
8 doesn't mind someone setting in there, they can  
9 permit it, the dwelling, the occupant. And the  
10 rest of those half mile closures were previously  
11 there.

12 Some of these proposed changes are clarities  
13 in the rule that weren't as clear as before but  
14 some of them are actual changes. This is a clarity  
15 issue right now. In the rule it says that every  
16 trap must be permanently marked. We're still  
17 requiring a permanently marked with the information  
18 that could allow us to identify the trapper but  
19 we're also allowing a secured tag that might go in  
20 the chain or on the trap that give that identifier  
21 of that individual. We've allowed that, but it's  
22 just a clarity in the rule that doesn't have to be  
23 stamped to the metal of the trap, for example.

24 One of the actual -- this was a proposed  
25 change from the -- we would require that any water

1 set or those sets that are set in water  
2 specifically for body traps that are in the spread  
3 from eight to 12 inches, we do not allow larger  
4 than 12 inches and we don't allow anything larger  
5 than seven to be set on land. Only eight to 12  
6 could be set on water, and if it's set on water it  
7 has to be submerged at least past the pivot point  
8 in the jaw. That's a new -- new proposed change,  
9 and then also on footholds with an inside spread,  
10 no greater than seven and a half inches set in  
11 water have to be fully submerged. Those are  
12 specifically kill traps and those are not meant to  
13 hold a furbearer for release. They are  
14 specifically to be a kill trap. We are proposing  
15 limiting to that every other day check on those  
16 instead of the daily check as well.

17 We would make it, and this is a change, a  
18 legal asset any lands that within 30 feet of bait,  
19 which is less than two ounces. We changed the bait  
20 previously. Some of the rules on bait was not very  
21 clear. It says you can't have visible bait to  
22 airborne raptors, so you're not trying -- it  
23 doesn't catch a hawk or an eagle. And what this  
24 is, previously it said you couldn't have visible  
25 bait at a certain height where you can see it.

1 We're just saying you can't have bait more than two  
2 ounces, period. So if it's in a hole it's not  
3 going to attract airborne raptors, and you have to  
4 be at least 30 feet or more away from a carcass if  
5 you're going to be trapping, et cetera.

6 This is clarifications in the rule. It  
7 clarifies that anyone trapping cannot have a trap  
8 on a land set with a jaw spread that's greater than  
9 or equal to six and a half inches. We do encourage  
10 trappers to have lamination on that. What is  
11 lamination is, it's welding on another piece of  
12 metal on to the outside of the trap to increase the  
13 surface area so it increases the area at which the  
14 trap closes on the -- on the leg. That increases  
15 or decreases the pinch point, allows better  
16 circulation of blood. But that lamination, we're  
17 saying, can't extend the trap to be larger than  
18 seven inches when the lamination is on. Again,  
19 it's a clarification point. We still want people  
20 to have laminate traps when they're -- but a  
21 clarification.

22 Any trap that is, though, greater than five  
23 and a half inches must be offset. And so an offset  
24 jaw requires a catch that is a deeper catch when  
25 the animal steps on it, and it's been found to be

1 these two issues that I just discussed are best  
2 management practices of furbearers, reduce injuries  
3 to furbearers, increase the likelihood of wind and  
4 furbearers re -- release those less injury  
5 potential as they've put it.

6 Some of the new proposed changes that we have  
7 is requiring a breakaway device on all (inaudible)  
8 that's on land. Previous -- or currently we do not  
9 require a breakaway. This breakaway would be  
10 required for any allow it to fail or break at 350  
11 pounds of pressure or greater. So if someone were  
12 to catch an elk or something like that it would  
13 break away if the animal stepped into it.

14 Another change that we're proposing  
15 requirement is requiring a two -- every trap must  
16 have greater than or equal to two separate swivel  
17 points on the trap and that one of those swivel  
18 points must be within six inches. What that does  
19 is permit binding and less injury. Again, a lot of  
20 these changes that I'm describing here are best  
21 management practices as found through those  
22 research that I was describing earlier that we can  
23 implement through a rule process specifically  
24 across the whole trapping. So we're putting those  
25 standards into our regulations.

1           It would require -- one of the other things we  
2 would be requiring an anchor or drag system that  
3 prevents an animal from escaping with a trap.  
4 That's one of the worst things that we can have is  
5 when the animal walks off with a trap you're going  
6 to have a lot more potential for injury in the  
7 future. Currently it's not a provision and rule.  
8 This also, in the provision and rule, would require  
9 that everyone setting a trap across the state, that  
10 those traps must be able to hold a wolf size animal  
11 or larger. These are due care provisions as it  
12 relates to the U.S. Fish and Wildlife Services due  
13 care under the population for Mexican wolf. These  
14 are the specific things that they're saying if you  
15 can -- if you're following these, you're not going  
16 to be in violation of take under the endangered  
17 species act. Previously we have in those  
18 recommendations. Now we're proposing putting them  
19 as an actual rule that we can cite upon if people  
20 are not following due care provisions.

21           Again, the next one requires a trapper that  
22 catches a wolf must report that us or report it to  
23 the Fish and Wildlife Service. One, we want it  
24 reported as quick as possible so we can get a radio  
25 collar on the wolf if it's caught. And two, we

1 want to be able to know where animals are moving.  
2 Right now it's not a requirement, it's a request.  
3 But this would actually require it if someone were  
4 to catch a wolf and did not report, it would be an  
5 illegal take of that trap.

6 A clarification point, it wasn't specifically  
7 in the rule. It's always been illegal, but we just  
8 want to clarify in rule that it would prohibit the  
9 use of any poisons for the taking of protected  
10 furbearers. It's not allowed by rule as it is  
11 right now but we would specifically put that in  
12 the -- in the furbearer rule. It also would  
13 prohibit the take, the intentional take of New  
14 Mexico threatened endangered species or any  
15 federal -- federal law prevents that in there. But  
16 we specifically are putting this in for New Mexico  
17 threatened or endangered species.

18 For example, pine martens in New Mexico,  
19 threatened or endangered species. If someone has a  
20 pole set up in a tree it's obvious that they're  
21 putting it in front of a pine marten, we can now  
22 cite them saying it was an illegal set for that.  
23 And then clarifying the species in which it's  
24 illegal to take, for example, mink, otter, black  
25 red ferret, coatimundis, or marten. Those are



1 protected furbearer species where we do not allow  
2 any take.

3 One of the proposed changes is opening the  
4 raccoon season from May 16th to August 31st with  
5 restricted traps. Those restricted traps are  
6 specifically cage traps or what they consider dog  
7 proof traps. Why we're doing this, we're seeing a  
8 lot of this in the Albuquerque area where the  
9 population of raccoons has grown quite a bit in the  
10 last year. You saw it in our October meeting or  
11 November one. It's in a depredation report.  
12 Raccoons are now our highest species where we get  
13 the most reports on depredation across the state.

14 We have a lot of landowners out there trapping  
15 raccoons on their own without knowledge. It's  
16 illegal for them right now, but this would allow  
17 them to manage some of those populations, those  
18 depredation animals in their backyards, et cetera.

19 The other one is allowing to take nutria year  
20 round. Nutria are an invasive species. We do not  
21 want them growing. We have maybe a small  
22 population in the Rio Hondo. Hopefully they're  
23 down to very few, if none now, but we don't want  
24 any nutria expanding to the states. So if they  
25 did, we want to be able to have the ability to have

1 trappers take them within any period of season.

2 One of the things that we have was changing on  
3 the bag limits is allow the director with the  
4 verbal concurrence of the Chair to set a bag limit  
5 for any given species in a year if we see a  
6 population level change that we think is necessary  
7 to put this in. As we've discussed in the  
8 previous, the only species, a protected furbearer,  
9 we potentially would see this in the next four-year  
10 rule cycle is swift fox. We'll get to that in a  
11 second on some of the data of what we show on take  
12 on that. Swift fox is the one we have very small  
13 take as it is, but if we saw a big increase in take  
14 we would maybe start proposing a bag limit to that  
15 species during this four-year rule cycle. The rest  
16 of the species in which you all have authority  
17 over, we're not proposing any bag limits at this  
18 time.

19 Some of the data that we do collect, and why I  
20 point out bobcat and gray fox harvest, those are  
21 two of the protected furbearers. That is those two  
22 species where we take the most across the state or  
23 where trappers take the most. You'll see the last  
24 ten years have been fairly steady in terms of take,  
25 not a lot of trim there in the take of the species.

1 We do not think anything from a biological  
2 standpoint where we're having any concerns there.

3 Some of the things that we do take  
4 from -- from trappers, and information we take from  
5 trappers that are out there are catching these is  
6 some surrogate data that we can look at to  
7 correlate back what our populations are doing. So  
8 that graphic on the left is the catch per night.  
9 So what it's saying is how many bobcats are they  
10 catching every night that they go out there. As  
11 that number -- if that is an increasing trend it  
12 suggests the population is decreasing. If we would  
13 see a decline in trend in that we would suggest the  
14 population the potentially declining. And we don't  
15 see anything that would be suggestive of a decline  
16 in the population right now.

17 The other one on the right is a graphic on the  
18 number of trap nights, or so how many -- how  
19 many -- and that's calculated by the number of  
20 traps set for each night and how many trap nights  
21 it takes to catch a bobcat. You'll see as that  
22 decreases what it's saying is it's taking less time  
23 to catch a bobcat, which could be indicative of an  
24 increasing population. Some of the stuff in the  
25 east is taking up to 6 to 700 trap nights per

1 bobcat. You'll see we're down in the 150 range,  
2 175 range, so again, nothing that points up where  
3 we have a big concern of overtake on some of those  
4 species.

5 Other things that we do collect is set ratios  
6 of our take on bobcats. You'll see that's remained  
7 fairly consistent through time. Take of females is  
8 less than males, which is good from a biological  
9 sustainable population standard, is we're taking  
10 fewer of the reproductive output portions of the  
11 population and more of the males where it's not as  
12 necessary to have as many males in the population.

13 And then some of the other trends that we  
14 take, as we discuss with trappers to see if their  
15 opinions correlate back with our data. Are  
16 there -- our data that we collect show the same in  
17 the trends of what their opinions are. And what  
18 it's saying is they've -- a lot of the trappers  
19 feel like populations are increasing on some of  
20 these furbearers, our data from the catch bringing  
21 an effort or number of trap nights is suggesting  
22 increase in trends to this, so some of the  
23 correlation between trapper opinion and the actual  
24 data we collect.

25 Real quick, just going through some of the

1 other species, when I mentioned swift fox, you'll  
2 see on that left graphic the dark green is the take  
3 of swift fox. You'll see that's about 20 to 30  
4 animals per year. If that were to really increase,  
5 that's sort of something we would be concern about  
6 it.

7 Some of the trend, downward trend, and  
8 probably kit fox is function of more selectivity.  
9 Kit foxes are really light animals and paying  
10 attention on traps through time have improved to  
11 where you can have a trap where a kit fox that's  
12 (inaudible) doesn't actually set the trap. Also,  
13 swift fox price -- or kit fox prices are not -- are  
14 have low so take is probably less. You'll see  
15 that -- and we're not talking of large numbers  
16 across the state there on the kit fox. You're  
17 between the high end of that. That light green bar  
18 is 200 to the low end, about a hundred. So that's  
19 a statewide number as well.

20 Badger harvest across the state again, the  
21 species, we harvest between 100 to 150. Nothing of  
22 great concern there. And some of the other species  
23 that we harvest. But you'll see raccoon harvest  
24 has increased a little bit, but it's still down  
25 around 3 to 400 animals. In a lot of these other

1 species, the harvest on the statewide average is  
2 below 200 for the majority of those.

3 So with that, I take questions.

4 MADAME CHAIR SALAZAR HICKEY: Mr. Stewart  
5 Liley, thank you. That was very good.

6 Do we have any questions from the  
7 Commissioners?

8 COMMISSIONER SALAZAR-HENRY: Madame Chair?

9 MADAME CHAIR SALAZAR HICKEY: Yes,  
10 Commissioner Hickey?

11 COMMISSIONER SALAZAR-HENRY: Good morning,  
12 Stewart.

13 CHIEF LILEY: Good morning.

14 COMMISSIONER SALAZAR-HENRY: I just have one  
15 question. Because of the comment that you made  
16 about the depredation report for raccoons, and we  
17 did see that it's the leading depredation issue  
18 right now for the Game Department, why do we have  
19 such a limited season for raccoons?

20 CHIEF LILEY: Madame Chair, currently we have  
21 a limited season. Again, on our proposal is to  
22 open it up year round. So raccoons would open up  
23 year round, but once the -- our traditional  
24 trapping season ends, and I could go back to that  
25 slide. Once it ends, we would then have a

1 restricted season. When I say restricted, it's  
2 restricted to the traps types that would be  
3 allowed. So not -- your standard foothold trap  
4 would not be allowed. It has to be what's  
5 considered a dog proof or a foot encapsulated trap  
6 that only something with a basically thumb can  
7 trigger the trap with specific catch on raccoons or  
8 what would be considered a caged trap. Those are  
9 the only trap types during that restricted season.  
10 So again, it opens it up year round but it  
11 restricts the kind of equipment that could be used.

12 COMMISSIONER SALAZAR-HENRY: And why is  
13 that -- why is that specific -- why did you do the  
14 restriction just for that time period?

15 CHIEF LILEY: Madame Chair, Commissioner  
16 Henry, the reason that we did that is we want to  
17 ensure when we get reports of trappers out there  
18 that if we're getting a report of a foothold trap  
19 that they're taking during the foot -- the normal  
20 furbearer season that it has the chance of catching  
21 a protected furbearer, we want to close during  
22 those other periods of time. Because these are  
23 target-specific traps, we're just allowing for that  
24 depredation-type individual, that species where we  
25 have a high depredation, we want to target that

1 species during those times. The other species we  
2 do not want to target at that time.

3 MADAME CHAIR SALAZAR HICKEY: Thank you.

4 COMMISSIONER VESBACH: Madame Chair?

5 MADAME CHAIR SALAZAR HICKEY: Commissioner --

6 COMMISSIONER VESBACH: Vesbach.

7 Chief Liley, forgive me if you've gone through  
8 this before, but on the swift fox issue, the one  
9 that we, you know, may monitor -- or monitor and  
10 see if we need may need a bag limit, do we have  
11 catch per unit effort on that species?

12 CHIEF LILEY: Madame Chair, Commissioner  
13 Vesbach, yes, we would have catch per unit effort.  
14 We didn't put it up on this graphic. Catch per  
15 unit effort has basically remained unchanged. We  
16 haven't seen a big take. And when I say basically  
17 remained unchanged, the take has varied from about  
18 70 on a statewide to about 30. We haven't seen a  
19 big increase or decrease in trapping during that  
20 time period.

21 So even though take has remained constant and  
22 trapping hasn't swung much, the catch per unit  
23 effort has remained fairly constant as well. It  
24 varies a little bit year to year, but we haven't  
25 seen any anything that suggests that we have a big



1 decline in population.

2 COMMISSIONER VESBACH: Okay, thank you.

3 COMMISSIONER SOULES: Madame Chair?

4 MADAME CHAIR SALAZAR HICKEY: Commissioner  
5 Soules?

6 COMMISSIONER SOULES: Chief Liley, you  
7 commented on the fact that the Department sometimes  
8 uses trapping for tagging animals. You can track  
9 their activities and motions or other scientific  
10 purposes. Could you elaborate a little bit on  
11 cases -- not cases but examples, for example, I  
12 think the wolf recovery program uses trapping to  
13 make sure wolves are brought back in for the  
14 required recover area. Things like the raccoons,  
15 does the Department sometimes trap raccoons at the  
16 request of landowners? Is the same true if you've  
17 got concerns about bobcat or mountain lions, or  
18 something else from a depredation standpoint rather  
19 than removing the animal through lethal means, do  
20 you -- could you elaborate a little on when  
21 trapping is used for that kind of activity?

22 CHIEF LILEY: Yeah, Madame Chair, Commissioner  
23 Soules, we use it for a variety of purposes. Some  
24 is to place a radio call on a bobcat for example.  
25 We've done different stuff to look at bobcat home

1 ranges across the state, look at how it works and  
2 functions with -- and so we use the same traps that  
3 were -- that you all are getting ready to approve  
4 for the trapping manner and method for research  
5 purposes. You mentioned the Mexican wolf program.  
6 They do it for either depredation reasons, moving  
7 animals to new areas. The last -- in fact, the  
8 last Mexican wolves caught in the wild in Mexico  
9 were caught with traps, the same traps that we're  
10 discussing today.

11 So we use traps as a management tool, as a  
12 live catch tool. That allows us to move animals  
13 across the state. For example, river otters that  
14 were reintroduced into the state of New Mexico were  
15 trapped by employees out of Washington, Department  
16 of Game & Fish that moved them into the state. We  
17 also use it as a tool to manage depredation. And  
18 so we do get depredation reports of a bobcat  
19 killing chickens in a chicken coupe, and we'll use  
20 the most effective way for us to be able to catch  
21 that offending animal is with traps.

22 We make the decision at the time, do we  
23 relocate the animal or do we euthanize that animal  
24 at that time. So there's a case by case on all  
25 those, if it's a euthanasia or a relocation. But

1 it allows us the ability, the most effective way to  
2 trap a furbearer or to catch a furbearer through  
3 traps and then it allows us to decide if it's going  
4 to be released or euthanized.

5 MADAME CHAIR SALAZAR HICKEY: Any other  
6 questions from our Commissioners?

7 Okay. Very good. It's very important that we  
8 always look at everything, and we are here to  
9 listen. So we would like to -- I've received  
10 several speakers cards, and as I call your name,  
11 please come to the microphone. Those of you wish  
12 to be heard and checked the box, come forward.

13 Patience Odoud, Betty, Kevin, Catalina,  
14 Wesley, Chance, and Chris. And the portion of  
15 this, we would like to hear from you on your  
16 comments to the rule, title 19, chapter 32, part 2  
17 or the amendments to title 19, chapter 31, part 10.  
18 And let's keep the comments to two minutes, please.

19 Patience, thank you very much for coming  
20 forward.

21 PATIENCE ODOUD: Okay. So thank you very  
22 much. I'm Patience Odoud, and I'm the board member  
23 of Wildlife Protection of New Mexico, (inaudible)  
24 5124. Do I understand that we're still going to  
25 have recreational trappings? Or this is we can't

1 discuss because I got here a little bit late.

2 So given that, I'm assuming that we're  
3 still -- we haven't voted yet, and so --

4 MADAME CHAIR SALAZAR HICKEY: So, Patience,  
5 I'd like to stick to the comments strictly on what  
6 was just presented. Thank you.

7 PATIENCE ODOUD: All right. One thing that I  
8 didn't hear spoken was anything about climate  
9 change. I heard a lot about depredation. I heard  
10 a lot about moving animals or taking care of  
11 animals regarding depredation. The thing is, is  
12 that, and I saw the graphs of takings. We have  
13 climate change. We're having species extinction  
14 right now. We -- we have night -- we have 1.4  
15 million cattle in this state, and I won't go  
16 through the list of sheep, 90,000-whatever.

17 We have -- we're losing our wildlife left and  
18 right. And we've only got 2,000 trappers and we've  
19 got 2 million people. We're not being represented  
20 because right now New Mexico is last on everything  
21 good, first on everything bad. We're the most  
22 violent state in the Union. That's our reputation.  
23 Look it up. That's what we are. That's what we  
24 are, and we all know since a long time ago  
25 that -- and 88 percent of domestic abuse that there

1 is animal abuse. They're leaked.

2 Trapping is torturous. I don't care how nice  
3 you make the -- the thing. It's torture. It needs  
4 to end. It needs end, all of it.

5 MADAME CHAIR SALAZAR HICKEY: Thank you,  
6 Patience. Your time is up. Thank you for coming  
7 forward.

8 Betty, two minutes, please. And thank you for  
9 coming forward with your comments regarding the  
10 tracking program. Thank you.

11 BETTY PRICHETT: My name is Betty Prichett. I  
12 live in Bernalillo, New Mexico. I'm an animal  
13 lover. Since I retired, I'm an art teacher, I'm an  
14 artist. I'm an artist. I appreciate the beauty of  
15 our wildlife. I've been working for Mexican wolves  
16 since they've been after these. I mean, I grew up  
17 in Indiana. The only wolves were in -- in the far  
18 north, not in the lower United States. I was so  
19 happy when they were brought to Yellowstone. I  
20 helped in that effort.

21 Right now I believe the plan is causing a mass  
22 extinction. We know right now that a third of the  
23 birds are gone. And I care about the next  
24 generation will be -- there will be wildlife for  
25 the next generation. There's a question in my

1 mind, and we have no reason to allow trapping on  
2 our public land. Our public lands are for the  
3 public to enjoy.

4 I have dogs. I have five dogs. I love to  
5 walk them. I have to walk them on a leash because  
6 if they were turned loose they would probably get  
7 in a trap. I might get in a trap. I know too many  
8 beautiful animals, they're like children. I'm an  
9 artist. (Inaudible), and I want to ban trapping,  
10 period. It's cruel. Like cock fighting. I worked  
11 hard to ban cock fighting. I couldn't believe when  
12 I moved from Indiana up here that cock fighting is  
13 still going on.

14 And I feel the same thing about trapping. In  
15 this generation, trapping is not wanted or needed.  
16 And the public supports me on this.

17 MADAME CHAIR SALAZAR HICKEY: Thank you,  
18 Betty. That was -- thank you for your comments.

19 Let's move to the next person, Kevin. Kevin,  
20 I'm not sure if you want to -- yes?

21 KEVIN BIXBY: Do you want to call out --

22 MADAME CHAIR SALAZAR HICKEY: Oh, Kevin Bixby,  
23 yes. Yeah. And again, two minutes. And if you  
24 finish before the two minutes are up, that's fine.  
25 But we want to hear your comments relating to this

1 rule. Thank you.

2 KEVIN BIXBY: Thank you, Madame Chair,  
3 Commissioners. I'll try and be brief. I don't  
4 envy you for this vote that you are about to take.  
5 You're not going to please anybody. I appreciate  
6 that the rule change was intended with good  
7 intentions to reach a compromise and respond to  
8 some public concerns. I don't think you succeeded,  
9 frankly.

10 Our organization is opposed to recreational  
11 trapping, commercial trapping, not necessarily  
12 trapping for management purposes that are intended  
13 to benefit the species, but the use of the public's  
14 wildlife plan and full of trappers to make money, I  
15 think that's -- that's just not something the  
16 public is good with and you shouldn't be either if  
17 you're being responsive to the broader public  
18 interest in wildlife.

19 So, you know, our organization, the Southwest  
20 Environmental Center opposes trapping because if  
21 you take -- if you weigh the pros and the cons.  
22 From the pros, you know, the management purposes,  
23 whatever, the benefits of trappers versus all the  
24 negatives, the suffering and the stress caused to  
25 wide animals, the commercialization of public

1 wildlife, the danger to public land users, it just  
2 doesn't make sense to continue recreational  
3 commercial trapping.

4 I did want to point out that it may not have  
5 been clear in Mr. Liley's presentation but the  
6 European Union has banned traps. So whatever  
7 communication between the U.S. and you in the past,  
8 it doesn't -- that's not relevant.

9 So this is one of those issues like wildlife  
10 killing contests that you're being asked to be  
11 responsive to the broader public interest in  
12 wildlife or dig in and face it backwards. And, you  
13 know, I note there is a concern out there that as,  
14 you know, any attack on trapping is an attack on  
15 hunting. And I don't see that. That's not my  
16 view, personally, or the view of our organization.  
17 They seen completely different activities. We're  
18 fine with hunting. I'm a hunter myself, but  
19 trapping just seems completely different.

20 And, you know, there's this idea that wild  
21 animals are strictly resources without intrinsic  
22 value or lives or, you know, feelings. And that's  
23 just out of step with, A, the way the public  
24 increasingly used wild animals, and B, modern  
25 ecological understanding that -- that says -- that



1 understands that furbearers regulate their own  
2 numbers and don't need to be managed. So I  
3 recommend that you do not accept the changes.  
4 There are some good things, mandatory trapper  
5 education, but that you start over from scratch.

6 Thank you.

7 MADAME CHAIR SALAZAR HICKEY: Thank you,  
8 Kevin.

9 I have another comment from Catalina. Thank  
10 you. Thank you for all these comments. It's  
11 important that we hear all of the comments.

12 KATRINA CLARK: I'm Catrina Clark, and I'm  
13 from the (inaudible), but you'll find out who I am.  
14 Commissioners, animal activists, pet lovers, press,  
15 and (inaudible). I am the proud originator of this  
16 photo taken by (inaudible) near Pagosa Springs,  
17 Colorado, Roxy looking right out to heaven. I fear  
18 for the safety of New Mexicans, tourists, and  
19 visitors alike on public lands in this state with  
20 the current trapping session going on. And I call  
21 it the land of entrapment.

22 I want this Game Commission to end the current  
23 trapping season session by voting on this item  
24 versus a few small current changes to the  
25 furbearers regulation for the next four years. As

1 I represent the majority of New Mexicans and the  
2 way they think and I think about trapping. End  
3 trapping now. Make it illegal.

4 I want this Commission and the game wardens  
5 involved never to give out a trapping permit again  
6 to Maury Cordova and that he finally be convicted  
7 of the misdemeanors and punished with some fine and  
8 jail time just like the guy Krieb Teason who hit an  
9 endangered Mexican gray wolf with a shovel in the  
10 Gila National Forest and killing it. Since then,  
11 that guy has denied -- has been denied a grazing  
12 permit on national forest.

13 Our current governor should elect a Game  
14 Commission who would end this cruel sport, a  
15 barbaric, unethical killing way of killing  
16 countless innocent animals starting from two or  
17 three centuries ago just to sell a few pelts to the  
18 Chinese.

19 MADAME CHAIR SALAZAR HICKEY: Catalina --

20 KATRINA CLARK: You are writing the year 2020,  
21 and I've lived here in this state for 21 years. I  
22 want us to follow Colorado and Arizona, public and  
23 traps, stink traps do not mix.

24 MADAME CHAIR SALAZAR HICKEY: Thank you.

25 KATRINA CLARK: Ban these traps now,

1 (inaudible) as well.

2 MADAME CHAIR SALAZAR HICKEY: Thank you very  
3 much, Catalina. Thank you for your comments.

4 KATRINA CLARK: This is what I have to walk  
5 around during the trapping season so my other dogs  
6 will not get caught in the trapping in this wire  
7 snare to be able to cut it open.

8 MADAME CHAIR SALAZAR HICKEY: Thank you for  
9 your public comment. Thank you very much.

10 I have next is Wesley. And again, two  
11 minutes, please. I think as most of you should be  
12 able to hear the timer that's going off. And I  
13 don't mean to be rude to those of you that are  
14 going past, but I'm going to try and watch the  
15 going over. Okay.

16 Thank you, sir.

17 WESLEY: Madame Chair, Ladies and Gentlemen of  
18 the Commission. I am Wesley (inaudible), and I'm  
19 from Socorro, New Mexico. I've been trapping most  
20 of my life, and I've been around several years,  
21 probably more than any of you here. And I  
22 understand trapping inside and out, and I would  
23 like to keep the rules as they are. I don't think  
24 that there's a need for other -- the changes. It  
25 will handicap us in some ways.

1           The one thing that we do need is trappers  
2 education. We go along with that for 100 percent.  
3 We've been trying to get this for 40 years in the  
4 Trappers Association.

5           Another thing that, you mentioned the kit fox,  
6 and this is for your information. Most of the kit  
7 fox that are caught are incidental. There's very  
8 few trappers that want to take a kit fox and most  
9 of us release them. We don't take them. We  
10 release them.

11           So on that information, that's all I need to  
12 let you know about. I have written to you. I have  
13 been to two or three other meetings, and I think  
14 you know where I stand. Thank you.

15           MADAME CHAIR SALAZAR HICKEY: Thank you, sir.

16           Next up is Chance. Chance, if you could  
17 please come forward, and thank you, sir, for your  
18 public comment. Two minutes, please.

19           CHANCE STEPFORD: Hello. My name is Chance  
20 Stepford. I'm president of New Mexico Trapping  
21 Association. Thank you guys for allowing us to  
22 comment on this rule.

23           The North American model of wildlife has been  
24 of great success in our country for many years.  
25 Why? Because it's science-based. Hundreds upon

1 hundreds of hours of research done by educated  
2 biologists have resulted in an abundance of  
3 wildlife. As you know, the model supports for  
4 (inaudible) trapping. Trapping is a large part of  
5 the success of non-predatory wildlife as well as  
6 the animals we trap. Wildlife Management is  
7 science based. Politics has no place in wildlife  
8 management.

9 The proposed setback rule is concerning for  
10 few reasons. New distance proposal would -- would  
11 exclude some farms and many ranch pastures. Thank  
12 you for the (inaudible). Game & Fish has been  
13 promoting hunting, fishing, and trapping for the  
14 last few years because involvement has been  
15 lacking. Reduced available land roads against  
16 this.

17 The very pets that this proposal aims to  
18 protect will in fact have an increased (inaudible).  
19 The dogs (inaudible) are likely to be injured or  
20 killed by a coyote on a trail than injured by a  
21 trap. Let's not forget that the reason the leash  
22 laws is to protect the public, livestock, and  
23 wildlife from loose dogs.

24 Allowing the Department the ability to set  
25 back limits again has no scientific basis. If you

1 consider the size of New Mexico, 77 million acres  
2 versus the number of trappers and the number of  
3 furbearers takings here, there's absolutely no  
4 reason for this. It'll open handler (inaudible) in  
5 both the Department and outdoors men and women in  
6 our state.

7 The anti groups will see this as an  
8 opportunity to put pressure on the Game Department  
9 as well as the Commission on a yearly basis.

10 MADAME CHAIR SALAZAR HICKEY: Thank you,  
11 Chance.

12 CHANCE STEPFORD: Thank you.

13 MADAME CHAIR SALAZAR HICKEY: The next speaker  
14 is Chris.

15 And thank you all for being very mindful of  
16 (inaudible).

17 CHRISTOPHER SMITH: (Inaudible), Members of  
18 the Commission, Director Sung, thank you for taking  
19 public comment, and I appreciate your efforts to  
20 date on this rule. I know it's not easy. My name  
21 is Christopher Smith. I'm here on behalf of  
22 Wildlife Guardians. I work closely with the  
23 Trapping New Mexico Coalition who has been engaged  
24 in this issue for nearly a decade.

25 We sent you a comprehensive letter with

1        comments, and I'll be sure to get that to you,  
2        Madame Chair, as well. I hope you've read those.

3                Frankly, we think this rule change is  
4        inadequate. The new rules will not change the fact  
5        that trapping is inherently indiscriminate, that  
6        it's a public safety hazard. So far in this  
7        trapping season we know of at least three dogs that  
8        have been caught and injured in leg hold traps here  
9        in New Mexico. And this rule will not stop the  
10        inflictive -- infliction of horrible suffering on  
11        thousands of animals every trapping season.

12               We also don't think that this rule change  
13        impacts the fact that trapping is an archaic  
14        inequity that New Mexico is behind in confronting.

15               I wanted to -- not to pile on Mr. Liley's  
16        presentation a little bit, but I did want to note  
17        that not only has the European Union banned traps  
18        but over a hundred countries have banned traps. So  
19        the idea that we are meeting international  
20        standards, I think, is false. Mr. Liley's  
21        presentation referenced trapping as an management  
22        tool.

23               My understanding of management tools and  
24        pertaining to wildlife is that they have specific  
25        goals and they're monitored. I don't know of the

1 specific rules that recreational commercial  
2 trapping are attempting to meet. I think that  
3 trapping is a convenient outlier in the North  
4 American model, and I don't see it as consistent  
5 with the model. I also notice in the presentation  
6 that we didn't see any pictures of animals in traps  
7 or skinned. So I think we're trying to clean it up  
8 a little bit more than it is inherently.

9 Three of the four closure areas that you're  
10 proposing, we have not seen dogs trapped in those  
11 areas. We think that we're leaving unprotected  
12 spots in the state. 70 percent of New Mexicans  
13 oppose trapping, and New Mexico deserves trap-free  
14 public lands. Thank you.

15 MADAME CHAIR SALAZAR HICKEY: Thank you,  
16 Chris, for your comments.

17 Joanne. I believe -- oh, my gosh, yes, this  
18 is Representative Joanne Very. Thank you very  
19 much. Your comments, please. Two minutes.

20 JOANNE VERY: Thank you. I'm here as a  
21 citizen and concerned about wildlife protections.  
22 I believe that we should ban trapping especially on  
23 public lands altogether. I appreciate the  
24 protections that you're trying to impose, but I  
25 don't think that there's enough trail heads and



1 paths that are designated that would give the  
2 protections that we need and the enforcement. You  
3 know, saying the traps have to be checked every day  
4 is not something that is enforceable. And that you  
5 would need a lot more Game & Wildlife officers out  
6 in the open and checking on that, and especially  
7 making it so it expands for the water traps to be  
8 only checked every two days when we know they  
9 probably aren't even checked once a week.

10 So I think it's important that you maybe start  
11 over, as someone suggested, Mr. Bixby, and make  
12 sure that we consider also just banning trapping  
13 altogether. It -- I lost two dogs in the early  
14 '70s to traps, and I just -- I'm horrified to think  
15 about how they suffered and that all the other  
16 furbearing animals that it's open to making them  
17 available to suffer, too. So I would hope that you  
18 might turn this down.

19 Thank you.

20 MADAME CHAIR SALAZAR HICKEY: Thank you.

21 I think we have one last question from the  
22 public, and that is -- I think this is Kurt. Kurt,  
23 are you here? And again, two minutes. We're doing  
24 very well. Okay. Very good.

25 KURT ANDERSON: My name is Kurt Anderson. I'm

1 on the executive committee of the Rio Grande  
2 Chapter Seer Club. I also am a member of the Solid  
3 Water Conservation District, Dona Ana County. And  
4 I want to object or speak against item S, item S  
5 exceptions. It seems very unclear to me that what  
6 you're going to do with designated agencies. I  
7 think you've (inaudible) of wildlife services, for  
8 instance, which I supposedly controlling  
9 depredating animals for law enforcement purposes,  
10 I'd like to clarify, and to protect human health  
11 and safety or for research or management.

12 It seems like a very broad exception to the  
13 law, almost anything. In particular I'm concerned  
14 about the fact that there seems to be very little  
15 evidence that, for instance, rabies is controlled  
16 by trapping at all. Thank you.

17 MADAME CHAIR SALAZAR HICKEY: Thank you very  
18 much.

19 Do we have any other comments from the public?  
20 And I think we had one more. And I think this will  
21 be our last one before we proceed for a vote and  
22 then possibly a break, if everybody is ready for  
23 one.

24 Shelly, thank you for coming forward.

25 SHELLY STUCKARD: Good morning. I'm Shelly

1 Stuckard with New Mexico Trappers Association, and  
2 I just have a couple comments that I was listening  
3 to people talk about that I thought I'd respond on.  
4 One, they talk about New Mexico citizens and how  
5 traps are dangerous and to all the citizens and the  
6 population. As a trapper, I am part of the  
7 population. I am part of the land user, too. So  
8 to say that it should just favor one type of a  
9 person, no, I am part of -- I am part of this and  
10 I've grown up here my entire life.

11 Two, there are rules that protect your animals  
12 if you're walking them, and you need to put them on  
13 the leash, follow the leash laws, follow the laws.  
14 We follow our laws. If we're following ours, you  
15 follow yours, there is no reason at all why there  
16 should be problems.

17 I noticed a comment saying that we're not  
18 regulated and that every day checks cannot be  
19 regulated. Well, bow hunters can't be regulated.  
20 Fishermen cannot be regulated. They are.

21 It's a moral duty to follow a law. Game &  
22 Fish does not follow around every person using the  
23 outdoors. If so, we'd see a lot more tickets with  
24 people with dogs in public without leashes on them  
25 because Game & Fish would catch them constantly.

1 They would catch the bow hunters. They'd catch the  
2 turkey hunters. They would catch everybody. It's  
3 a moral obligation to follow the law on both sides  
4 of the spectrum.

5 That's all I wanted to say. Thank you very  
6 much.

7 MADAME CHAIR SALAZAR HICKEY: Thank you.

8 Thank you everyone for coming forward with  
9 your comments. I did notice, for the record, that  
10 some of you brought to the microphone things in  
11 your hands. So my question here is are there any  
12 other exhibits anyone would like to enter into the  
13 record at this time? Okay. Very good.

14 So, Commissioners, I think we are ready for a  
15 vote.

16 UNIDENTIFIED FEMALE: Ma'am, I do have one I  
17 would like to enter, please.

18 MADAME CHAIR SALAZAR HICKEY: Okay, very good.  
19 Will you please come forward and we will have that  
20 exhibit.

21 DIRECTOR SLOAN: Madame Chair, before the vote  
22 you'll need to close this section of the hearing.

23 MADAME CHAIR SALAZAR HICKEY: Oh, I'm sorry.  
24 Sorry, sorry, sorry, sorry.

25 DIRECTOR SLOAN: After you enter the --

1 MADAME CHAIR SALAZAR HICKEY: Thank you.

2 Thank you. Yep, yep, yep, yep.

3 Okay. Has everyone presented, signed the  
4 attendance sheet? I have the cards, but have you  
5 signed the attendance sheet? Yes, I see some nods.  
6 If there are no other questions, I will admit -- I  
7 will admit the attendance sheet as the exhibit.

8 Yes?

9 DIRECTOR SLOAN: 7.

10 MADAME CHAIR SALAZAR HICKEY: 7. The comments  
11 submitted and testimony heard during this hearing,  
12 rule hearing --

13 DIRECTOR SLOAN: Madame Chair?

14 MADAME CHAIR SALAZAR HICKEY: Yes, sir?

15 DIRECTOR SLOAN: Can we mark the letter from  
16 the Trappers Association as Exhibit 8 as well?

17 MADAME CHAIR SALAZAR HICKEY: Yes. Thank you,  
18 Director Sloan. And that will be an exhibit. So  
19 we have two exhibits; is that correct?

20 DIRECTOR SLOAN: We have a total of 8, but two  
21 of them --

22 MADAME CHAIR SALAZAR HICKEY: Oh, total.

23 Okay.

24 DIRECTOR SLOAN: -- the sign-in sheet and the  
25 letter.

1 MADAME CHAIR SALAZAR HICKEY: Okay, very good.

2 The comments submitted in testimony heard  
3 during this rule hearing will be reviewed by the  
4 Commission and discussed during the open session of  
5 today's meeting. The Commission will vote on the  
6 proposed rule at this time.

7 I would like to thank everyone present for  
8 their participation today. We are here to listen  
9 and we are here to be fair and to make a thorough  
10 decision respecting all sides of the issue.

11 So let the record show that this rule making  
12 hearing -- oh, wait, we have to vote.

13 Any more comments from the Commissioners? I  
14 kind of looked at the faces and it was like okay.  
15 So --

16 COMMISSIONER VESBACH: Madame Chair?

17 MADAME CHAIR SALAZAR HICKEY: And then I'll  
18 look to this side.

19 Yes, Commissioner Vesbach?

20 COMMISSIONER VESBACH: So we've heard this  
21 around the state a few times, and I think this is  
22 one of those classic, you know, urban world of  
23 ideas. I've read all, at least looked through all  
24 2,000 or so comments we got. And a lot it, it's  
25 quicker than it sounds because a lot of them were

1 identical. But the ones that were unique, I looked  
2 at. And really, what has struck me through this is  
3 the primary conflict on both sides, the interest is  
4 around domestic animals. It's around dogs being  
5 caught or protection of livestock has been, not all  
6 the comments, but the bulk of the comments has been  
7 around that.

8 And I think the -- the Department has done a  
9 good job with this to look at and try to find  
10 balance in those conflicts. I mean, people really  
11 want to protect their livestock. They really want  
12 to protect their dog, and this is -- we have areas,  
13 closed trapping where it's high traffic. We have  
14 hunter trapper education for the first time.  
15 That's something I could just transform to hunting,  
16 and we now have it for trapping. That's going to  
17 be important.

18 And I think everybody wants to get rid of  
19 illegal trapping and crack down on illegal  
20 trapping. This is going to help with that. And so  
21 reducing those conflicts, I think this is -- this  
22 rule is aimed at reducing that conflict, and I  
23 think it's -- you know, I think the Department has  
24 done a nice job trying to strike that balance.  
25 That's all I want to say.

1 MADAME CHAIR SALAZAR HICKEY: Very good.

2 Thank you, Commissioner.

3 Any other comments?

4 COMMISSIONER LOPEZ: Madame Chair?

5 MADAME CHAIR SALAZAR HICKEY: Yes,

6 Commissioner Lopez?

7 COMMISSIONER LOPEZ: First off, I'd like to  
8 thank the Department for all the hard work they  
9 have done in the last year or so dealing with the  
10 trapping issue. I do echo what Commissioner  
11 Vesbach says, that we do have two sides to the  
12 story. I understand the grievances of the outdoor  
13 recreation is how they deal with the harm that's  
14 caused to the animals.

15 But I also do hear the grievances of the  
16 agricultural end of the aspect where our livestock  
17 can and have been damaged by predators and  
18 they -- these predators need to be controlled. But  
19 I believe that this is a fair set of rules for now,  
20 that both sides can agree on, along with the  
21 Department, and we'll learn to adapt and with these  
22 adaptations we'll learn the mistakes. And if these  
23 mistakes need to be corrected or anything, we still  
24 have that option later on down the stream.

25 But for now, thank you to the Department and



1           thank you for both sides of the industry, the  
2           outdoor recreationists, and the agricultural side  
3           for your comments. And again, thank you so much.

4           MADAME CHAIR SALAZAR HICKEY: Very good.

5           Thank you, Commissioner.

6           Any other comments?

7           COMMISSIONER BATES: I guess I had a comment.

8           MADAME CHAIR SALAZAR HICKEY: Commissioner  
9           Bates?

10          COMMISSIONER BATES: We have received a number  
11          of emails, and (inaudible) read each and every one  
12          of those, but I feel like this -- this rule does  
13          place an undue burden on the trapper. You heard  
14          some of them, not even a block, a mile around, you  
15          know, to set a trap. And I understand why we're  
16          doing it and I think probably, you know, it might  
17          be necessary. I'm still not sure if I'll vote in  
18          favor of this rule because of that burden.

19          These trappers don't view what they're doing  
20          as recreation or a sport. You know, they see it as  
21          a means of species population management, disease  
22          control, heritage, a way of life, and yes, it's a  
23          means of income. And I understand they're a  
24          minority, but we live in the United States of  
25          America. This is a country which prides itself on

1       defending rights of minorities even if it be a  
2       minority of one, we fervently and passionately  
3       defend those rights, as we should.

4               And yes, we have to guard against the tyranny  
5       of the minority over the majority. We must also  
6       protect from tyranny of the majority over the  
7       minority. Yet when it comes to the trapper, it  
8       seems like the majority of voices have the say,  
9       trapper, get out, there's no place for you. Are we  
10      going to say that for all the other minority  
11      groups? I don't think so. I hope not. And so I  
12      can't get my mind around that dichotomy, and  
13      therefore I can't give my support.

14             Thank you.

15             MADAME CHAIR SALAZAR HICKEY: Thank you,  
16      Commissioner. That was very good.

17             Any other comments from our Commissioners?

18             COMMISSIONER SALAZAR-HENRY: One other, Madame  
19      Chair.

20             I would like to echo what Commissioner Bates  
21      stated in that the setback rule does place an  
22      extreme hardship on the trappers, that mile to  
23      every trap every day is a hardship. And after  
24      talking with Shane Mahoney on the trapping, he's  
25      the writer of the North American model, it is an

1 extreme hardship. But one of -- trapping is one of  
2 the most regulated sports, I don't know if you call  
3 it a sport, whatever it is, activity in America,  
4 and New Mexico has some of the most extreme  
5 regulations as well. And that half mile places a  
6 huge hardship on those trappers to every trap.

7 Thank you.

8 MADAME CHAIR SALAZAR HICKEY: Any other  
9 comments or questions?

10 Very good. Are we ready to move to a vote? I  
11 see some nods from the Commissioners. Okay. Very  
12 good. So I think what we'll do is we'll take the  
13 vote with ayes and nays. So all in favor --

14 DIRECTOR SLOAN: Madame Chair.

15 MADAME CHAIR SALAZAR HICKEY: Excuse me.  
16 Thank you, thank you, thank you, thank you.

17 I need a motion from one of the Commissioners.

18 COMMISSIONER VESBACH: Madame Chair?

19 MADAME CHAIR SALAZAR HICKEY: Yes,  
20 Commissioner Vesbach?

21 COMMISSIONER VESBACH: I move to repeal and  
22 replace 19.32.2 NMAC and to amend 19.31.10 NMAC as  
23 presented by the Department and allow the  
24 Department to make minor corrections to comply with  
25 filing this rule with the state records and

1 archives.

2 MADAME CHAIR SALAZAR HICKEY: Do I have a  
3 second?

4 COMMISSIONER CRAMER: Second.

5 MADAME CHAIR SALAZAR HICKEY: Very good.

6 Commissioners, those of you in favor, please  
7 say aye.

8 COMMISSIONER VESBACH: Aye.

9 COMMISSIONER SOULES: Aye.

10 COMMISSIONER SALAZAR-HENRY: Aye.

11 COMMISSIONER LOPEZ: Aye.

12 MADAME CHAIR SALAZAR HICKEY: Aye.

13 COMMISSIONER BATES: Nay.

14 COMMISSIONER CRAMER: Nay.

15 MADAME CHAIR SALAZAR HICKEY: How many was  
16 that? Two.

17 Okay. I think that the ayes have it. That  
18 rule passes.

19 Okay. We are on hearing item number 3A. It  
20 will be presented by Chad Nelson. I believe the  
21 Department will present the final changes to the  
22 Game & Fish licenses permits rule, 19.30.9 NMCA.

23 And I thank everyone for listening.

24 My name is Sharon Salazar Hickey. I will be  
25 serving as the hearing officer for this portion of

1 the meeting. And be advised by the Commission's  
2 counsel from the Office of the Attorney General.  
3 The purpose of this hearing is for consideration of  
4 final adoption of the following proposed rule by  
5 the Commission.

6 The hearing item is, one, for the Commission  
7 to receive public comment on the proposed new Fair  
8 Chase Rule, Title 19, Chapter 30, Part 18 of the  
9 New Mexico Administrative Code. The Fair Chase  
10 Rule will become effective on February 11th, 2020.

11 These hearings are being conducted in  
12 accordance with the provisions of the Game & Fish  
13 Act and the State Rules Act. These hearings are  
14 being audiotaped, thank you, and video recorded.  
15 Anyone interested in a copy of the audiotape or  
16 video recording should contact Tristanna Bickford  
17 with the Game & Fish Department.

18 Public notice of this hearing was advertised  
19 in the New Mexico Registrar, the New Mexico  
20 Sunshine Portal, and on the Department's website.  
21 Copies of the proposed new rules have been  
22 available on the Department's website. Those  
23 wishing to comment here today, please sign the  
24 attendance sheet at the back of the room, which  
25 will later be entered into the record as an

1 exhibit.

2           These -- now an explanation of our hearing  
3 procedures. These rule hearings will be conducted  
4 in the following manner: staff will present  
5 prefiled exhibits. Exhibits admitted into evidence  
6 are available for review by the public but exhibits  
7 may not be removed from this room. After all  
8 exhibits are entered, we will proceed to the  
9 presentation of the proposed rule after which  
10 testimony will be taken from the audience.

11           In order to make sure that the hearing is  
12 accurately recorded, only one person at a time  
13 shall be allowed to speak. Any person recognized  
14 to speak is asked to, one, identify yourself by  
15 name and who you are affiliated with for the record  
16 each time you are recognized. And two, speak  
17 loudly and clearly to accurately record your  
18 comments. After a person has offered comment, they  
19 will stand for questions from me, and the audience  
20 may also ask questions of anyone offering comments  
21 after being recognized by me. These hearings are  
22 not subject to judicial rules of evidence. We're  
23 not in court. However, in the interest of  
24 efficiency, I reserve the right to limit any  
25 testimony deemed irrelevant, redundant, or unduly

1           repetitious. But again, we try to listen.

2           The Commission may discuss the proposed new  
3 rules after the public comment portion of the  
4 hearing. Final Commission action, including  
5 adoption of the rules, may occur after the  
6 conclusion of the presentation and public comment  
7 period of each hearing.

8           We are going to begin our hearing now. This  
9 hearing is now open. Are there any exhibits for  
10 the proposed new rule 19.30.0 for the record?

11           DIRECTOR SLOAN: Madame Chair, I have five  
12 exhibits to submit for the record. Exhibit 1 is  
13 the notice of rule making; Exhibit 2 is the clean  
14 copy and strike through versions of the rules that  
15 were posted to the website; Exhibit 3 is the  
16 presentation that will be given today; Exhibit 4 is  
17 the summary of the proposed changes that was put on  
18 the website; and Exhibit 5 is the six public  
19 comments that we received.

20           MADAME CHAIR SALAZAR HICKEY: Very good.

21           Well, Chad, can you please proceed to  
22 introduce the proposed new rule for 19.30.9? Thank  
23 you.

24           MR. NELSON: Madame Chair, thank you.

25           So we are here to present final proposed

1 amendments to the perhaps misnamed Game & Fish  
2 licenses and permits rule, which actually primarily  
3 regulates licensed vendors. So the rule actually  
4 specifies the requirements for licensed vendors and  
5 also financial liability for carcass tags.

6 So I want to give you a little background on  
7 this. This will be the third time that I'm  
8 presenting this rule. A couple of years ago,  
9 starting in 2018, we reimplemented a carcass tag  
10 requirement. And as part of that process, we now  
11 assign a controlled number of carcass tags to all  
12 of our vendors. So we established at that time  
13 financial liability for failure to return those as  
14 we had specified in the rule.

15 The previous rule established those  
16 liabilities as \$125 per tag for the first  
17 occurrence, \$250 for the second occurrence, and  
18 required the Department to suspend the vendor's  
19 licensed spending privileges on a third offense.  
20 So we had some trouble with that, obviously,  
21 because it's unclear what happens if they, for  
22 example, lose three in one month.

23 So we are proposing to do is clarify the  
24 license vendor's responsibilities and reduce the  
25 penalties for lost carcass tags to hopefully



1           simplify the rules. So the penalty for each  
2 unusable tag and each unused blank tag would be set  
3 at \$100 per tag. A little explanation of that, an  
4 unusable tag, the way that this works, the way that  
5 vendors issue the tags, they enter a control number  
6 and then they come to a screen where we display  
7 exactly how the tag is supposed to look. And they  
8 are supposed to handwrite those.

9           So if they make a mistake, they designate,  
10 that mark that tag as unusable. So that is what  
11 we're talking about when they are financially  
12 liable. If they make a mistake, they can't throw  
13 that tag away. They have to return it to us.  
14 Unused blank tags are tags that have not been used  
15 at the end of a license year, which they are also  
16 required to return those. The provision requiring  
17 the Department to suspend a vendor on the third  
18 occurrence is also (inaudible).

19           We received six public comments. All were  
20 from licensed vendors. We actually asked them to  
21 weigh in because this is a rule that affects them.  
22 Most of the comments were not related to the  
23 changes that we are making. One comment was  
24 related to the Department's time frame for  
25 collecting payments for cash sales. The rule

1 specifies that vendors have to pay the Department  
2 for their cash sales every two weeks or 5,000 in  
3 sales, whichever comes first.

4 So this kind of was primarily a complaint that  
5 they don't sell very many licenses and yet we are  
6 hassling them to pay us. So there's not much we  
7 can do about that. We sort of notify all vendors,  
8 regardless.

9 The other comments were not related  
10 specifically to the changes we're proposing. We  
11 did have four of the six that were in support of  
12 increasing the vendor fee.

13 With that, I'll stand for any questions?

14 MADAME CHAIR SALAZAR HICKEY: Thank you very  
15 much.

16 Any comments or questions from the  
17 Commissioners?

18 COMMISSIONER LOPEZ: Yes.

19 MADAME CHAIR SALAZAR HICKEY: Yes,  
20 Commissioner Lopez?

21 COMMISSIONER LOPEZ: How many tags are each  
22 vendor issued?

23 MR. NELSON: Madame Chair, Commissioner Lopez,  
24 that depends on their sales. We actually look at  
25 the actual number of the game or turkey licenses

1 that they sell, and we can sign -- so they come in  
2 bundles of 50. We can sign an extra bundle if they  
3 are in the middle so that they -- we know that they  
4 have enough.

5 COMMISSIONER LOPEZ: And just to clarify, so  
6 if you give a vendor 50 tags. Just say Chama, and  
7 none of those tags are sold, probably wouldn't  
8 happen. Those 50 tags are then returned to the  
9 Department and you charge them \$100 for each tag  
10 they return unused, right? Or no?

11 MR. NELSON: Madame Chair, Commissioner Lopez,  
12 if they return the tags we do not charge them.

13 COMMISSIONER LOPEZ: Okay.

14 MR. NELSON: We can sign them to them when  
15 they return them. If they fail to return them,  
16 they are penalized and what we're proposing is \$100  
17 per tag as a penalty.

18 COMMISSIONER LOPEZ: Thank you.

19 MADAME CHAIR SALAZAR HICKEY: Good question.  
20 Thank you.

21 COMMISSIONER SALAZAR-HENRY: Madame Chair?

22 MADAME CHAIR SALAZAR HICKEY: Commissioner  
23 Henry?

24 COMMISSIONER SALAZAR-HENRY: How is that Chad?  
25 It's good to see you again.

1           So can you explain to me why we removed the  
2 requirement that you suspend them if they are a  
3 continual I lost this or I messed this up? How  
4 come that provision is being removed?

5           MR. NELSON: Madame Chair, Commissioner Henry,  
6 so we thought it was sort of overly burdensome on  
7 the third occurrence to suspend them. The  
8 director's authority has been clarified. The  
9 director has the authority to place restrictions or  
10 conditions on a vendor's privileges. So if we run  
11 into problems where we are having a habitual  
12 offender, the director has the authority to suspend  
13 their license privileges.

14           COMMISSIONER SALAZAR-HENRY: Okay. So that's  
15 written somewhere else in the rule.

16           MR. NELSON: Madame Chair, Commissioner Henry,  
17 that's correct.

18           COMMISSIONER SALAZAR-HENRY: Thank you.

19           MADAME CHAIR SALAZAR HICKEY: Any comments or  
20 questions?

21           Would anyone in the public like to comment on  
22 the new rule title 19, chapter 30, part 9? I don't  
23 have any cards.

24           Very well.

25           DIRECTOR SLOAN: Madame Chair?

1 MADAME CHAIR SALAZAR HICKEY: Yes.

2 DIRECTOR SLOAN: We need to make an exhibit of  
3 the blank attendance sheet.

4 MADAME CHAIR SALAZAR HICKEY: Oh, very good.  
5 Okay.

6 DIRECTOR SLOAN: I believe that will be  
7 Exhibit 6. Clearly this is the real --

8 MADAME CHAIR SALAZAR HICKEY: We will move  
9 into Exhibit 6, I believe, a blank attendance  
10 sheet. Yes?

11 DIRECTOR SLOAN: Correct.

12 MADAME CHAIR SALAZAR HICKEY: Okay. Exhibit  
13 sheet.

14 Has -- if there are no other questions, I will  
15 admit the attendance sheet as Exhibit 7.

16 DIRECTOR SLOAN: 6.

17 MADAME CHAIR SALAZAR HICKEY: 6. And the  
18 comments submitted in testimony heard during this  
19 hearing will be reviewed by the Commission and  
20 discussed during the open session of today's  
21 meeting. The Commission will vote on the proposed  
22 rule at this time as we are closing the hearing.

23 I would like to thank everyone here present  
24 for their participation today. Thank you, members  
25 of the public, and thank you, Chad.

1           Let the record show that this rule making  
2 hearing was adjourned -- oh, we need to vote. Do I  
3 have a motion on this rule from any of the  
4 Commissioners?

5           COMMISSIONER VESBACH: Madame Chair?

6           MADAME CHAIR SALAZAR HICKEY: Commissioner  
7 Vesbach?

8           COMMISSIONER VESBACH: I move to adopt the  
9 proposed changes to 19.3.9 NMAC as presented by the  
10 Department and allow the Department to make minor  
11 corrections to comply with filing this rule with  
12 state records and archives.

13           MADAME CHAIR SALAZAR HICKEY: Thank you,  
14 Commissioner Vesbach.

15           Do I have a second.

16           COMMISSIONER CRAMER: I'll second.

17           MADAME CHAIR SALAZAR HICKEY: I think we will  
18 take Commissioner Cramer. Thank you.

19           Now for the vote, we will take ayes as a vote  
20 for yes and nays as a vote for no. All in favor  
21 say aye.

22           ALL COMMISSIONERS: Aye.

23           MADAME CHAIR SALAZAR HICKEY: The ayes have  
24 it. Let the record show that this rule hearing was  
25 adjourned at 11:31, and this rule has passed.

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Thank you.

[The recording concludes.]

## TRANSCRIPTIONIST'S CERTIFICATE

1  
2  
3 I, Karen Baca, certified transcriptionist, do hereby  
4 certify that the foregoing is a true and correct  
5 transcript of the proceeding had in the within titled and  
6 numbered cause on the date herein set forth.

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8 IT IS FURTHER CERTIFIED that Paul Baca Professional  
9 Court Reporters is neither employed by nor related to any  
10 of the parties or attorneys in this case, and that this  
11 firm has no interest whatsoever in the final disposition  
12 of this case in any court.

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**MINUTES - NEW MEXICO STATE GAME COMMISSION**  
**Friday, January 17, 2020**  
**Las Cruces, NM**

**AGENDA ITEM NO. 1: Meeting Called to Order**

Called to order by Vice Chairwoman Salazar-Henry at 9:00 AM

**AGENDA ITEM NO. 2: Roll Call**

All present: Vice Chairwoman Salazar-Henry, Commissioner Cramer, Commissioner Lopez, Commissioner Soules, Commissioner Vesbach, Commissioner Bates and Commissioner Salazar Hickey.

**AGENDA ITEM NO. 3: Approval of Agenda**

**Motion by:** Commissioner Vesbach moved to amend the agenda, moving item 12 to follow the lunch break.

**Seconded by:** Commissioner Soules

**Approved:** Unanimously

**AGENDA ITEM NO. 4: Introduction of Guests**

**AGENDA ITEM NO. 5: Consent Agenda**

**Motion by:** Commissioner Bates moved to approve the consent agenda.

**Seconded by:** Commissioner Vesbach

**Approved:** Unanimously

**NEW BUSINESS:**

**AGENDA ITEM NO. 6: General Public Comments**

**AGENDA ITEM NO. 7: Election of Chair and Vice Chair of the State Game Commission**

**Motion by:** Commissioner Vesbach moved to appoint Commissioner Salazar-Henry as vice chair of the State Game Commission.

**Seconded by:** Commissioner Lopez

**Approved:** Unanimously

**Motion by:** Commissioner Lopez moved to appoint Commissioner Salazar Hickey as chair of the State Game Commission.

**Seconded by:** Commissioner Bates

**Approved:** Unanimously

**AGENDA ITEM NO. 8 Annual Adoption of the Open Meetings Resolution**

Leif Rasmussen presented the Open Meetings Act Resolution to the State Game Commission.

**Motion by:** Vice Chairwoman Salazar-Henry moved to adopt the 2020 State Game Commission Open Meetings Resolution.

**Seconded by:** Commissioner Lopez

**Approved:** Unanimously

## PUBLIC RULE HEARING OPEN

### HEARING ITEM NO. 1a (Informational): Rule Making Hearing on a new Fair Chase Rule – 19.31.3 NMAC.

Stewart Liley, Chief of Wildlife Management Division, presented the final proposed rule that would withhold certain wildlife location data collected by the Department or its contractors from the public if the information could be used contrary to the principals of fair chase.

**Action Item No. 1b:** The Commission voted on the final Fair Chase Rule 19.31.3 NMAC after closing of the hearing item.

**Motion by:** Vice Chairwoman Salazar-Henry moved to approve the rule as presented.

**Seconded by:** Commissioner Bates

**Approved:** Unanimously

### HEARING ITEM NO. 2a (Informational): Rule Making Hearing on Final Rule Changes to the Hunting and Fishing Manner and Method Rule – 19.31.10 NMAC and a new Trapping and Furbearers Rule – 19.32.2 NMAC.

Stewart Liley, Chief of Wildlife Management Division, presented the final proposed changes to the Trapping and Furbearers rule (19.32.2 NMAC), and the concurrent changes to the Manner and Method Rule (19.31.10 NMAC) based on public comment, harvest and biological data collected and information from recent literature.

**Action Item No. 2b:** The Commission voted on the final amendments to Hunting and Fishing Manner and Method Rule 19.31.10 NMAC and a new Trapping and Furbearers Rule 19.32.2 NMAC after closing of the hearing item

**Motion by:** Commissioner Vesbach moved to approve the rule as presented.

**Seconded by:** Vice Chairwoman Salazar-Henry

**Approved:** Unanimously

### HEARING ITEM NO. 3a (Informational): Rule Making Hearing on Repealing and Replacing the Game and Fish Licenses/Permits Rule – 19.30.9 NMAC.

**Presented by Chad Nelson** – The Department presented the final changes to the Game and Fish Licenses/Permits Rule (19.30.9 NMAC).

Chad Nelson, Assistant Chief of Licensing, presented the final proposed amendments to the Game and Fish Licenses/Permits rule (19.30.9 NMAC).

**Action Item No. 3b:** The Commission voted on repealing and replacing the Game and Fish Licenses/Permits Rule (19.30.9 NMAC) after closing of the hearing item.

**Motion by:** Commissioner Vesbach moved to approve the rule as presented.

**Seconded by:** Commissioner Cramer

**Approved:** Unanimously

## **PUBLIC RULE HEARING CLOSED**

### **AGENDA ITEM NO. 10: Future Meeting Schedule and Locations.**

James Comins, Assistant Director, presented a meeting schedule for the 2020 calendar year and for January of 2021. Suggested meeting dates and locations are:

- March 4, 2020 - Albuquerque (Wednesday)
- April 30, 2020 - Silver City (Thursday)
- June 19, 2020 - Santa Fe (Friday)
- August 13, 2020 - Chama (Thursday)
- October 16, 2020 - Taos (Friday)
- December 3, 2020 - Roswell (Thursday)
- January 15, 2021 - Las Cruces (Friday)

**Motion by:** Vice Chairwoman Salazar-Henry moved to approve the rule as presented.

**Seconded by:** Commissioner Bates

**Approved:** Unanimously

### **AGENDA ITEM NO. 9: Fiscal Year 2019 Department Audit Results and Review**

Contractor Moss Adams LLP presented the financial audit of the Department for fiscal year 2019 . The Department's Financial Statement received the highest possible opinion of "unmodified."

**Motion by:** Commissioner Lopez moved to approve the audit as presented.

**Seconded by:** Vice Chairwoman Salazar-Henry

**Approved:** Unanimously

### **LUNCH BREAK**

### **AGENDA ITEM NO. 12: Workshop - Department's E-PLUS program**

Stewart Liley, Chief of Wildlife Management Division, presented an update on the new EPLUS rule. This presentation included a brief history of the rule prior to the changes, the reasons for the changes and the anticipated improvements initiated by the new rule. Additional information was presented concerning the implementation of the new rule and improvements that could be incorporated in the future. The previous EPLUS rule had not been opened in its entirety since its inception in 2005.

### **AGENDA ITEM NO. 11: General Public Comments**

### **AGENDA ITEM NO. 13: Closed Executive Session**

**Motion by:** Vice Chairwoman Salazar-Henry moved to adjourn into Executive Session closed to the public; pursuant to 10-15-1(H)(2) NMSA 1978, to discuss limited personnel matters relating to complaints and discipline; pursuant to Section 10-15-1(H)(8) NMSA 1978, to discuss property acquisition; and pursuant to Section 10-15-1(H)(7) NMSA 1978, to discuss matters subject to attorney-client privilege relating to threatened or pending litigation.

**Seconded by:** Commissioner Lopez

**Roll Call Vote – Approved:** Unanimously; Chairwoman Salazar Hickey, Vice Chairwoman

Salazar-Henry, Commissioner Cramer, Commissioner Lopez, Commissioner Soules,  
Commissioner Vesbach, Commissioner Bates.

**AGENDA ITEM NO. 13: Adjourn at 3:52 PM**

**Motion by:** Commissioner Lopez moved to adjourn.

**Seconded by:** Commissioner Cramer

**Approved:** Unanimously

DRAFT