

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, November 16, 2017, beginning at 9:00 a.m., at Elephant Butte Inn Banquet Facility, 401 NM-195, Elephant Butte, New Mexico, to hear and consider action as appropriate on the following: Presentation of proposed changes to the Guide and Outfitter rule;

Notice of Rule Making

Repeal

19.30.8 NMAC Guide and Outfitter Registration

Replace

19.30.8 NMAC Guide and Outfitter Registration

Synopsis:

The purpose is to repeal and replace the new Guide and Outfitter rule to update and clarify rule language/definitions.

The proposed new rule (19.30.8 NMAC) will include some general formatting to clarify rule language/definitions, adding and removing changes to definitions, removing, adding, and clarifying language to general registration procedures and requirements, adding language to additional requirements to become a New Mexico Outfitter, adding and removing language to outfitter insurance requirements, removing additional qualifications for guide registration and moving this language to registration requirements, adding, removing, and clarifying language to registration fees, adding, removing and clarifying language to contract section, adding, removing, and clarifying language to outfitter or guide misconduct section, renaming additional prohibitions section to criminal violations while adding, removing, and clarifying language to new criminal violations section, and deleting applying in the special draw pool section and moving this section to newly named criminal violations section. A full text of changes will be available on the Department's website.

Interested persons may submit comments on the proposed changes to the Guide and Outfitter rule at dgf-fieldopscomments@state.nm.us; or individuals may submit written comments to the physical address below. Comments are due by 9:00 a.m. on November 16, 2017 when the final rule amendments will be voted on by the Commission during a public meeting on November 16, 2017. Interested persons may also provide data, views or arguments, orally or in writing, at the public rule hearing to be held on November 16, 2017. 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, P.O. Box 25112, Santa Fe, New Mexico 87507, or from the Department's website at www.wildlife.state.nm.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 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.

**MEETING MINUTES
NEW MEXICO STATE GAME COMMISSION
November 16, 2017
Elephant Butte Inn
401 NM 195
Elephant Butte, NM 87935
9:00 a.m. –5:00 p.m.**

A P P E A R A N C E S

Game Commissioner Thomas Salopek

Chairman Paul Kienzle

Vice Chairman Bill Montoya

Game Commissioner Robert Espinoza

Game Commissioner Ralph Ramos

Game Commissioner Bob Ricklefs

Game Commissioner Elizabeth Ryan

A B S E N T None

CHAIRMAN KIENZLE: Roll call.

DIRECTOR SANDOVAL: Commissioner Espinoza.

COMMISSIONER ESPINOZA: Present.

DIRECTOR SANDOVAL: Commissioner Ramos.

COMMISSIONER RAMOS: Thanks for having me here today. I am present. Here.

DIRECTOR SANDOVAL: Commissioner Ryan.

COMMISSIONER RYAN: I'm present.

DIRECTOR SANDOVAL: Commissioner Ricklefs.

COMMISSIONER RICKLEFS: Here.

DIRECTOR SANDOVAL: Commissioner Salopek.

COMMISSIONER SALOPEK: Present.

DIRECTOR SANDOVAL: Vice Chairman Montoya.

VICE CHAIRMAN MONTOYA: I think I'm here.

DIRECTOR SANDOVAL: Chairman Kienzle.

CHAIRMAN KIENZLE: Present.

DIRECTOR SANDOVAL: Chairman Kienzle, I believe we have a quorum.

CHAIRMAN KIENZLE: Okay. We have the series of Rule Hearings coming up and so let me, let me read a statement here. Bear with me. This is for the record. This hearing will please come to order. My name is Commissioner Paul Kienzle. I'll be serving as the Hearing Officer and be advised by the Commission's Council from the office of the Attorney General, Marylou Poli. The purpose of these hearings, one for the Commission to receive public comment and proposed amendments to the Commission's current rules in Title 19, Chapter 30, Part 9 and Title 19, Chapter 31, Parts 10, 12, 13, 14, 15, 16, 17, 21 of the New Mexico Administrative Code regarding rules on Game and Fish Licenses/Permits and Hunting and Fishing Manner and Method of take for carcass tagging. The Commission welcomes those who provided written

comment and everyone here today and two, for the Commission to receive public comment on proposed amendments to the Commission's current rules in Title 19, Chapter 30, Part 9. Is everyone awake? Okay--of the New Mexico Administrative Code regarding the Guide and Outfitting Registration. The Commission welcomes those who provided written comment and everyone here today. Three, for the Commission to receive public comment on proposed amendments to the Commission's current rules in Title 19, Chapter 31, Part 2 of the New Mexico Administrative Code regarding the Hunting and Fishing Licensed Revocation. The Commission welcomes those who provided written comment and everyone here today. Number Four, for the Commission to receive public comment on proposed amendments to the Commission's current rules in Title 19, Chapter 31, Parts 4 and 10 of the New Mexico Administrative Code regarding Fisheries and Hunting and Fishing Manner and Method. The Commission welcomes those who provided written comment and everyone here today and Number five, the Commission has terminated the current Rulemaking Process and will postpone until a later date the commission's Rule title 19, Chapter 31, Part 10 of the New Mexico Administrative Code regarding Trespass Certification. This hearing is being conducted in accordance with the provisions of the Game and Fish Act and the State Rules Act. The hearing is being audio taped, recorded and it may also be video recorded if I recall correctly. Anyone interested in a copy of the audio tape should contact Sandra with the Game and Fish Department to get a copy. Public matters of this hearing was advertised in the New Mexico Register, The Albuquerque Journal and the T or C Herald, The New Mexico Sunshine Portal and on the department's website. Copies of the proposed changes have been available on the department's website and at the department office. Those here today should sign in with comment cards and also there should be a sheet somewhere to sign-in as well and then those sheets and I believe

these comments cards, I know the sheets will but probably the comment cards as well will be entered into the record as an exhibit for these particular hearings. Okay. Let's see. Do you need me to do the Hearing Procedures now or do you want to--

MARYLOU POLI: Mr. Chair, yes. Please proceed with the Hearing Procedures.

CHAIRMAN KIENZLE: Got it. This Rule hearing will be conducted in the following manner. Staff will present pre-filed exhibits. Exhibits admitted into evidence are available for review by the public. The exhibits may not be removed from this room. After all exhibits are entered we'll proceed to the department and staff presentation of the proposed rule. Afterwards, testimony will be taken from the audience. It's not strictly testimony. We typically call it public comment and if you're going to speak again, you need to fill out that sheet that the Director is holding up and then also a comment card. In order to ensure the hearing is accurately recorded, only one person at a time shall be allowed to speak. Any person recognized to speak is asked to identify yourself by name and you are affiliated with for the record. Generally, if you're coming up time and time again, you need to identify yourself every time. Speak loud and clearly so the record is clear. After a person has offered comment, you may very well be asked questions. The department though the presenter, is not asked questions by the public. The Commission can ask questions of the department but it's not typically a situation where the public asks questions of the department presenter. This hearing is not subject to judicial rules of evidence, power of the interest of efficiency; I reserve the right to limit any testimony being irrelevant, redundant or unduly repetitious. The Commission will discuss the proposed rules during a subsequent Commission meeting which typically means we take, we will be discussing it at this meeting and also as an action item on the agenda. Final Commission action, including any adoption of the rules will not take place as part of the Rulemaking Hearing. So as I mentioned, we split this kind of into two

parts. One part is informational. Getting the record together of the second part is the actual action item when we take a vote on the proposal that's under discussion. I'm getting there.

CHAIRMAN KIENZLE: Ayes have it. Number 14a.

COMMISSIONER RAMOS: Mr. Chairman?

CHAIRMAN KIENZLE: Yes?

COMMISSIONER RAMOS: Can I recuse on this item, Agenda Number 14?

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER RAMOS: Thank you.

CHAIRMAN KIENZLE: We will now proceed with the hearing on Proposed Amendments to the Commission's current rules in Title 19, Chapter 30, Part 8 of the New Mexico Administrative Code regarding the Guide and Outfitting Rule. Are there any exhibits for proposed amended rules to 19.30.8 to be entered into the record?

COLONEL GRIEGO: Mr. Chairman, Commissioners, yes there is. I've got my presentation, the proposed rule, strike through rule and the clean version and public comment paper and electronic.

CHAIRMAN KIENZLE: You want to just hand those up to the Director? How many total?

DIRECTOR SANDOVAL: So Mr. Chairman, we have approximately 22 exhibits right now. I'll number them and can we do that now and –

CHAIRMAN KIENZLE: Whenever it suits you.

DIRECTOR SANDOVAL: Okay.

CHAIRMAN KIENZLE: And those are 22 pre-filed from the department?

DIRECTOR SANDOVAL: Mr. Chairman, from the department there would be three pre-filed. We have a number of comment cards and information that I just passed out from the Council of Outfitters and Guides and there are a few other comments. Keri Romero from the Council of Outfitters and Guides as well in addition to the letter that you have in front of you.

CHAIRMAN KIENZLE: And did you say you have the comment cards or who has the comment cards?

DIRECTOR SANDOVAL: Mr. Chairman, I do have the comment cards. I will mark them as an exhibit each individual.

CHAIRMAN KIENZLE: Okay. Usually I enter those at the end. The comment cards. So you can just give those to me now. So I know who I'm dealing with. Thank you. So absent these, how many pre-filed exhibits do you have then?

DIRECTOR SANDOVAL: Mr. Chairman, I have three from the department, two from the Council of Outfitters and Guides, one from Miss Romero and one from looks like the entirety of the interested parties from Council of Outfitters and Guides.

CHAIRMAN KIENZLE: That's a total of how many then?

DIRECTOR SANDOVAL: Five.

CHAIRMAN KIENZLE: So I will admit exhibits, pre-filed exhibits one through five. Does that include the November 15 letter that you handed out?

DIRECTOR SANDOVAL: Mr. Chairman, yes it does.

CHAIRMAN KIENZLE: Okay. Thank you. Colonel Griego, can you please introduce the Proposed Amended Rules for 19.30.8?

COLONEL GRIEGO: Mr. Chairman, Commissioners, I'm here to discuss the repeal and replace the Guide and Outfitter Rule 19.30-8 of the New Mexico Administrative Code. I also have with me our Letitia Mee. Our Guide and Outfitter register. She's here to help me out if I need it. As you all know, that regulation establishes the methods to register, regulate and set professional standards for guides and outfitters and their operation within New Mexico. The department has worked very diligently with many stakeholder groups. We've been having meetings I would say probably the last six months which involved primarily the New Mexico Council of Outfitters and Guides. Commissioner Ramos was also involved in many of those. We've had multiple meetings in Santa Fe with various outfitters and guides within the Council and outside of the Council. I would venture to say that some of these, the discussions have approached well over probably 60 hours put into this rule development. The rule was posted on the public for public comment as of today. Yesterday when I left Santa Fe we had approximately 52. There's been some more that have been straggling in but lots of public comment. Basically, a review of the changes. We added some new definitions to the rule. We clarified language. We tried to set consistent professional standards for the Guides and Outfitters. One of the biggest things we did was we restructured the rule. We left a lot of the language intact but we structured it where it was kind of logical. We really make sense where from the time an outfitter is looking at his work space from registration to the process of all the registration contracts all the way down, each one all the way to the criminal violations so it's very much easier to read and follow with this new restructuring. During these last several months talking to various outfitters there's been several issues that have been brought to the table that they wanted addressed and as the department, we would like to

address and we tried very hard to address all of those concerns. One of the main things with the new definitions. This is all the new definitions but the biggest one there is that accompanied definition and the big part of that is that it says that an outfitter guide shall physically escort the hunter client in the field during the license hunt dates. That will become apparent why that's important further on. We also added the term conviction for the administrative Code and we just felt it was important to have a defined term of conviction in our rule which was not there. We worked on some of the language for the definition of outfitter. All that that you see in black is what has always been there but we tried to address some of the concerns with some of the exceptions to becoming an outfitter is that agent of the landowner exemption. So we tried to address some of the issues that have come up over the years and especially when dealing with landowner permits. I did some additional requirements for guides to make it consistent.

Outfitters currently have to have a Hunter education Course. So we're recommending that that's in the requirement to be put forward for guides and then also history of violations that where it's applicable for guides also. Meaning currently outfitters, if they have a history of violation meaning that their personal hunting and fishing or trapping privileges are revoked they cannot apply to be an outfitter if they're revoked for their own personal practice. Guides currently can be revoked of their hunting, fishing and trapping privileges but still apply to be a guide. So we wanted a history of violation to apply to guides also. Again, one of the exceptions is the agent as a landowner. That would be what you see in the black is what has always been there. We added some language where they just specifically cannot act independently from the landowner and then added some language in there that pertains to guiding anyone on federal lands. They require that if you are doing a commercial activity on federal property regardless of landowner permit, that you must be registered with the state. So we just wanted to make it as consistent as possible

across all agencies. Again, to eliminate any confusion out there. Contracts were a significant issue that was discussed over the several months so we tried to give two options. Currently all outfitters or guides that have outfitted hunts. They must carry the contract with them in the field. We gave them a second option of allowing them to submit the contracts electronically to the Guide and Outfitter Register at least 48 hours prior to their hunt. Also with contracts that did for a hunter-client choses to hunt beyond their contracted dates. The two-day minimum contracted dates, that they must carry that contract with them in the field to show us that they were contracted with an outfitter and the only reason they would need to carry that was unless it was not submitted to the department prior to the 48 hours. If it was submitted, that requirement would no longer be applicable. In the special drawing pool, the contracts that the 10% pool we're recommending that every outfitter showing sure that each hunter client who obtains a license in that 10% pool is accompanied and again, if you remember that definition of accompanied, that they would be physically escorted in the field during their hunt dates. During the hunt dates is important as we've had multiple discussions on abuses of the system or perceived abuses of the system where outfitters have been meeting at the coffee shop or via the telephone. We feel that that accompanied definition will tighten that up where they have to be in the field guiding them for those two days. Another addition to addressing some of the perception of the saturation of the special drawing pool is that an outfitter cannot guide or contract with themselves in applying special drawing pool. They must again, we felt that that legislative intent of that special drawing pool was to ensure that a percentage of hunters go to guide outfitting industry for guided hunts. So we put that in there to address some of that concern. One of the other issues that came up with a lot of the outfitters was misconduct and being accessed points for misconduct. So what we've tried to do is we took as much or as many of the misconduct violations that we could or that

made sense and made them criminal and the reason for doing that is that if we make them criminal, all of those violations must be heard by a court of competent jurisdiction before assessing points. So the court system will be, they'll be going through their due process if they're convicted we will assess points. If they're not we will not. So the few that we did keep were breached contract and misrepresentation but again, we added that they must be determined by a court of competent jurisdiction. So there must be a civil lawsuit and a judgement before we would assess any misconduct points for those violations. Failure to report illegal activity or failure to comply we added that those only apply to those regulations state laws and federal laws that are applied to hunting, fishing, trapping or outfitting or guiding or land management type rules. Failure to comply with the registration audit. You know, in that scenario an applicant must make a conscious decision not to supply us with the pertinent information we're requesting and the whole point of all of this is that we wanted to show that someone couldn't accidentally violate these misconduct scenarios and then put our Guide and Outfitter Register in a predicament of having to access points. We wanted it as clean as we could make it before any points were accessed. So with that I will take questions.

COMMISSIONER RYAN: Public comment first or not?

(Indiscernible)

CHAIRMAN KIENZLE: Not strictly speaking. I mean, we can do both. But I think public comment's fine because there's enough of it. Jim Wells.

JIM WELLS: Good morning Mr. Chairman, Commissioners. My name is Jim Wells. I own and operate JFW Ranch Consulting with my wife Kelly in Albuquerque. We've been in the outfitting business since the law was first enacted in 1997. I want to thank you and Colonel Griego,

Captain Jackson, Letitia Mee for the willingness to openly discuss the proposed rule, the statutes thereof, and the pros and cons of the proposed rules. I very much appreciate their reconsidering verbiage that was reworded to combat the abuses in the field that they are confronted with. We hope that these changes will allow law enforcement the tools they need to do their job effectively. We support the rule as rewritten. I believe it will promote the legitimacy, success, and professionalists providing outfitting and guiding services for hunters venturing into New Mexico. With that I am open to any questions you may have.

CHAIRMAN KIENZLE: I don't think we've got any. You've submitted written comments I believe. Is that correct?

JIM WELLS: Yes.

CHAIRMAN KIENZLE: Okay. I think we've got it. Thank you. Kelly Wells.

KELLY WELLS: Good morning Mr. Chairman, Commission. I just want to stand here on behalf of our guides. There's about 15 of them. And I want to say thank you for rewriting this. They are anything but illegitimate because they are offered two days of full guiding in the field as they have been accused of being so I thank you, too, for adding that. Thank you, Colonel and Letitia for sitting in meeting with us and for all the effort that's been put forth. Thank you.

CHAIRMAN KIENZLE: Roger Gabaldon.

ROGER GABALDON: Mr. Chairman, members of the Commission. I'm Roger Gabaldon. I'm from San Antonio, New Mexico. Mr. Chairman, I'd just like to make a comment on the regulation as far as a private landowner, agent, and I have been a professional outfitter in New Mexico since 1973. And through all these years I've never seen such a big loophole in the laws concerning the state, this non-residents coming into the state and residents, working under the

auspices of a private landowner agent. I work both ways. I am a registered outfitter and I am a landowner agent. I do not have, if this is a catch-me-if-you-can as far as these taxes go, it's not working. It's not working for the outfitters. It's not working for the states. So basically that's my only comment.

CHAIRMAN KIENZLE: You're in favor of the rule change?

ROGER GABALDON: I'm in favor of the rule change, sir.

CHAIRMAN KIENZLE: Yes, sir. Thank you. Chris Guikema. Okay. It looked like your middle name. I'm glad I wrote it clear enough that you could read it.

CHRIS GUIKEMA: Okay. So, members of the Council, my main statement to you guys, I also submitted it. And you know, my main thing is, this isn't a class fight. This isn't a fight about money. You know, this is a fight for the diminished opportunity for nonresident hunters looking to come to New Mexico and maximize their opportunity and money through fully guided or guided hunting. You know, my general feeling is that the opportunity is fading rapidly as the pools are becoming indistinguishable between each other. I believe the true legislative intent of the 10 percent pool was to allow nonresident hunters to come to the State of New Mexico and maximize. I think the loophole in this 2-day rule is entirely too vague and it's being taken advantage of and it's, you know, it's hard for me to see as this is my sole income and my family's sole income.

CHAIRMAN KIENZLE: So you're in favor of the rule change.

CHRIS GUIKEMA: I'm in favor of modifying the 2-day rule.

CHAIRMAN KIENZLE: Okay. Thank you. Mike Barraclough. That's a pretty cool name. I want to say that we checked in at the same time last night, didn't we? You look familiar to me.

MIKE BARRACLOUGH: Thank you for having me here today. A couple of questions, clarifications. On the 2-day portion where it says accompanying in the field, is camp considered the field? That would be a question we have. We perform, we provide self-guided. We provide the camp, we provide cooks, we pack out the animals for them. We're in the field with them but So does that fall into —

MARYLOU POLI: Under the current proposal by the Department, no. That's basically a drop camp and the Department is eliminating that possibility. So, in your situation the guide outfitter would have to accompany the hunter for at least two days actually in the field hunting, doing hunting activities rather than just camp.

MIKE BARRACLOUGH: So it becomes a guided pool and not a —

MARYLOU POLI: It becomes a guided hunt for at least two days.

MIKE BARRACLOUGH: Okay. And then, a little part that we had kind of a little question on was the submittable contracts. Back up on that thing. Um, once we submit a contract saying we sent them in 48 hours prior and, do they become open to public record at that point once the Department has them cause the contracts then have sensitive information on them, date of birth, social security numbers.

COMMISSIONER SALOPEK: There you go.

SPEAKER: The addresses, once the Department has them, can someone then do a public record request and have access to all this?

CHAIRMAN KIENZLE: What's your sense of that?

COLONEL GRIEGO: Mr. Chairman, Commissioner Salopek, yes I do believe that it would be subject to inspection by records request but as all documents that have sensitive information, even though we would turn them over, they're highly redacted. Any of that information that would be sensitive would be redacted.

SPEAKER: Such as?

COLONEL GRIEGO: Such as addresses, telephone numbers, account numbers obviously, dates of birth except for the year, social security numbers, but the contract in itself, the wording would be there but all the personal identifiers would be redacted.

CHAIRMAN KIENZLE: Does price get redacted out? Compensation?

COLONEL GRIEGO: I wouldn't think that that could be redacted, no sir.

SPEAKER: Cause that was our question. And it opens up somebody being able to request public record on other outfitters to see who's charging what.

CHAIRMAN KIENZLE: I'm familiar with the act and I don't know if it protects proprietary information like that necessarily. Let me ask a quick question. So, in the past, has the Department ever turned over that information? I don't know that we have.

DIRECTOR SANDOVAL: Mr. Chairman, members of the Commission, if I may. Not necessarily with regards to hunting contracts but we do receive IPRA's on a regular basis regarding bids, competitive bids that come in for the purposes of invitation to bids or requests for proposals. We are obligated to turn those over once a final determination is made. And I know

that there has been some discussion that those are proprietary as well. But we were directed to turn those over.

CHAIRMAN KIENZLE: This may be one of those things where the price of doing business is turning over some of your information.

SPEAKER: Gotcha.

CHAIRMAN KIENZLE: To the state.

MIKE BARRACLOUGH: And then, for the carrier of the contract itself, is soft copy still going to be a viable option?

COLONEL GRIEGO: Mr. Chairman, Commissioners and Mr. Barraclough, yes. Soft copies are fine. Electronic copies are fine as long as there is all the pertinent information and our officer is able to review it.

CHAIRMAN KIENZLE: You don't have to carry a filing cabinet with you, as Commissioner Ramos said.

MIKE BARRACLOUGH: That was all I had. Thanks.

CHAIRMAN KIENZLE: Thank you.

SPEAKER *[background]*: His Dad used to work here.

CHAIRMAN KIENZLE: Bob King *[phonetic]*.

DIRECTOR SANDOVAL: Oh, his name is on here. Don't have the card.

GUEST SPEAKER: Mr. Commissioner, Commissioners, I have an issue with this 2-day rule that we're implementing here, or trying to. It's basically a devaluation of our wildlife and our

businesses here in the state. We have a sweet business deal. We're given 10 percent of these tags to do business with. We have a rule that we are, a statute that we must be New Mexico entity businesses. Why not bring the value up of those tags that go out? The current system with this 2-day rule has been an open flood gate of hunters being able to bribe their way into this market, to be able to pay an outfitter some to have a minimal guided business. The impact of that is with the guides, our businesses, our support services, just a less of an income flow into New Mexico. That's really my point is a devaluation. I think we ought to protect our game and our species in our state as a business and make it a 5-day rule. Make the guided and outfitted pool a 5-day or a duration of their hunt guided rule. Keep the income in our state. We could use it. Currently, the way it's going on is a bribe fee. As my investigation, I called, I looked. I gave you all a letter. All that's in there. The applications have been greatly increased by calling or finding these hunters in the field and sending them letters. They are being guided by 2 days minimum or maybe just DIY. We would use to protect our state. It is a dollars-and-cents thing here in New Mexico. We need income and the current system of opening the flood gates with this 2-day rule, it'll be big coming up. It will be a way where we usually drew in 50 to 60 percent of our hunters at contract whereas if I put in 30 applications into the elk pool, I'd get 50 to 60 percent repeat business year after year, people coming through. It's not the case now. Hundreds of applications are being put in these pools. So. And it will open the flood gate and it will be wide open when we make it an okay 2-day thing. The original intent, intent of a drop camp, I packed in the wilderness. I tried to use my horses as much as I could to make them pay for their lives of luxury the rest of the year. I know that's what it was in there for. But the intent of the outfitted pool was for business here in New Mexico. So please, let's maximize our businesses here in New Mexico. Thank you.

CHAIRMAN KIENZLE: Thank you. Mr. Crenshaw. John Crenshaw. Pick him up on the way back around. Jess Rankin.

[Background discussion, indiscernible.]

JESS RANKIN: Good morning, Mr. Chairman, ladies and gentlemen of the Commission. I appreciate you all looking into this and I appreciate the Department's efforts to clean up the 10 percent outfitter quota drawing. But the trouble is, with a 2-day minimum, there's, first of all it's not enforceable. You know, if a game warden checks on the first or second day, even a 5-day hunt, he can say, oh, we're going to be guided on Tuesday and Wednesday. On an archery antelope hunt—excuse me, on an archery deer hunt in January, he can say oh, I got guided back in September. And I talk to hunters every year that pay an outfitter a very minimal fee to draw their tag and if they get checked, they just say they've already been guided. There's no way of enforcing that. I think a hunter should have to be guided his entire hunt, however long he hunts. If he contracts for a 2-day hunt, he should go home Monday morning whether he got an animal or not. If he contracts for a 5-day guided elk or deer hunt with a firearm, that's fine. He should be guided the whole 5 days. But there are some legitimate services out there that are doing 2-day hunts. I don't dispute that. But there's so much abuse of it and there's no way of getting around it. You know, the intent of this deal, the legislation had in mind to give us 10 or 12 percent, start out 12, now it's 10, was to create job opportunities in rural areas that are economically depressed because of cutbacks on logging and things like that. You know, an outfitter that draws some hunters for a 2-day hunt and go there and spend two days with them himself, he's not hiring a guide, he's not hiring a cook, he's not buying groceries at the grocery store there in Rosario. All he's done is basically pocketing some money. Now this two-day doing a hunt will help but it's not going to stop the abuse. When we first got this outfitter rule, I could draw a lot of elk hunters

and some years I drew over half my elk hunters. The hunts I'm working to do now, a lot of them are 1-in-50 odds in the outfitter pool. It's because resident hunters got a buddy with an outfitter license and they use his number or there's entities like the Cabela's where they're advertising, we got real cheap semi-guided hunts with outfitters. And the people aren't being guided and they're not spending any money into the local economy. And that's not what this 10 percent quota was supposed to be about. You know, I do a lot of internet advertising, mail, direct mail advertising. I go to a lot of shows. I talk to a lot of hunters. I go around in Utah. And all Utahans [phonetic] are the cheapest hunters on earth. And I'm constantly getting hit up for my outfitter is charging me \$400, can you beat that price? That's not what this 10 percent quota was for. And to close that loophole, you can't have a 2-day rule unless they hunt two days and they go home. You know, there's 37 days of archery deer season. They can hunt two days, semi-guided, and then hunt the other 35 on their own. There's 28-day Barbary sheep season. You know, up to two years ago, Barbary sheep hunting, the Guadalupes was hunter subscribed in an outfitter pool. Last year, I didn't look at the odds but I had several hunters that didn't draw. This year I have several hunters that didn't draw. I looked it up and there was 170 applicants for 60 tags. It went from 47 to 170 in two years. That's not 'cause there's a lot of people out there wanting to pay money, real money for a guided hunt. It's because there's people figuring out how to get around this system with this 2-day rule. So we really need to eliminate that. They need, if how long they're hunting, they need to be guided. And after the guide quits and goes home, the hunter should be through hunting. He shouldn't be able to stay and hunt on his own. Like I said, that's not what the legislature had in mind when they gave us this 10 percent quota, you know. Thank you for your time.

CHAIRMAN KIENZLE: Thank you. I'm going to call Mr. Crenshaw again, and I suspect he's back now.

MR. CRENSHAW: Mr. Chairman, if I may, I signed up on the wrong sheet and I had not really intended to talk to this.

CHAIRMAN KIENZLE: Strike this one from the record. [Laughter] That's okay. Stricken from the record. Okay. Thank you. Jack Diamond.

JACK DIAMOND: Can Kerri Romero go before me, or is that . . .

CHAIRMAN KIENZLE: I'm taking these kind of in the way they came to me.

JACK DIAMOND: No problem. Hello. I'm Jack Diamond. Good morning to all of you. Our business is strictly a guided hunt. We take people and we're with them every day. I really think that some of the big issues are some of these big companies, Cabela [phonetic] and other groups that are putting people in and then advertising these cheaper hunts and then they're with them for a half a day and that counts and a half a day at the end. I really believe, I was there in the 90s when they made this law, also in the two thousands and I know Robert was there as well. And I'm really concerned about the outfitters in the state of New Mexico and the rural communities in the state of New Mexico. So we pay our state gross receipt tax, we see tax and it's a higher fee than a lot of other people because, you know, they can do this half a day and then on the fifth day do another half a day and they can charge \$800, they can pay their guide for two days where we have to pay our guide for six days. So I think it's just a way to get around the reason we actually had the law. The law was guided hunts. And I think we're trying to get away from that.

Everybody kind of works an angle. I don't get it. You know, it seems to me like a guided hunt, you're with a guide and you're not with somebody for half a day one day and then the last day a

half a day. To me, that's not a guided hunt. This year we had somebody come into Beaverhead [phonetic] where we live, back on the fourth day, tried to hire us because he was with somebody for two days, they didn't kill a bull. Then he didn't know where to go. We didn't have anybody to take him so we turned him down. He was legal but he was scrambling because he had no idea where to go. So I'm in favor of a longer period than the two days. I think that would bring more income into the state. I think makes it a guided, a guided hunt and that's what we're trying to do, not where we just communicate for 5 minutes and that's considered a guided hunt. That's not a guided hunt. A guided hunt is with the people, the clients, on a daily basis. So that's where I stand. There is some legitimate drop camps out there and I feel for those people because they are people that are packing them in and that there's a lot of abuses going on with this two day because people are just paying for, to get something cheap. And you know what? There's another pool. If that's what they want, let them apply in the other pool. Keep the guided hunt a guided hunt. Thank you very much.

CHAIRMAN KIENZLE: Thank you. Chad Williams.

CHAD WILLIAMS: Good morning. I just want to say that I'm in favor of the rule as rewritten. Thanks.

CHAIRMAN KIENZLE: Thank you. Kerrie Romero.

KERRI ROMERO: Thank you, Mr. Chairman, members of the Commission. Kerrie Romero with the New Mexico Council of Outfitters and Guides. First and foremost, I would like to say thank you to Colonel Griego, to his Department, and especially to the outfitter and guide program manager, Letitia Mee, for all the hard work that went into revising this rule. During the process the Department went out of their way to include the Council in their conversations and to

address many of the concerns of the outfitter industry. We know that this was not something that was required of the Department to do and we are very grateful to have been able to participate at the level that we did. We are in favor of the majority of the rule as written originally and rewritten. There is one sort of sticking point, the providing contracts in the field remains a sticky point with the industry. However, we feel that having the ability to submit contracts to the Department before the hunt begins is a good middle ground. Hopefully over time, outfitters will gain trust in the electronic submission process and the contract issue will become obsolete. In regards to the 2-day rule, as you are all painfully aware, we ran into a bit of a snag over the past week when it came to our attention that our original recommendation to close the loophole was receiving a lot of pushback from non-resident hunters. We had to do a lot of damage control to prove to you all that the recommendation, the first recommendation, the original draft of the rule revision, is in fact the desire of the outfitting industry. I have provided each of you with a letter that was drafted and emailed on Sunday night to the list of registered outfitters, both NMCOG members and non-members. The email stated that, if they were in favor of closing the 2-day loophole to please cosign the letter. The outfitters had just three days to respond. Now let me just say that normally I can't get five people to respond from the months of September to January to anything. So the fact that there are 70 names on this list is significant. The industry wants to see the 10 percent pool used for its original intent which was for fully guided hunts or legitimate drop camp operations. Semi-guided hunts should be reserved for hunters who draw in the resident pool or the 6 percent do-it-yourself pool. I'm sure there are going to be a lot of hunters that are upset about this change. After all, they have had the ability to pay to increase their draw odds without actually having to pay for an outfitter for years. But the fact of the matter is, this is the guide and outfitter rule. This rule regulates the livelihoods of outfitters and guides, not non-

resident hunters. The emphasis should be placed with the industry. We would appreciate your voting to approve the guide and outfitter rule as it was drafted when it was originally posted to the registrar on October 14th. Thank you.

CHAIRMAN KIENZLE: Okay. Any further public comment? Any further exhibits? Any other written material from the public? I will admit the comment cards, the attendance sheet, and I think I have already admitted the pre-filed log ins [phonetic].

DIRECTOR SANDOVAL: Mr. Chairman, that is correct. We have Exhibits 6 and 7 as the two sign-in sheets that were given to us and then I will admit all the other written comments as individual exhibits.

CHAIRMAN KIENZLE: All right. I am closing the record at this time. Discussion, comments from the Commission? Stoney silence. Nobody has anything to say?

COMMISSIONER RYAN: Okay. So here I go. We received a lot of comments via email and I appreciate the involvement of all the hunters and outfitters and guides that have contacted us with their concerns and so we really appreciate the involvement from the public on this. You know, on the one hand it's, what it's been is an all or nothing resolution to completely closing the loophole and not allowing abuse of the system or allowing, you know, not doing that. And so I think there is something to be said for the hunter that can't pay for the entire duration of his hunt or five days or more of a guided hunt, and there's something to be said for that. I don't really care about the out-of-state hunters wanting to be able to be in our state and hunt. I mean, that's great but as has been stated by the public, this is an outfitter rule and I was absolutely shocked in hearing about the abuse of the system for a long time. We actually received dozens of emails from hunters out of state who said, I still want to be able to have my own outfitter number

and go hunt and take myself hunting. And it was really shocking that we had so many just openly say they were abusing the system and wanted to continue to do so. I don't think anyone on the Commission or the Department wants to allow that to continue to happen. And so what the revisions to the rule today do is strike a balance between trying to close that loophole and not allow those self-guided hunts but still allow those that can't afford a longer duration hunt be able to choose a shorter duration. So I appreciate the Department's language regarding accompanying in the field and the situation with what has to be in the contract. So the situation that was proposed previously is that someone is hunting in January and they were guided back in September, their contract better say when those two days were, and it has to be either with the Department or with them. So I feel like it may not be 100 percent fixed but I think as far as I'm concerned it's a good compromise and will curtail greatly the abuse of the system that's currently happening. It's certainly not going to allow people to fit in their own outfitter numbers and take themselves out any more. So that situation is going to be eliminated by that here [phonetic]. So the only thing we're talking about is how much money and business the outfitter wants to insure on his hunts that the hunters have to pay for a longer duration hunt. That's really the only issue that it boils down to today. So, where I fall on it is to allow that hunter who can only pay two days to continue to do that while eliminating the abuse by the self-guided hunt. So I support the Department's proposal today.

COMMISSIONER ESPINOZA: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER ESPINOZA: I've talked to, for whatever reason, over two dozen outfitters over the last few days, or last few weeks, several just yesterday. In fact, I had two of them call me this morning while we were sitting here. But the majority of what I call good business men,

good outfitters in the state, are stating that they like what we're proposing. They, but most of these guys are like Jack Diamond stated, you know, they offer fully guided hunts and at the end of the day that's what brings revenue, more revenue into this state. I'm kind of seeing that (indiscernible/background noise) just letting them do the two days may create another loophole. You know, if an outfitter wants to do two days and he hires a guide and pays him a couple hundred dollars a day, then he can offer the same service again—well, I'll let you apply but you're obligated to pay me a few hundred dollars to cover the guide and a few hundred dollars for my pocket. So I'm thinking that might create another loophole but, and I understand, you know, the guys that can't afford it. You know, I can't afford a fully guided hunt. But I appreciate the guys that want to do this. But I don't think that was the intent of the law. When, cause I was there, you know, fighting alongside everybody else or at least understanding what was going on back when SB196 was going on. I'd be in favor more of the entire term of the contract. And it could be just for two days. But it could be for five days or whatever it is. And I don't know how that amendment would work, Mr. Chairman, but I'd be in favor of changing it today to allow for the entire term of the contract, whatever that term might be. Beyond that, Bobby, I have one question for you. You and me have talked about it. In the rule that we're passing today, you added an additional rule for penalties for outfitters that may offer that service again, you know, sell their outfitter number but nobody's there and you've found, you found that sportsmen in the field without an outfitter or a guide so you've had that in rule today. Is that right?

COLONEL GRIEGO: Mr. Chairman, Commissioner Espinoza, that is correct.

COMMISSIONER ESPINOZA: That would be my sense, Mr. Chairman. And again, I'll go with the favor of the Commission but I don't know if that's possible to make that amendment and have a separate vote or would we just vote on one time?

CHAIRMAN KIENZLE: Well, if there's going to be—well, I suppose we need a motion first. But if there's going to be amendment to whatever has been proposed then I think that amendment has to be approved by the Commission. So, as we get on down the trail here, if you want to make that motion, you can make that motion to amend whatever is being proposed by the Department. That make sense?

COMMISSIONER ESPINOZA: Sure.

CHAIRMAN KIENZLE: But then that would have to be seconded, approved by the Commission and then we would vote on the amended . . .

COMMISSIONER ESPINOZA: For clarification, the motion as presented would have to be presented and then a motion, if I so desire, a motion . . .

CHAIRMAN KIENZLE: You amend first.

COMMISSIONER ESPINOZA: First, yeah.

CHAIRMAN KIENZLE: And then you—

DIRECTOR SANDOVAL: Yes.

CHAIRMAN KIENZLE: —and then you, we approve the amendment. And then we approve the amended overall. So it's a 2-stage process.

COMMISSIONER ESPINOZA: I understand.

SPEAKER: Mr. Chairman?

CHAIRMAN KIENZLE: I think if we, depending on how much you amend, if you change a comma then it's not a big deal. It's not a problem. But I think whenever you change [crosstalk] too much substantively it has to be republished. Correct?

DIRECTOR SANDOVAL: That's correct, Mr. Chairman. Mr. Chairman, Commissioner Espinoza, should you make a motion, if you could please contain the rule number in that and the exact language that you intend to amend it to or wish to amend it to so that basically so that I can look at it and see if it falls within the scope of the contemplated proposed changes. So I can say, Commissioner Espinoza, that I am not clear as to exactly where and what you want to change.

CHAIRMAN KIENZLE: The 2-day rule, I think would, I think what Commissioner Espinoza is, I'll just put words in your mouth [laughter]. I think what he's saying, instead of what we're calling the 2-day rule, the hunter would have to be with the guide or outfitter during the entire duration of their contract.

COMMISSIONER ESPINOZA: That is correct. And that's a whole . . .

CHAIRMAN KIENZLE: And that, in my way of thinking is a substantive re-publishing type of amendment, the way I, so maybe I'm not the end of the line but if we make an amendment like that, to me it seems significant enough that the public, outfitters, and guides might want to weigh in on it again. In fact, was that the original?

SPEAKER: (Indiscernible/audio interference).

CHAIRMAN KIENZLE: That's okay. I think it's [crosstalk] a common problem. So –

COMMISSIONER RYAN: What's the original?

[Crosstalk]

COMMISSIONER ESPINOZA: That's what they're proposing today, less the drop camp.

[Crosstalk]

COMMISSIONER ESPINOZA: Either that, or today they're saying the entire term of the contract. Is that correct, Kerrie?

KERRIE ROMERO: What we're saying is the original recommendation which included drop camp, definition of drop camp. What the revision does, and I don't know that for sure, you can correct me is, is that it doesn't, it wouldn't allow –

DIRECTOR SANDOVAL: Excuse me. Could you please come to the microphone so that we have it on the record? Thank you.

KERRIE ROMERO: Thank you. Mr. Chairman, so I'm a little confused about the new revision, the way it's written in front of you today. What we have recommended is to go back to the first draft revision which included language that stated that a client must be with their guide for the duration of the hunt if they draw a license in the outfitter pool or in their contract they must be a drop camp, a legitimate drop camp situation which would be labeled in their contract and also defined in their contract. What I'm a little bit confused about is how this new revision with the two days, do the two days have to be back-to-back? Because if that's the case you would alienate all drop camp operators completely out of the 10 percent pool which the original intention of the pool, which is why we submitted the recommendation the way that we did is because originally drop camps have always been in the bag basically as part of the legitimate industry and that's why there has always been, going back to the original intention of the law, an ability for legitimate drop camp operators to utilize the 10 percent pool. So going to this current revision draft it seems like you might be alienating those legitimate drop camp operators.

CHAIRMAN KIENZLE: Two days consecutive. What's two days mean?

COLONEL GRIEGO: Mr. Chairman, Commissioners, we just stopped at two days. The further we started getting into trying to define, the harder it was becoming. And Ms. Romero was correct in that this new version is a hunter-client, an individual who is contracted with an outfitter must be accompanied for two days in the field. So our drop camp scenario is going to have to be accompanied in the field for two days to be in the special drawing pool.

CHAIRMAN KIENZLE: So I will say again that anything other than minor technical changes or changes to punctuation, grammar, capitalization, those kinds of things, if it is a substantive change then we would vote on that amendment but it's probably something that has to be republished and we're back here again in 30 or 60 days to do it all over again.

MARYLOU POLI: Mr. Chairman, Commissioners, it's within the scope of what's been contemplated. We can make those changes. We don't have to limit it to punctuation. So the question is, for me, whether the contemplated amendment to what's been published and proposed is within that scope. And to clarify for myself, and the question is directed to Mr. Chair, are we looking at 19.30.8.12?

CHAIRMAN KIENZLE: Which code section are you . . .

DIRECTOR SANDOVAL: NMAC.

CHAIRMAN KIENZLE: I'm sorry. Commissioner Espinoza, which code section he's referring to.

COMMISSIONER ESPINOZA: Could you guide me maybe, Bobby, in what section that is.

COLONEL GRIEGO: She is correct, Commissioner Espinoza.

SPEAKER: Got it.

SPEAKER #2: Twelve.

SPEAKER #3: Twelve?

DIRECTOR SANDOVAL: 12 (f).

SPEAKER: Yes.

MARYLOU POLI: So, if I'm following, I'll read it as it's been proposed and published: A New Mexico outfitter showing each hunter-client who obtains a license through the special drawing pool is accompanied by the outfitter or the registered guide for at least two days during the contracted dates of the hunt. It continues but I'd like to stop there. So Commissioner Espinoza, are you proposing to say at least 2 consecutive days? Is that?

CHAIRMAN KIENZLE: No. [cross talk]. The full duration of the number of days in the contract or of the hunter's hunt I think is what he's saying.

COMMISSIONER: Between that hunter and the outfitter which, if you have a 5-day contract or a 6-day contract or 2-day, they want, what Robert is asking is if it's a 6-day contract between the outfitter and hunter, then it's, has to be, that guide has to be with that hunter six days. That's what Robert's asking for.

COMMISSIONER ESPINOZA: Basically, I would strike the two days and insert for the duration of, for the entire duration of the contract between the hunter-client and outfitter.

MARYLOU POLI: Thank you for clarifying. Mr. Chair, that would be a substantive change.

COMMISSIONER RYAN: I'd like to point the inconsistency in supporting a drop camp and then also supporting the having to be guided for the duration of the hunt. Drop camp services can

still be provided but would require them to be accompanied by a guide for two days. So there won't be drop camps where these hunters just self-guiding themselves. That's the situation we want to eliminate. What outfitters can still do is set up camp, guide them for two days and then continue to provide, you know, camp services for the duration of the hunt and the contract can cover that situation that's only for 2 days' guide and the rest are basically drop camp services. So that situation can still happen. But what was happening under the previous revision was that they're really completely inconsistent with one another because we're wanting to eliminate those self-guided hunts. So I just want to make that clarification.

COLONEL GRIEGO: Mr. Chairman, Commissioner Espinoza, would it address your concern if the rule stated that a hunter-client must be accompanied by a guide or outfitter for the duration of their contracted hunt dates. All contracts must be at least two days.

COMMISSIONER ESPINOZA: Yes, because the two days are in statute so that would follow statute.

COLONEL GRIEGO: But that would ensure that if I did contract for 5 days that I must be accompanied by a guide for those five days but I would have the option of doing a contract for only two days.

COMMISSIONER ESPINOZA: That is correct. That would, I think that would clarify it.

COMMISSIONER RYAN: That was my understanding of the current, the current rule, is that you have to be accompanied by a guide for whatever is in your contract for at least two days. So my understanding is that's what's already being proposed today.

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan, that is correct. And I do believe if I contracted with an outfitter for five days I think the expectation is that I'm going to be guided for five days. But I was trying to satisfy Commissioner Espinoza's idea. I don't know.

COMMISSIONER RYAN: I mean, if there was a hunter out there beyond, let's say they only contracted for, they say they contracted for five days but he's out there beyond that time period and that contract reflects that he's doing that, it's unlawful and he's going to have to, he's going to be cited for it. So again I mean the goal is to eliminate the self-guided hunter and I believe the current rule does that while still allowing those on a, you know, a smaller budget to participate in the pool.

SPEAKER: I think you got that right. [Laughter]

CHAIRMAN KIENZLE: So if I have a contract with an outfitter or guide for five days, two of those days I have to be accompanied by the outfitter or guide?

COLONEL GRIEGO: Mr. Chairman, per the statute, you have to be accompanied for at least two days. And that's why we brought that back to it. A hunt has to be at least with a guide or outfitter for two days. The expectation is, if you're, per your contract, you're going to be guided for the duration of your contract.

CHAIRMAN KIENZLE: Unless I agree with my outfitter and guide, I don't want you the remainder of my contract, the last two days or three days of my contract?

COLONEL GRIEGO: That outfitter would have to address that in a release of some sort where if we contacted that individual we will have some proof of that occurring.

CHAIRMAN KIENZLE: Right.

COMMISSIONER RYAN: Okay. I'm going to make a motion to repeal existing rule 19.30.8 NMAC and replace it with the new 19.30.8 NMAC as presented by the Department and to allow the Department to make minor corrections to comply with filing this rule with state records and archives.

CHAIRMAN KIENZLE: Is there a second?

COMMISSIONER ESPINOZA: Mr. Chairman, a point of reference. If I wish to make an amendment, I'd have to make that amendment prior to that motion?

CHAIRMAN KIENZLE: Correct. The motion hasn't been seconded yet.

COMMISSIONER SALOPEK: Second.

CHAIRMAN KIENZLE: So, it has been seconded now. So I guess we vote on the motion that's on the table. If it [crosstalk] then we'll have an amendment on the table again.

SPEAKER: So we're ready for a vote?

CHAIRMAN KIENZLE: We're ready for a vote. But if the vote, you can do a motion I suppose to postpone the vote, change the vote, hold the vote off until you make your amendment.

COMMISSIONER: Excuse me, Director, I'm sorry, Chairman, I believe just Robert's Rules of Order is, you have a motion on the floor –

CHAIRMAN KIENZLE: (Indiscernible) vote on it.

COMMISSIONER: . . . is supposed to be open for discussion and then within that discussion you can amend the main motion.

COMMISSIONER #2: And then you have to vote—

COMMISSIONER: And then you vote on the amendment. If the amendment passes or if it fails, it goes back to the original motion.

CHAIRMAN KIENZLE: Right. You have the, same, we arrive at the same place. So we're not just going to just immediately vote. I usually call for discussion or further comment. So if you have a motion to make within the context of what's been moved and seconded, we can take that up and see if that amendment in fact passes, if you will, to amend the motion that's on the table.

COMMISSIONER SALOPEK: Are we in discussion now?

CHAIRMAN KIENZLE: We are in discussion now.

COMMISSIONER SALOPEK: Can I ask Marylou a question?

CHAIRMAN KIENZLE: Yes.

COMMISSIONER SALOPEK: Marylou, so what we're looking at proposing, what you're saying is, I'm a little bit confused. Are we changing it from the 2-day to where it's going to be now, not what we have on the table but with me and Beth [phonetic], right? Okay. If in the amendment, Marylou, here's my question, that Robert wants, are we going to have to re-advertise and start this process all over or will that, if the amendment is passed, would we be able to get that done? And I want something done in place for this next hunting season. If it's a 2-day, it's a 2-day. So be it. I agree. I appreciate all the outfitters that spoke today while you never see an industry that basically everyone said the same thing and that's encouraging. So now my question to you, Marylou, is if we do an amendment to make it where it's the length of the contract by the outfitter and hunter, do we have to re-advertise?

MARYLOU POLI: Mr. Chair, Commissioner Salopek, thank you. If a motion to amend is made, it would change the language from (quote) where the registered guide for at least two days during the contracted dates of the hunt (close the quote), if the amendment were changed to move the language of the two days to read instead, with a registered guide for the duration of the contract, that's a substantive change and it would have to go back through the rulemaking process.

COMMISSIONER SALOPEK: Thank you.

COMMISSIONER RYAN: I disagree. I'm sorry. I completely disagree with that. I think it's within the scope for us to discuss the duration of the guided hunt and that's substantive completely to what was noticed to the public and I respectfully disagree.

COMMISSIONER SALOPEK: Thank you, Marylou. Thank you, Beth. And thank our legislators for creating House Bill 58, thank you, because it messes everything up. [Laughter] I'll shut up.

CHAIRMAN KIENZLE: So, we're still, I don't have an amendment from you yet to the motion that's on the table for instead of what we're calling the 2-day rule for a duration of hunt. So, are you choosing to make that.

COMMISSIONER ESPINOZA: Yes, sir, before I make that motion, is it Chairman's opinion as well that it is, that we would have to go back to and open it up again?

CHAIRMAN KIENZLE: I can assure you that anyone who is unhappy with whatever the outcome is of this rule, everything that has come out of our mouth will be used in court against us. [Laughter]. So my personal feeling is, you go from 2 days to the duration of the hunt, it feels like a substantive change to me. Now you can have a difference of opinion on that but that's

what lawsuits are made about or made of. And so, I share Commissioner Salopek's comment that House Bill 58 is a challenge to the way we have typically done business in the past which is not to say we did it the wrong way in the past. But it makes it more difficult to tackle amendments on the fly. And so, one person's substantive amendment is another person's technical correction or something that's not substantive. So, you know, Marylou is not looking at a playbook saying this is, and this is her judgement and just as we all can exercise our judgement, we can go against what the Attorney General's Office has to say. But of course, it's always, you know you're at risk as to whether it's substantive or not. And so that's, that's the system we have in place right now. The net effect of your amendment, should it be passed and then amends the motion that's on the table, is we're not quite back to the drawing board but we will re-publish on that and there's no guarantee that when we get through that process that there isn't further amendment upon the proposal, perhaps to go back to where we started today. So that's why a lot of the hard work . . .

SPEAKER: [Background] . . . is that acceptable?

CHAIRMAN KIENZLE: . . . and compromises to the extent they're made should be made before they get here. It doesn't mean any of this is a foregone conclusion as this long-winded explanation is indicating. But making amendments on the fly just is challenging to get things done and it, and the other problem we've got is we are driven by the seasons and by nature, right? So when we delay things it has an impact that we may lose a hunting season through amendments.

COMMISSIONER: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER: I would call for the question.

CHAIRMAN KIENZLE: So that means we're?

DIRECTOR SANDOVAL: Go ahead on the current motion.

CHAIRMAN KIENZLE: We're voting on the current motion, right?

[Crosstalk]

COMMISSIONER: Could we ask the Commissioner to restate her motion?

COMMISSIONER RYAN: My motion on the table is that I move to repeal the existing rule 19.30.8 NMAC and replace it with a new rule 19.30.8 NMAC as presented by the Department today and to allow the Department to make minor corrections to comply with filing this rule with state records and archives.

CHAIRMAN KIENZLE: So we have a call to question. Do you have any further comment?

COLONEL GRIEGO: Mr. Chairman, Commissioners, I was just going to state that I want you all to be, rest assured, and our outfitters be rest assured that they have our commitment we want to get this right and I know the Director is committed to insuring that we get it right. We want enforceable rules and if we need to come back in a year or two because we're seeing something did not work, we will address them. I think we've built relationships over especially this year with the industry to keep that dialogue going and if we're seeing that loophole was not closed we will address it. So.

DIRECTOR SANDOVAL: Mr. Chairman, we have a call for the question which needs immediate addressing.

COMMISSIONER: Second.

Draft Copy

CHAIRMAN KIENZLE: You don't have to second it.

COMMISSIONER: Okay. Just checking.

CHAIRMAN KIENZLE: All right. Motion on the table, and I believe the motion has been seconded by you earlier. All right. All in favor.

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed?

COMMISSIONER ESPINOZA: May I explain my vote? I voted 'aye'. But again, I'm going with what Bobby said, I thank him for that. Keep on top of it, Bobby, because I think it's right.

CHAIRMAN KIENZLE: Okay.

DIRECTOR SANDOVAL: Mr. Chairman.

CHAIRMAN KIENZLE: Yes.

DIRECTOR SANDOVAL: As a matter of procedure, when you do the call for the question, you must have a second and you vote on the call for question and then you vote on the motion in front of you.

CHAIRMAN KIENZLE: All right. So we want to back up and do it again?

COMMISSIONER: Do I send another second out? Second.

COMMISSIONER #2: Second.

CHAIRMAN KIENZLE: So, let's vote on call for the question. All those in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed?

DIRECTOR SANDOVAL: Call for the question has a majority vote. Move forward with the motion.

CHAIRMAN KIENZLE: We will go back to the motion which has been moved and seconded. All in favor.

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: And then you made your previous comments that I assume stand, Commissioner Espinoza?

COMMISSIONER ESPINOZA: Yes.

SPEAKER: Thank you, Mr. Chairman.

NEW MEXICO STATE GAME COMMISSION

**November 16, 2017
Elephant Butte Inn
401 NM 195
Elephant Butte, NM 87935
9:00 a.m. –5:00 p.m.**

C E R T I F I C A T E

I, Rose Leonard and I, Cheryl Melgarejo
DO HEREBY CERTIFY that the
above captioned transcription was prepared by me;
that the RECORDING was reduced to typewritten
transcript by me; that I listened to the entire
RECORDING; that the foregoing transcript is a
complete record of all material included thereon,
and that the foregoing pages are a true and correct
transcription of the recorded proceedings, to the

best of my knowledge and hearing ability. The recording was good.

I FURTHER CERTIFY that I am neither employed by nor related to nor contracted with (unless excepted by the rules) any of the parties or attorneys in this matter, and that I have no interest whatsoever in the final disposition of this matter.

Rose Leonard Cheryl Melgarejo
(Name of Transcriptionists)

Quality Assurance and transcript provided by:

Premier Visual Voice, LLC

www.premiervisualvoice.com: 216-246-9477



SPEAKER'S CARD

New Mexico State Game Commission Meeting

(Please Place Form in Appropriate Agenda Slot)

HEARING 14A PLEASE PRINT

Name: KELLY WELLES

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

Officially Representing: JFW RANLA CONSULTING
(Organization(s))

Your Title: PARTNER

Do you wish to be heard? Yes No

WRITTEN COMMENT (Below or Attached)

ON BEHALF OF ALL THE GUIDES
WE SUBCONTRACT WITH
WHO ARE ANYTHING BUT
ILLEGITIMATE I'M HERE

TO SAY THANK YOU TO ALL
FOR NOT MAKING THE 2
DAY CHANGING
RULE

Exhibit 9

Agenda 14

Nov 16 2011



SPEAKER'S CARD

New Mexico State Game Commission Meeting

(Please Place Form in Appropriate Agenda Slot)

HEARING 14A PLEASE PRINT

Name: Tim Welles

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

Officially Representing: Myself
(Organization(s))

Your Title:

Do you wish to be heard? Yes No

WRITTEN COMMENT (Below or Attached)

Already in

Thank you for

Listening

Exhibit 8

Agenda #14

Nov 16, 2012



SPEAKER'S CARD

New Mexico State Game Commission Meeting

(Please Place Form in Appropriate Agenda Slot)

HEARING

14A

PLEASE PRINT

Name: Chris Guikema
 Address: [Redacted]
 City: [Redacted] State: [Redacted] Zip: [Redacted]
 Phone: [Redacted]
 Email: [Redacted]
 Officially Representing: Self/Compass Westcutters
 (Organization(s))
 Your Title: Owner
 Do you wish to be heard? Yes No

WRITTEN COMMENT (Below or Attached)

Over the border from
 changes of the
 2 day rule to protect
 what we are
 2 day rule need to
 help not hurt operations
 here in New Mexico.
~~Water~~ use has skyrocketed
 and most is illegal use.
 Exhibit 11
 Agenda 14
 Nov 16, 2017



SPEAKER'S CARD

New Mexico State Game Commission Meeting

(Please Place Form in Appropriate Agenda Slot)

HEARING

YES

PLEASE PRINT

Name: Roger Cabaldo
 Address: [Redacted]
 City: [Redacted] State: [Redacted] Zip: [Redacted]
 Phone: [Redacted]
 Email: [Redacted]
 Officially Representing: [Redacted]
 (Organization(s))
 Your Title:
 Do you wish to be heard? Yes No

WRITTEN COMMENT (Below or Attached)

Comment on
 Landowner
 Agent
 Loop hole
 To prevent
 Non Resident
 to operate
 in state without
 following rules
 & Reg Both Dep
 & STATE Exhibit 10
 Agenda 14
 Nov 16, 2017



SPEAKER'S CARD

New Mexico State Game Commission Meeting

(Please Place Form in Appropriate Agenda Slot)

HEARING Guide & Outfitters PLEASE PRINT

Name: Bob King

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

Officially Representing: SFBC
(Organization(s))

Your Title: Owner

Do you wish to be heard? Yes No

WRITTEN COMMENT (Below or Attached)

Please make the outfitter pool for guided hunts - Not just 2 days

Exhibit 13

Agenda 14

Nov 14, 2017



SPEAKER'S CARD

New Mexico State Game Commission Meeting

(Please Place Form in Appropriate Agenda Slot)

HEARING 141A PLEASE PRINT

Name: MIKE BARRACLOUGH

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

Officially Representing: [REDACTED]
(Organization(s))

Your Title: [REDACTED]

Do you wish to be heard? Yes No

WRITTEN COMMENT (Below or Attached)

WE ARE AGAINST THE CHANGE TO THE 2 DAY RULE. WE ARE AGAINST SETTING "DRAW CAMPS" ONLY TO WILDERNESS AREA

WE ARE AGAINST HAVING TO SUPPLY CONTRACTS TO THE G&F PRIOR TO THE HUNTS. THERE IS SCRIPPER INTO OUR CONTRACTS THAT CAN BE SEEN IF SOMEONE DOES A REQUEST OF PUBLIC RECORD

Exhibit 12

Agenda 14

Nov 14, 2017



SPEAKER'S CARD

New Mexico State Game Commission Meeting

(Please Place Form in Appropriate Agenda Slot)

AGENDA ITEM 14a PLEASE PRINT

Name: John DeCrenshaw

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

Officially Representing: _____
(Organization(s))

Your Title: _____

Do you wish to be heard? Yes No

WRITTEN COMMENT (Below or Attached)

Withdrawn

Exhibit 15

Agenda 14

Nov 16, 2017



SPEAKER'S CARD

New Mexico State Game Commission Meeting

(Please Place Form in Appropriate Agenda Slot)

HEARING 44414A PLEASE PRINT

Name: John DeCrenshaw

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

Officially Representing: NMCGF
(Organization(s))

Your Title: Owner-out fitter

Do you wish to be heard? Yes No

WRITTEN COMMENT (Below or Attached)

The protesting out of
The NCGF Game warden Allegedly
Went to for "Game Guide"
handlers must be stopped

John DeCrenshaw

Exhibit 14

Agenda 14

Nov 16, 2017



SPEAKER'S CARD

New Mexico State Game Commission Meeting

(Please Place Form in Appropriate Agenda Slot)

HEARING 14 A

PLEASE PRINT

Name: CHAD WILLIAMS

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

Officially Representing: MYSELF, JFWRC
(Organization(s))

Your Title: GUIDE,

Do you wish to be heard? Yes No

WRITTEN COMMENT (Below or Attached)

I AM CONCERNED THAT THE NIMCOG IS TRYING TO WRITE THE ~~NEW~~ RULES TO FIT THEIR INTERESTS. THE RULES AS OF 11-8-17 IS A GOOD COMPROMISE -

ALSO CONCERNED IF AN OUTFITTER SUBMITS HUNTER CONTRACTS TO NMDGF, ARE THESE PUBLIC INFORMATION?

Exhibit 17
Agenda 14
Nov 16, 2017



SPEAKER'S CARD

New Mexico State Game Commission Meeting

(Please Place Form in Appropriate Agenda Slot)

HEARING 14 A

PLEASE PRINT

Name: JACK DIAMOND

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

Officially Representing: Selaf
(Organization(s))

Your Title: Outfitter

Do you wish to be heard? Yes No

WRITTEN COMMENT (Below or Attached)

Comments on outfitter rule what defines a w.m. outfitter

Exhibit 16
Agenda 14
Nov 16, 2017



SPEAKER'S CARD

New Mexico State Game Commission Meeting

(Please Place Form in Appropriate Agenda Slot)

HEARING 14a

PLEASE PRINT

Name: Kerne Romero

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

Officially Representing: NMCOG
(Organization(s))

Your Title: ED


Do you wish to be heard? Yes No

WRITTEN COMMENT (Below or Attached)

See Attached
↓ Exhibit 45
Exhibit 18 5
Agenda 14
Nov/6, 2017

Agenda Item #14a


Repeal/Replace Guide and Outfitter Rule 19.30.8 NMAC



Field Operations Division

Guide and Outfitter Rule 19.30.8 NMAC


Establishes methods to register, regulate and set professional standards for guides, outfitters and their operations within New Mexico.



Field Operations Division

Cooperative Work in Revamping of Guide and Outfitter Rule

- Department has worked diligently with the New Mexico Council of Outfitters and Guides.
- Department has worked with Outfitters and Guides outside of the NMCOG
- There have been numerous meetings and discussions during this rule development.
- The Rule has been posted on the web for public comment.
- There have been approximately 52 public comments




Field Operations Division

*Exhibit 1
Agenda #14
11/14/17*

Overview of Changes


- Added new definitions
- Clarified language
- Consistent professional standards for Guides and Outfitters
- Restructured the rule for better flow and understanding
- Added all requirements to become a NM Outfitter in rule
- Addressed concerns:
 - Agent of Landowner designation
 - 2 day rule
 - Special Drawing pool saturation
 - Contracts
 - Misconduct violations



Field Operations Division

Definitions


- **Accompanied**- Shall mean that the outfitter or their registered guide physically escorts the hunter client in the field during the hunter clients license hunt dates.
- **Hunter-client**- shall mean an individual who contracts or utilizes the hunting services of a registered outfitter or is taken into the field by a person acting as an outfitter or guide regardless of their registration status.
- **Agent**- shall mean a person who is legally authorized by employment or written contract to act on behalf of a private landowner to oversee the landowner's hunting operation on their deeded property.



Field Operations Division

Definitions

- **Conviction**- shall mean any adjudication of guilt; plea of guilty or nolo contendere accepted by the court; or payment of a fine, court cost, court order, penalty assessment or forfeiture of collateral; regardless of whether sentencing or imposition of sentencing has been deferred or suspended.
- **Supervision**- shall mean that outfitters are required to ensure all guides employed or contracted by them are informed of all pertinent geographic hunt boundaries, any special restrictions which apply to their hunter-clients license and statutes and rules regarding lawful hunting, guiding and outfitting. Supervision also means that outfitters have provided all the guidance and oversight that a reasonable business person would provide to their employees.



Field Operations Division

Outfitter Definition

- **Outfitter**- shall mean any person who advertises or holds themselves out to the public for hire or is employed or accepts compensation for providing, within the unit where a hunt occurs, facilities, equipment or services for hunting activities; provided, however, that "outfitter" does not include a person who only cooks, cuts wood or performs other comparable or incidental duties not directly related to hunting activities. **Any person who purchases landowner permits or private land licenses for a hunter-client or pays for access onto a landowner's deeded property for a hunter-client in any way, shall be considered an outfitter.**



Field Operations Division

Additional Guide Requirements

- **Guide applicants** shall have successfully completed a certified hunter education course from the state of New Mexico or other similar qualifying hunter education course acceptable to the department prior to making application.
- **Guide applicants** cannot have a history of violation.



Field Operations Division

Registration Exemption

- A landowner or their agent who is guiding or outfitting on the landowner's deeded property or pursuant to a landowner permit is exempt from the department's registration process. Nothing in this exemption shall prevent a landowner or their agent from registering, if they choose. **Agents may not act independently from the landowner. A landowner or their agent must be in compliance with the registration requirements of any pertinent government land management agency when involved with commercial activities on lands controlled or administered by a government land management agency.**
- Any person who purchases landowner permits or private land licenses for a hunter-client or pays for access to a landowner's deeded property for a hunter-client in any way, shall be considered an outfitter. (As added to Outfitter def.)



Field Operations Division

Contracts All Outfitters

- All outfitters shall have a copy of the contract available for inspection by the department in the field during the hunt or they must submit an electronic copy to the department at least 48 hours prior to the scheduled hunt. A hunter-client who obtains a license through the special drawing pool, and chooses to hunt beyond their contracted hunt dates must carry a copy of the contract if it has not been submitted electronically to the registrar.



Field Operations Division

Special Drawing Pool Contracts

- A New Mexico outfitter shall ensure that each hunter-client who obtains a license through the special drawing pool is accompanied by the outfitter or their registered guide for at least two days during the contracted dates of the hunt in the area where the hunter-client's license is valid. An outfitter or guide cannot contract with themselves to apply in the special drawing pool or guide themselves during their hunt.



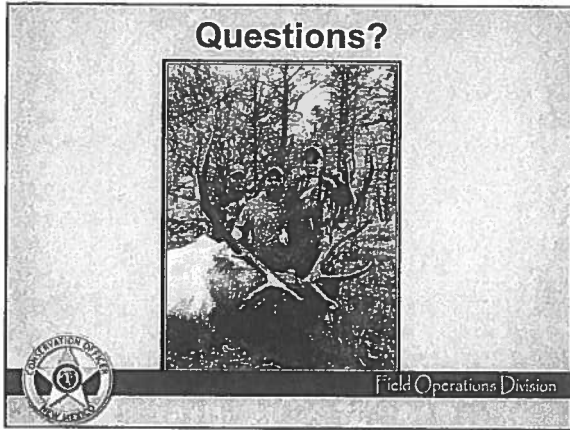
Field Operations Division

Outfitter or Guide Misconduct

- "Breach of Contract" and "Misrepresentation" must be determined by a court of competent jurisdiction before the Department assesses administrative points.
- "Failure to report illegal activity" and "Failure to comply" apply only to federal and state laws and regulations that pertain to hunting, fishing, trapping, outfitting, guiding or land management.
- "Failure to comply with registration audit"-an applicant must make a conscious decision to not supply the Department with the documentation required.
- "Failure to disclose"- an applicant must lie or submit false or fraudulent information in connection with their application.
- "Failure to supervise guides"-new definition gives better direction.
- All other misconduct violations were moved to Criminal so they could be decided in a court of competent jurisdiction before the Department will assess any points.



Field Operations Division



From: [Jim and Kelly Welles](#)
To: [Mee, Letitia, DGF](#)
Subject: Changes to Proposed Rule Changes
Date: Thursday, November 09, 2017 2:23:20 PM
Attachments: [image001.gif](#)

Hello Tish,

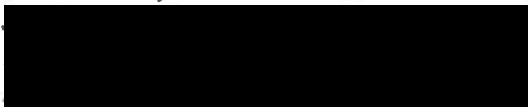
Thank you for making the adjustments to the Proposed Rule Changes. We appreciate being allowed to comment and hope that you might consider the comments below as well.

1. Under DEFINITIONS" A. Where it says "field" why not put "unit" where the license is valid and during the hunter-clients contracted hunt dates".
That way law enforcement will have something to go on, if it's required that we outfitters spell it out-which it is. And, in the unit instead of area will make it clear that coffee in Datil is not okay 2 months before the hunt occurs.
2. L. "Outfitter" This is a good change because you can go after the brokers selling unit 53 tags (and others) without any guide service, map or even knowledge of what a tough unit it is to hunt. We've had many calls from folks who bought tags from brokers, looking for help during their hunt up there and it's just plain irresponsible!
You may want to word it like this: "Any person who purchases UW or RO permits...will be considered an outfitter"
3. Under ADDITIONAL REQUIREMENTS TO BECOME A NEW MEXICO OUTFITTER: A. (9) and B. (5) You might want to change area again to unit. Maybe, "...during which at least two days of the licensed period, are accompanied with the client in the unit where the license is valid."
4. Under CONTRACTS: A. says "prior to application for special drawing pool license, but B. says before the hunt begins. This has been a point of contention and confusion for quite a while...
5. Under CRIMINAL VIOLATIONS: H. reads- for at least two days during the hunt. We'd suggest you do the same as recommended above, to tighten this up. Maybe, "...for at least two days in the unit where the license is valid, during the hunt period.

We appreciate your consideration of these suggestions. And believe it will clear up of confusion and allow you to get the guys who aren't abiding by the rules.

Jim and Kelly

Jim and Kelly Welles



*Exhibit 3
Agenda #14
Nov 16, 2017*

From: Jim Welles
To: DGF-FieldOpsComments
Subject: FW: Comments on Proposed Outfitter and Guide Rule Changes
Date: Thursday, November 02, 2017 11:12:49 AM
Attachments: Proposed Outfitter and Guide Rule Changes-Jim and Kelly Welles.pdf

Please see our attached comments on the Proposed Outfitter and Guide Rule for the public record.
Thank you,
Jim and Kelly Welles

From: Jim Welles [REDACTED]
Sent: Thursday, November 02, 2017 11:02 AM
To: [REDACTED]

Cc: 'Jim and Kelly Welles' ; 'chad williams'

Subject: Comments on Proposed Outfitter and Guide Rule Changes

Dear Chairman Kienzle and Commissioners Ryan, Ricklefs, Ramos, and Espinoza-

Thank you for allowing us to comment on the proposed rule change. I have attached the comments in pdf format and will send to the public record immediately after this email. I do not have commissioners Salopek and Montoya's email so I will be mailing hard copies to them.

We have studied the proposed rule changes and as you will see, we have several comments on conflicts within definition, additions, and implied clarifications. We recognize that 17-2A-1 requires adoption of regulations and governance of Hunting Guides and Outfitters by the State Game Commission. However, we believe the some portions of the current proposal exceed the scope of the statute and creates conflict in the following areas:

- 1) The "Drop Camp" definition and need.
- 2) The assertion that one's license will only be valid during the contracted hunt timeframes if the license is procured via the special pool.

There has never been any type of definition or loophole provided by a "drop camp" since the first statute was passed regulating outfitters and guides. There has never been any type of interpretation that a hunter cannot hunt on his or her license "within its legal dates" either before or after a date specified by a contract between a licensed outfitter and client.

Please feel free to contact either Kelly or myself with any questions or concerns you may have.

Again, thank you for allowing us to comment.

Respectfully,

Jim and Kelly Welles

JFW Ranch Consulting, LLC
[REDACTED]

From: [Bob](#)
To: [DGF-FieldOpsComments](#)
Subject: SFGC - Outfitter and guide rule changes comment
Date: Monday, October 23, 2017 8:22:23 AM

Thank you!

DIY hunters drawing tags in the outfitter pool are killing the business.

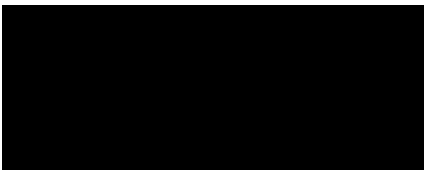
All hunters whom draw tags in this pool should have to be guided full time.

2 suggestions:

1. Drop Camp definition - sounds like the outfitters can pick the clients up at the airport or - start of the dirt road- transport them into camp then we are back to where we started..... make sure these services are listed for wilderness areas from horseback.
2. Guide to client ratio should be 2:1 not 4:1 - - after 25 years in this business I am certain there is no reality in or capability to guide 4 hunters with one guide and this will allow bending and breaking of the rules and requirements and back to devaluation of our New Mexico tags by allowing the super cheap 4 on 1 hunt - basically DIY - to be sold.

Very best regards,

Bob King



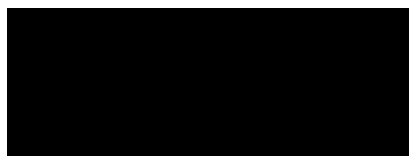
Please visit our web site at: WWW.SANTAFEGUIDINGCO.COM

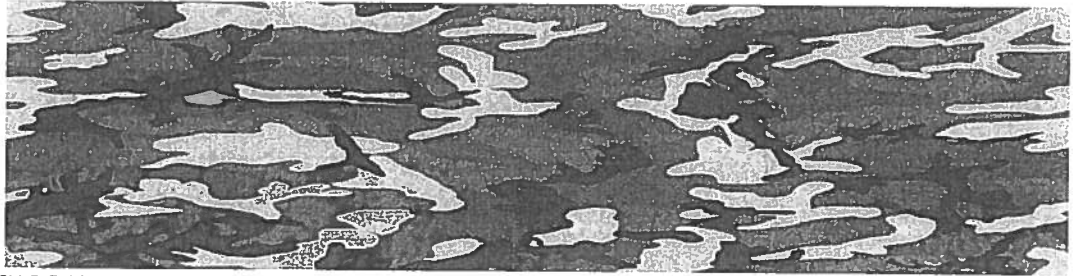
From: [Ryan Nogosek](#)
To: [DGF-FieldOpsComments](#)
Subject: Contracts
Date: Monday, November 06, 2017 9:01:51 PM

To whom it may concern,

As an outfitter, I am for the proposed rule change which will require a guide to “accompany” a client that has drawn a tag in the outfitter pool for the entire hunt that he or she has contracted for. I feel that the system has been abused and that more people are obtaining an outfitter license simply to apply a buddy and make it easier to draw a tag.

I understand that some outfitters make a living off of the two day minimum but in my opinion most of the people drawing the tags are using the system to draw a tag and may never see a guide or the outfitter in the field and simply pay the outfitter to use the number. The new rule will make most of that go away and the outfitter pool will be used in the way it was designed for. People who actually want or need a guided hunt from a licensed outfitter instead of a way to cheat the system and gain an edge in drawing a tag. Thank you for your time.





SANTA FE GUIDING CO 75 SIBLEY ROAD SANTA FE NEW MEXICO 87508 PH. (505)466-7964 FAX (505)466-1284

Dear New Mexico Department of Game and Fish

Please consider strongly a **pro business** change to the rules in the use of the "10% outfitted pool" to require fully guided services throughout the duration of the hunt for the fortunate recipient of these special limited licenses obtained in the draw.

To make this pool require full guide services will protect our New Mexico based guiding and outfitting services and continue to bring **new money at the highest levels possible** to the most rural locations in our enchanted state as we are so regularly in need.

My Santa Fe Guiding Company LLC has been providing professional guiding and outfitting services to hunters here in New Mexico since 1995. I have marketed and sold these services to client hunter desiring the best of what free range recreational hunting for trophy and harvest can be - thanks to our beneficial circumstances New Mexico offers. The 10% outfitter pool has been super great to enter my clients into regularly getting them tags so they can come to New Mexico spending a great deal of money and have an adventure of a life time. When they are not successful in drawing a tag, some move on to other locations to fulfill their dreams leaving us without a job and the state with less \$\$\$. I employ registered native New Mexican guides and use local services in every neighborhood I operate in and have greatly enjoyed my ability to contribute financial assistance all over our state by revenues earned in my outfitting services.

Back in 2011, we were fortunate to retain a 10% outfitted pool. I know, I was down at the Round House personally for weeks working to protect our businesses by stressing the fact that each of these allotted tags can earn New Mexico \$3500-\$5500 minimum on outfitting and guiding services alone plus all the other support services income generated by this special arrangement. From horseshoeing, transportation, groceries, insurance, taxidermy and taxes, the 10% allotment of tags adds nicely to New Mexico's economy.

Over the past handful of years, I have noticed a strong repetitive abuse to our great business deal. My guides and I have conducted our own casual field surveys whenever the opportunity presented itself culminating in the harshest of reality this season in the elk woods. Casually questioning hunters with nonresident license plates, individuals studying their GPS's on the roadside mounted on ATV's and others afield looking wide eyed obviously not guided by a professional looking non weapon carrying partner and this year a very large camp with 3 dormitory tents, a very large dining hall, electric lights burning, a water buffalo truck, rest room and shower facilities, a company sign at the bottom of the road and a parking lot full of nonresident vehicles....we have asked after welcomes and pleasantries "How did you get your tag?" Same answer overwhelmingly all of the time - "through the draw with an outfitter" and sometimes even responding " we are hunting DIY after our 2 day requirement...".

My investigation has proven that a \$500-\$1000 fee is either paid up front or upon a successful draw then the "2 day services" obligation is fulfilled by providing the party 2 days of location scouting before the hunt or most likely giving the party the "nickel" tour the day before the hunt and visiting them once during their hunt or by some outfitters providing a camp location with meals and stating that their "camp cook has all the answers and knowledge of where they are hunting".

This careless business practice is killing our businesses and ripping off the state of New Mexico.

This abuse of the "2 day" rule wording is a **devaluation of our game, our industry and the state of New Mexico**. Every time a hunter draws a tag in the outfitted pool planning on a DIY or just two days of "service" by a camp cook or quick tour of the areas and not be required to hire a full time guide service, we all lose.

This has to stop - by RULE, please.

Over the past couple of years, I have shopped my competitors and proposed my services to the largest booking agencies to enhance my own knowledge through investigation on where all of our tags are going. I have found that the #1 sales promo is to the DIY "**do it yourself**" hunters - most of the time advertised first by some outfitters and certainly requested first by the agencies. These outfits are flooding the draw pool too. My public records obtained through the department alone for elk hunts shows that some of the registered outfitter #s entered up to 100 applicants several years ago to 200-400 this past season. New Mexico is quickly becoming a "big box store" for hunters looking for a very inexpensive entrance fee to access a very high opportunity to hunt our state owned game.

We can still protect our traditional wilderness based outfitters by defining a "**drop camp**" as being a service where clients are "transported on livestock back into a set camp located in a wilderness area" requiring just 2 days of service of packing in and out. However, as currently worded, the careless outfitting services looking to make a quick buck are likely to take advantage of the current wording by "transporting the clients into camp" assumedly meaning to them, from the bottom of the dirt road getting acquainted then going back to get their RV's and ATVs later thrn following up during the hunt with a visit over a beer.. . to meet their obligation on 2 days of service. - just my opinion being all too familiar the snakes in the grass.

We are not eliminating the discount oriented hunter or outfitter by the rule change. We still have the 6% pool for non residents to draw tags as well as land owner authorizations available on the open market to provide this price conscience hunter with tags for their adventures and to bring their limited income into New Mexico's economy.

With such a high demand on our very limited resources we should not be giving it away. When in fact with the current rules to be a registered outfitter and eligible to enter clients in the 10% outfitted pool of having to be a New Mexico property owning entity as well as hiring no less than 80% native New Mexico employees in regulation, why would we then allow such a devaluation to our game, industry and state?

Please make the right pro business decision, stop this devaluation of our economy and provide leadership in the right direction to keep New Mexico's outfitting and guiding business's profit earning to the highest levels to help all of our enchanted state be all it can be.

Thank you for your considerations, professional business actions and best regards,

Bob King

Owner SFGC/ NMDG&F Outfitter # 88

SFGC ProGuides

Gary Roybal of Isleta and San Ildefonso Pueblo

Dave Fuss of Williamsburg, NM

Rocky Martinez of San Ildefonso Pueblo

Byron Tafoya of Jemez Pueblo

Omar Hanson of Santa Fe, NM

Warren Wolf of Placitas, NM
Tim Cimino of Albuquerque, NM
Lance Wyatt of Hobbs, NM
James Creager of Laguna Pueblo, NM

From: [Kerrie Romero](#)
To: [Beth Ryan](#); [Bill Montoya](#); [Bob Ricklefs](#); [Dick Salopek](#); [Paul Kienzle](#); [Ralph Ramos](#); [Robert Espinoza](#)
Cc: [DGF-FieldOpsComments](#)
Subject: Fwd: 2 day guided hunts
Date: Saturday, November 11, 2017 11:00:10 AM

FYI - See Below

Kerrie C. Romero

Executive Director - New Mexico Council of Outfitters and Guides

[REDACTED]

----- Forwarded message -----

From: **Robert Degner** [REDACTED]
Date: Fri, Nov 10, 2017 at 7:38 PM
Subject: 2 day guided hunts
To: [REDACTED]

Kerrie this is Rob Degner Mountain States Guide Service 22 years Fully Guided Professional Quality not quantity Guide Service We as fully guided hunt service Outfitters are being forced out of the business because of the abuse of the 2day rule being sold by others As you know now everyone is an Outfitter. We even have people from out of state that are Going together buying insurance required by G&F and becomes an Outfitter to put there group of hunters in the 10% draw pool We have a big problem with the system the way it is. I've known about this abuse for over 5 years and have talked with G &F BLM and Forest service about this It's finally coming to the attention of them. My clients are very disappointed with the things that are going on And the state and FS/BLM are losing a lot of money along with us

From: [Bob](#)
To: [DGF-FieldOpsComments](#)
Subject: SFGC response to Guide and Outfitter "2 day service" rule changes required
Date: Tuesday, November 14, 2017 8:28:17 AM
Attachments: [SFGC 2 day services rule change opinion.doc](#)

Dear NMDG&F,

Please find attached my full report and opinion on the proposed "2 day services" rule change we are so badly in need of.

I am copying each of the commissioners with this letter and will be attending the commission meeting on Thursday.

Simply put, this rule has allowed careless outfitters to rip us all off causing a devaluation our businesses, New Mexico's potential income and certainly to our wildlife the department is tasked to manage and maintain to the highest levels possible.

The current wording is allowing the bribing or purchasing into a pool of tags that was originally set aside to support locally owned businesses and to bring "new money" into our state.

I have run the Santa Fe Guiding Company of over 25 years now and am really starting to feel the affects of this abuse to the system by both small outfitters looking to make a quick buck and especially by the big booking agencies flooding the pool with 100's of applications for so few tags in which through my investigations are selling "do it yourself" (DIY) hunts as their first offering.

With such limited resources - tags - and so many hunters wishing to come to New Mexico for the high quality of hunting we are blessed to have, why would we ever consider giving it away?

As an appointed Game Commissioner, I assume you have successful businesses, a good sense of state pride and a willingness if not obligation to help produce the best results to benefit New Mexico on Game and Fish issues, so please, make the rule change that will then set the highest value to our limited resources.

I will be attending the commission meeting on Thursday at Elephant Butte and will look forward to meeting with and discussing this issue person to person with you.

Once again, please find attached my full report from our investigation and opinion. Please print it and read it to assist in your rule making challenges.

Very best regards,

Bob King



From: [REDACTED]
To: DGF-FieldOpsComments
Subject: Dear New Mexico Game and Fish Council Members:
Date: Friday, November 10, 2017 2:15:42 PM

Dear New Mexico Game and Fish Council Members:

I have been a full time outfitter in New Mexico since 1997 and it's been a privilege to offer fully guided hunts in this great state. We consider ourselves lucky that this state isn't burdened by a point system like many other Western States. Our lottery system is unique, and until recently offered truly fair opportunities for NM hunters, out-of-state hunters, and guided hunters. However, over the past 4 years I have seen the draw odds become diminished to almost impossible within the guided hunting draw pool. One of the reasons for this change is the excessive use of the guided pool with non-guided hunters. The two day guided rule has left a loophole in the system where hunters can book non-guided hunts in the guided pool.

Hunters (resident and non-resident alike), use this loophole to "buy" better draw odds. I get many calls a year from out-of-state residents looking to "buy" draw odds, or wanting to buy into the guided pool with my outfitter number. These hunters have no interest in a guided hunt and almost none will ever legitimately even see a guide in the field during the hunt. They flat tell me they want to have nothing or need nothing to do with a guide, only want to buy better odds. They will offer \$500-1000 to go in to the Outfitter Pool as a "guided" client, even though, in reality they have no intention of an actual guided hunt. After they get off the phone with me, I have no doubt they continue making calls until they find an outfitter willing to work with them.

While I turn these hunters down, there are other less ethical outfitters who go ahead and take the money and put them in the pool. Many outfitters will simply meet hunters in summer or early fall hand them a forest service map with some x's on it and meet them again in the morning and they are done. Or some will not even ever meet hunters.

There are many reasons why you should close this loop-hole.

- 1) **Financial** – the State of NM makes significantly more in taxes and revenue from truly guided clients.
 - a. BLM and Forest service fees. 3% of a \$5000 guided trip vs 3% of a \$500 trip. This amounts to a difference between \$150 vs \$15 dollars per client. How many guided tags are issued each year? These unscrupulous outfitted trips that skirt the rules fleece the state out of hundreds of thousands in small business stimulus revenue and general tax revenue. Revenue that is needed to helping our state and helps to run departments that are continuously seeing their budgets slashed.
 - b. Guide pay/local economy. An example: if there are 50 Outfitter tags in a unit, but 30 have gone to clients who are not actually guided, you are taking money out of the pockets of hard working New Mexicans who are dependent upon this yearly income. They will guide only a fraction of what they could/should be doing. This is affecting all outfitters and guides annual income.
 - c. Gross receipts tax. Again, a truly guided client will spend on average about \$8000 or more (guided hunt, taxidermy, butchering) in our local economy. Those who are taking advantage of this loop hole are do-it yourselfers who have no intention of leaving their dollars in NM. They are

taking our resources, then heading home.

- 2) We already have an Out-of-State pool. This issue is now front and center. If you do not address it now it will become a free-for-all in the coming years. More and more outfitters, who will give up hope of drawing legitimate clients, will in turn flood the pool with illegitimate applicants and those skirting this rule. Eventually both your outfitter's pool and out-of-state pool will hold a quality of hunter indistinguishable from each other.
- 3) Inability of Game and Fish to enforce "two day" hunters – Outfitters and clients who are taking advantage of this loop hole are doing so because they know that even if they never meet with a guide in the field it is unlikely they will get caught. After all, they don't actually have to be with a guide. They may have never been with a guide, or have no intention of meeting with a guide. It is nearly impossible for Game and Fish officers to hold these hunters to a guided standard. Let's clarify the rule for fair enforcement by your officers. How can an officer enforce a "guided only" rule if clients never need to be in the field with a guide?
- 4) Unreasonable pressure from out-of-state hunters. As I understand it, Game and Fish has been flooded with letters from out-of-state hunters who have been taking advantage of this loophole. Just because they have been taking advantage, **doesn't make it right, and doesn't mean that it should continue.** Of course they are flooding you with letters. They struck gold with this loophole. Quite frankly, I think the behavior of both these particular hunters and the outfitters they are partnering with are unethical and unscrupulous.

But the fact remains that these hunters don't belong in the Outfitter Pool. Paying an outfitter money for their outfitter number doesn't change the fact that they legitimately belong ONLY in the out-of-state pool.

By giving more weight to the opinions and letters of out-of-state hunters, you are disregarding what is best for actual citizens on New Mexico. The outfitters, guides, taxidermist and butchers who make their living here. Who pay taxes here, and many of us call New Mexico home, and vote here.

The NM Council of Outfitters and Guides recently conducted a survey of its members the industry. **Overwhelmingly** the outfitters and guides wanted the Department to make all hunts drawn in the outfitter pool strictly guided (unless it was a legitimate drop camp situation). This is what would be best for the guided industry. **If this is a guided pool, shouldn't the opinions of those in the industry effected hold weight?**

I do think the 2 day rule should be allowed on wilderness hunts or other hunts where an actual PACK IN service is provided (**the original intent of the 2 day rule**). Non-resident hunters have a 6% pool if they choose to hunt DIY.

Help protect the heritage of outfitting and guiding here in New Mexico. Stop the blatant abuse of the program that was intended to protect an industry here in New Mexico not filling greedy outfitters pockets who are working with a loop hole in the rules.

Please consider a strong revision to the rule as it stands. Help protect this great industry here in New Mexico. The outfitter guided pool is one of the best systems in the Western US, yet the actions of a few are ruining it for all.

The true intention of the pool was to be used for GUIDED HUNTS and GUIDED HUNTERS. Please close the loophole to protect the integrity of the pool.

Smile! It's almost hunting season!

Chris Guikema



Northwest Area Director - New Mexico Council of Outfitters and Guides



"I do not hunt for the joy of killing but for the joy of living, and the inexpressible pleasure of mingling my life however briefly, with that of a wild creature that I respect, admire and value." -John Madson

From: [Tim Barraclough](#)
To: DGF-FieldOpsComments
Cc: [REDACTED]
Subject: Outfitter 2 day rule
Date: Wednesday, November 08, 2017 6:40:14 PM
Attachments: [image001.png](#)

Kerrie Romero just sent out an E-mail encouraging all of the outfitters to contact you and request that the portion of the proposed outfitter rule that makes it where each hunter must be accompanied by an outfitter throughout their hunt to contact you to try to reinstate it.

I am here to state **that I like the current two-day rule**, I use the two day rule and I am in favor of keeping the two day rule and here are my reasons:

1. A person can compensate an outfitter and improve his odds of drawing a tag.
 - a. What I am against, are the outfitters that charge money up front, just to apply for a license with the use of the outfitter number and if unsuccessful the outfitter will apply that money to a hunt provided that they keep applying each year and do not miss a year. In other words, the outfitter is charging around \$500 to use his outfitter number and if unsuccessful he pockets the money.
 - b. This is a rip off especially when you apply in units like the Gila where your odds of drawing are slim even with the outfitter number. After a few years you don't apply and he gets the money.
2. I get a number of blue collar hunters that cannot afford to hunt a fully guided multi-thousand dollar hunt, but want to hunt in New Mexico. This allows them to do it.
3. The outfitters against the two-day rule, think that an outfitter that offers the two-day service are ripping them (outfitters) off and every time someone draws a license to use the two day rule, they are losing a \$6500 hunts, as I was told by one outfitter.
4. The outfitters against it are trying to preserve a past way of life and will not adapt to modern requests.
5. Most of or a very large number of my hunters that use the two-day rule and apply with the outfitter number are my staff.
 - a. These individuals put in for cow hunts where outfitters do not even apply
 - b. These individuals use the outfitter number to get their grandkids to draw a tag in undersubscribed deer units
 - c. This group of individuals use my outfitter number and I have no problem with it, as it helps them improve their odds and be able to hunt, immediate family (wives) get to hunt, kids and grandkids get to hunt. If I lose a customer because of it, that is life.
6. I have bow hunters that will draw an early 15-day bow hunt and may go self-guided (drop camp) or guided with me on a seven-day hunt, but want to come a couple of days early or stay a day late on their own. Under the earlier proposed rule they could not have done that any longer. They have a 15-day license, but because they are with an outfitter they only have a license valid for what the outfitter books them for. This is not right.

So, in summary, I am in favor of keeping the two day rules as it currently stands.

Respectfully submitted

Tim Barraclough



From: [Leroy](#)
To: [DGF-FieldOpsComments](#)
Subject: 2 day loop-pole hunts
Date: Wednesday, November 08, 2017 7:32:59 PM

My name is Leroy Greer owner of 6x6 guide services I'm ok with closing the two day loop pole but please inform all outfitters ASAP as we must change contracts and websites thank you

Leroy I Greer
6x6 Guide Services llc

Sent from my iPhone

From: [Jesse\(Guide\)](#)
To: [DGF-FieldOpsComments](#)
Subject: SB 196 interpretation
Date: Wednesday, November 01, 2017 1:48:17 PM

Name: Jesse Valdez

Address: [REDACTED]

City: [REDACTED]

Representing: Myself

I am writing to you about my concern for the SB196 rule change or misinterpretation.

SB196 is written such that a person can be guided a minimum of two days with a Guide and should be still be allowed to hunt the rest of the days the hunters tag is allowed on the license.

Many of my hunts are between two and five days and by not allowing SB196 as it stands now would be taking money out of my families pocket. I rely on this income to supplement my day to day in order to support my family of four.

It is unfair to have the proposed drop camp as an outfitted hunt but not have a Guide with the group one single minute. My interpretation is that a two day hunt must have a Guide with the party for two full days.

Please address this change and interpret SB 196 as it is written and keep it the way it is today.

Jesse

From: [Jordan Hall](#)
To: [DGF-FieldOpsComments](#)
Subject: Proposed outfitter changes
Date: Wednesday, October 25, 2017 8:31:07 AM

Hello,

I want to publicly show my support for the proposed guide and outfitter changes. First, the amended language that should eliminate the two day loophole outside of wilderness drop camps is absolutely necessary. Since SB 196 this has slowly become abused wherein the outfitter pool has become saturated with individual essentially paying for draw odds. This can lead to much less experienced guides in the field, and frustration for outfitters with fully guided clients. For instance if I have a five day fully outfitted hunter in 2b I may not receive a Jicarilla permit that year, therefore only being able to hunt half the unit. However, if a two day hunter is guided on BLM for two days once he is on his own may hunt any public land portion of the unit he desires since he is no longer with a guide. This is just one example, but as you can see this creates a loss of income for land agencies, for the state, due to cheaper hunts resulting in less gross receipts taxes, and the economic multiplier of fully outfitted hunters spending more money in the state of NM. I hope to see these changes made, and furthermore I hope they effectively are enforced to close any loopholes.

Jordan Hall

Sent from my iPhone

From: [Lauren Hines](#)
To: [DGF-FieldOpsComments](#)
Subject: Guide and outfitter proposed changes
Date: Wednesday, October 25, 2017 8:23:24 AM

To who it may concern,

I want to show my support for the proposed changes to the guide and outfitter rule. Clarifying language will be a efficient improvement for both outfitters and law enforcement to understand the laws. Furthermore, in the last several years there seems to be a increase in the two day guided hunts in the state. Not only does this dilute the outfitter drawing pool, it results in a loss of gross receipts tax collected by the state of NM. I think this loophole should be closed and a guide or outfitter should be present with the guide the entire time they are actively hunting in the field. Thank you again,

Lauren Hines

Sent from my iPhone

From: [Calvin Rooks](#)
To: [DGF-FieldOpsComments](#)
Subject: Outfitter and guide proposed changes
Date: Tuesday, October 24, 2017 10:45:24 AM

I fully support the proposed changes to the outfitter and guide rules. Particularly the changes made to the two day minimally guided hunts being removed and replaced by drop camps. I think this will bring more income to both the game and fish department and the guiding industry. I also believe it will reserve more outfitter pool tags for those that intend to actually go on an outfitted hunt, while leaving them available for those that want a wilderness hunt but don't have the means of scouting or transporting their own camps into remote areas. If this change is approved I would like to see it strictly inforced and if put into state statute, carefully worded to close any loop holes that may exist.

Sincerely, Calvin Rooks

Sent from my Verizon 4G LTE Droid

From: [Connie Rooks](#)
To: [DGF-FieldOpsComments](#)
Subject: [Proposed Guide & Outfitting rule changes](#)
Date: Tuesday, October 24, 2017 7:04:26 AM

To whom it may concern,

I am in complete support of the proposed changes to the Guide and Outfitting rules. The proposed changes give a clear definition of what is expected and helps support and protect hard working outfitters and guides as well as hunters electing to buy guided hunts.

Thank you,
Connie Rooks

From: [REDACTED]
To: [DGF-FieldOpsComments](#)
Subject: Outfitter and guide proposed changes
Date: Tuesday, October 24, 2017 10:38:57 AM

I support the proposed changes made to the outfitter and guide rules. The replacing of two day minimally guided with drop camps in particular.

Sent from my Verizon LG Smartphone

From: [Berger, Bernie](#)
To: [DGF-FieldOpsComments](#)
Subject: Proposed Rule Changes
Date: Monday, November 06, 2017 8:22:38 AM

To whom it may concern,

I have had the good fortune to draw an archery elk tag in your fine state in 2012 and again in 2014. These were two of the best hunting experiences of my life.

If your aim with these proposed rule changes is to push away out of state hunters from contracting with a guide in your state and/or applying for a license at all....well then you're spot on.

The odds of drawing a tag are slim enough as is so if I am lucky enough to draw a tag and want to have the option to hunt an entire season, why is it imperative to contract a guide for this entire period.

This just makes the sport more elitist where only the rich can afford to hunt.

Please reconsider these rule changes which will inevitably push away many of the out-of-state hunters that come to your fine state (and spend a lot of hard earned money) to chase wild game.

Thanks for listening,

Sincerely,

Bernard Berger



This email, including any attachments, contains information that is confidential and may be privileged. If you believe that you received this email in error, please delete it and notify the sender as soon as possible. Thank you.

It's okay to print this email. Paper is a sustainable product made from trees. Sustainably managed forests are good for the environment, providing clean air and water, wildlife habitat, and carbon storage. Thanks to responsible forest management, we have more trees in America today than we had 100 years ago.

From: [Brett Foster](#)
To: [DGF-FieldOpsComments](#)
Subject: Proposed Changes
Date: Saturday, November 04, 2017 12:21:36 PM
Attachments: [image001.png](#)
[SpVoice Fall 2014 Fosters.pdf](#)

Dear Commissioners:

I apply for New Mexico big game tags almost every year – through an outfitter. I have drawn elk tags a couple of times and a deer tag. I have really enjoyed hunting New Mexico as a non-resident. I look forward to getting lucky enough drawing a coveted sheep tag some day! I write to thank you for the good big game management you have done over the years.

I also write to oppose the restriction on any hunting license drawn – i.e., the big game license that would cover only the contracted days with the outfitter. First, I think this restriction would be unlawful as outside the scope of the statutory authority granted to the Commission. If this is passed, I have no doubt that it will be challenged in court and the restriction will not survive judicial scrutiny. Such a legal challenge would cost the state of New Mexico hundreds of thousands of dollars, if not more, depending on how far the challenge goes. At the end of the judicial day, the change would likely be invalidated as illegal. It also would appear to be questionable from a constitutional standpoint. The restriction would affect, almost exclusively, non-residents. It could (and likely would) be argued (perhaps successfully) that this restriction would violate the equal protection clause of the U.S. Constitution. I'm sure you are well aware of the constitutional challenges that have been successfully mounted on non-resident restrictions of big game regulations.

Apart from the fact the proposed action appears to exceed the scope of authority granted to the commission and could raise constitutional issues, it would be unfair to those who draw the tag. Over the years, I have drawn many non-resident tags. I have a very busy life, and a hectic work schedule (yes, its Saturday and yes I'm working). I am a trial attorney that focuses on intellectual property (patents, trade secrets, trademarks, copyrights, etc.). I represent many companies in the hunting industry including Browning, Hoyt, Easton, Primos, Kuiu, and many others. I love the outdoors as much as my favorite outdoor clients. But, I'm often at the whims of judges that set trials, hearings and other deadlines without regard to my hunting dates or the dates I may have contracted with an outfitter. I have had many times that the dates in a hunting contract with an outfitter, long after agreed and signed, didn't work out due to largely unforeseeable circumstances. In those situations, I have made adjustments with the outfitter, and worked out alternative dates. Sometimes, I don't the enough days with the outfitter given prior commitments and I've had to hunt on my own. Under your proposal, any adjustment from the contracted dates would not be possible. That would be unduly punitive. When we are lucky enough to draw a great take in your great state (which for me has been once a decade), our tag should be good for the whole season, just like everyone else, resident or non-resident, or hunting with or without an outfitter.

Thanks for considering my thoughts on the subject.

Best regards,

Brett

PS – I my law firm has a beautiful office in Santa Fe, NM.

PSS – I though you would enjoy an article I wrote about some Sacred Ground in the Northwest Territories (attached).

Brett Foster
Partner

From: [Darrell Vincent](#)
To: [DGF-FieldOpsComments](#)
Subject: License changes
Date: Sunday, November 05, 2017 6:01:46 PM

This new proposal on out of state licenses is the worst change New Mexico could make. It will severely restrict all outfitters any where. Please do not make changes.
Thank you

Sent from my iPhone

From: [Renee Shook](#)
To: [DGF-FieldOpsComments](#)
Subject: Outfitter rules
Date: Sunday, November 05, 2017 12:51:21 AM

I'm am totally against restricting hunting time for a license drawn or purchased thru an outfitter to the contact length only ...This will be detrimental to outfitters and will deteriorate the frequency that lots of folks hunt New Mexico.....I try to hunt yearly by using every option available to me whether personally drawn or drawn thru a contracted outfitter or by purchasing private ranch tags.
I feel that this will drive away many annual hunters and further narrows my hunting window and will only add more cost and subtract business for outfitters.... I stand against this assault on the length of hunting time of the license I buy thru a outfitter with my hard earned money. I am concerned about the future of hunting that will be available for my kids.

Respectfully
Gaylon Shook

Sent from my iPhone

From: [Grey Wilson](#)
To: [REDACTED]
Subject: STOP PROPOSED OUTFITTER RULE CHANGES
Date: Sunday, November 05, 2017 11:43:20 AM

Please do not change the rules regarding the Outfitter draw in New Mexico. I have spent tens of thousands of dollars in New Mexico over the last several years on hunting trips in Roswell, Carlsbad, Reserve, and Farmington. Every time we have visited New Mexico we have absolutely loved our time in your state, however these rule changes will likely preclude us from hunting in New Mexico again.

Thank you for your time and consideration.

Grey Wilson
[REDACTED]

From: [Jim Bouma](#)
To: [DGF-FieldOpsComments](#)
Subject: New guided hunting rules
Date: Sunday, November 05, 2017 2:08:57 PM

Greetings,

I have become aware of the proposed changes to the guided hunting rules. I cannot protest these changes enough. As an out of state hunter supporting the state every year by buying and applying to hunt each year, these changes specifically the limiting of the hunting days to only contracted days, is disheartening and borders on fraud! If the season is open, then if I have a tag I should be able to hunt.

Please drop these proposed changes. This would be a hardship at the least for non resident hunters and probably enough for many to quit applying in New Mexico.

Sincerely,
Jim Bouma

From: [Jay](#)
To: [DGF-FieldOpsComments](#)
Subject: NM Hunting Lic Change Proposal
Date: Monday, November 06, 2017 3:48:59 PM

Hello,

I'm sending in comments in regards to proposed license changes that would restrict guided\outfitter tags to only be valid for the days specified on the contract.

Truthfully, I'm more of a DIY guy, but I have contracted with an Outfitter in the past on a hunt and what I can say is that as a hunter, we're paying full price for that tag (plus additional costs through the outfitter for their services) - I don't feel it's fair to restrict the number of days we can hunt. Often times outfitters simply provide 5,6,7 day hunts (which are not cheap by any means) - why not let the tag holder continue to hunt on their own if desired - if they haven't filled with their outfitter.

In my opinion, there have been enough negative changes to the non-residents chances of hunting NM, let's not make this even worse and more complicated.

Thanks,
-Jason Olson

From: [Jim Gerold](#)
To: [DGF-FieldOpsComments](#)
Cc: [REDACTED]
Subject: NM Outfitter Rule
Date: Monday, November 06, 2017 11:29:47 AM

Thoughts on proposed new Outfitter and Guide rule,

I am writing in regards to the new outfitter and guide rule that is currently being proposed. I have been fortunate enough to have drawn an elk tag with my dad in 2014 and also accompany my dad and uncle on their elk hunt in 2015 when they drew together. In both cases, we extended our hunts after our contracted time with the outfitter that we hunted with. It would be very unfortunate if this rule change went into effect, preventing that. In 2014 we hunted every day of the season and neither of us tagged an elk, though it was the most fun I have ever had hunting in my life. In 2015 my dad shot a bull during his contracted time with the outfitter but my uncle did not. He continued to hunt until the last day of the season, without taking a bull.

Both years that we continued our hunts, we also continued pumping money into the local economy. We stayed at hotels, shopped and ate at local establishments, and refueled our vehicles while we hunted. Heck, during the downtime while my uncle was still chasing elk, the rest of us went to San Antonio and bought 5 gunnysacks of green chiles! None of this money would have been spent had we been required to leave immediately upon our contracted dates with the outfitter being up. When a hunter hunts solely with an outfitter who provides meals and lodging for the entirety of the hunt, other businesses do not benefit. In our case, we both spent money with the outfitter AND supported the local economies.

I'm a very serious hunter and when I draw a tag as special as New Mexico I'm going to hunt every day that I can. Contracting two full weeks with an outfitter is not affordable or desired for me. If my guide and I are not on the same page after a week, why would I want to continue hunting with him or her? Being able to extend my hunt ensures that I will be able to make the most of my opportunity. To be blunt, I probably will not continue to apply in New Mexico if this rule change goes into effect. I do not want to lose the freedom to use my tag to its fullest potential if I do happen to draw.

Thank you,
Jim Gerold

Jim Gerold

[REDACTED]

[REDACTED]

From: JOHN D
To: [REDACTED]
Cc: [REDACTED]
Subject: Rules Changes Impacting Hunters and Outfitters in NM
Date: Sunday, November 05, 2017 10:05:10 AM

Dear Chairman Kienzle and Commissioners Ryan, Ricklefs, Ramos, and Espinoza-

As a New Mexico resident and registered voter, I'd like to comment on the proposed rule change that will restrict the hunting rights of ethical hunters in our state.

Specifically, the proposed rule changes address "Drop Camps" and limiting the duration of special pool hunts. I recognize that 17-2A-1 requires adoption of regulations and governance of Hunting Guides and Outfitters by the State Game Commission. However, some portions of the current proposal exceed the scope of the statute and create conflict in the following areas:

- 1) The "Drop Camp" definition and need.
- 2) The assertion that one's license will only be valid during the contracted hunt timeframes if the license is procured via the special pool.

As a NM hunter, I am against any changes that limit my ability to hire a guide service for a couple of days to help me learn a hunting area and thereby increase my chances of harvesting an animal. I'm very comfortable in the forest and do not need a drop camp or any camp services. At times I need a properly trained guide especially when hunting a new area. Additionally, any rule change that limits the duration of my special pool hunt (as detailed on my license) because I only hired an outfitter for 2 days is just not fair. If my hunt is 2-6 Dec and I contract with a guide service for 2-3 Dec, I should be allowed to hunt on my own 4-6 Dec. Many of us can't afford to hire an outfitter for the full hunt, but, are perfectly capable of continuing the hunt thru the duration of the license on our own. If this rule is approved, it will hurt the outfitters and will take an affordable guided hunt opportunity away from NM residents who otherwise couldn't afford to use a guide service at all. There has never been any type of definition or loophole provided by a "drop camp" since the first statute was passed regulating outfitters and guides. There has never been any type of interpretation that a hunter cannot hunt on his or her license "within its legal dates" either before or after a date specified by a contract between a licensed outfitter and client.

Please fight against these rule changes.

Respectfully,

John D. Wharton
USAF retired

[REDACTED]

From: John Wright
To: [REDACTED]
Cc: David Wright; Darrin Strickroth; DGF-FieldOpsComments
Subject: Proposed Outfitter and Guide Rule Changes
Date: Tuesday, November 07, 2017 7:33:07 AM

I am writing to you as a non-resident hunter who is a New Mexico fan. I have hunted and enjoyed visiting your state many times over the years. I am writing to you in hopes you will consider the perspective of a non-resident hunter in your state. I respect the role you play in determining the future and policy for hunters and resident outfitters; however, I feel you are being pressured in a way that will ultimately degrade the non-resident experience and reduce participation in your draw process. I believe there are outfitters who are concerned over hunters like me who use AB-196 to increase draw odds, and ultimately apply the minimum two consecutive hunt outfitter participation version. While I respect this kind of dialogue between outfitters, legislators, and hunters, ultimately I feel you are going to see a reduction of participation in your state if you pursue this.

I am a professional firefighter in California, a father and husband, and a lifelong hunter. Over the years the cost of hunting has risen, time has become more valuable, and New Mexico has become increasingly elusive to hunt. I have drawn premium tags in your state, in places like the Gila Wilderness. When you changed your allocation percentages to favor guided non-residents, I equated it to the "premium" tag status you can pay for in other states for better odds and was happy to see the outfitters healthier. I also valued the input from the outfitter when I drew the tag. I felt the two consecutive hunt rule in SB 196 was acceptable. However, as an archery Elk hunter, there is no substitute for time on the ground. I have walked hundreds of miles in your state, many thought familiar areas where I have experience. Two consecutive hunts with a guide is acceptable under that application, but accepting a full time guide for the sole purpose of increasing my odds or meeting the requirements of your rules is not. My odds will plummet in a unit I have hunted non-guided for many years and I will no longer be able to apply with reasonable odds. That is no problem as there are many other hunting options, but it is important you consider the scenario. In addition, I believe you will see the value of landowner tags go through the roof, further degrading the attraction to participate in New Mexico.

The new proposal requiring a guide to accompany non-resident guide application hunters their entire trip is unreasonable. I will not participate in your guided application process because I will not be able to afford to, and I do not need or want the services of a guide at the point in my hunting career. The nominal fee by applying through an outfitter under SB 196 and utilizing their guide for the first 2 days was acceptable, but if I have to extend this service, I will not participate in your guided application process and will not hunt in New Mexico. I have hunted in your state four out of the last seven years. I am certain you know the revenues that come from this. I have two children that are coming into the age for hunting. While I respect you have great youth opportunities, you will lose their future support and participation in your state as well.

In summary, I appreciate the position you are in. I have a great respect for the business owners and the outfitters. Please do not let this lobby for more control and more "forced participation" go through. It will reduce the number of hunters like my family and friends from participating in your state. There are many western states to choose from. New Mexico was always possible because you had a unique drawing potential when other states became point restrictive or too

limited. The current rules under SB-196 does what the outfitters want, it steers non-residents toward them. It brings more revenues to your state. IF you put these additional restrictions on that category of non-resident guided applications, I believe you will hurt the process and ultimately lose participation from hunters like myself.

Thank you for your consideration,



From: [John and Treasure McPherson](#)
To: [DGF-FieldOpsComments](#)
Subject: Rules
Date: Saturday, November 04, 2017 3:16:38 PM

To whom it concerns,

I am a non resident hunter that has hunted NM on a semi guided basis. Without the provision to be able to hunt semiguided I would apply without a guide. This seems to be what would be allowed if the new rule is applied. I won't pay for a guide for 2 days and would not leave the guide a tip. I like to hunt by myself but am willing to pay a local to point me in the right direction. This would amount to \$1000 for the guide and \$400 tip. This young man said he worked part time as full time jobs were hard to come by in the area. He was very happy with a generous tip. If I don't get a little benefit in the draw I'll go at it myself and keep my money in my pocket. It doesn't hurt the game and fish, and someone would still get the out of state permit. If you are going to sell a permit why not bring more \$ into the state? All else being equal and animals/tags being the same.....NM wins when out of staters spend more money in their state. I prefer to hunt solo and wouldn't spend more money if forced to hire a guide for the whole hunt. Seems like a win-win for the state, hunter, local economy. I would encourage you to keep the rule as is. Thanks for your time.

John McPherson

Sent from my iPhone

From: [Ken Orton](#)
To: [DGF-FieldOpsComments](#)
Subject: NM Outfitter and Guide hunting changes
Date: Monday, November 06, 2017 5:48:51 AM

Hello,

I have recently been made aware of proposed changes:

- 1) The "Drop Camp" definition and need.
- 2) The assertion that one's license will only be valid during the contracted hunt timeframes if the license is procured via the special pool.

It bothers me that if these changes are accepted it will mean the end of my New Mexico hunting adventures. I do not understand the end game you are trying to accomplish. If it is to push me out of visiting NM, spending money in NW and creating great memories in NM you will in fact accomplish that goal.

Please reconsider these actions.

Thank you

Ken Orton

CONFIDENTIAL: The information contained in this email communication is confidential information intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return email and destroy all copies of this communication, including all attachments.

From: [Mike Geddes](#)
To: [DGF-FieldOpsComments](#)
Subject: rule change
Date: Sunday, November 05, 2017 7:20:37 AM

To whom it may concern,

My name is Mike Geddes, a hunter from Idaho. I have applied in New Mexico for various species for many years. I have drawn one elk tag over the years. I believe a change to the partial hunting guide rule would end my interest in New Mexico. The way the rule reads now gives me an actual chance to draw a good tag. Odds are poor on most good hunts. I guess I am a "fall in the middle" guy. Can't afford a fully guided hunt but am willing to pay what I feel like is still quite a bit for a partially guided hunt. Some help when I get there and improved odds are what is important to me. I realize the trend in most states is that the guy with the most money wins. That is why I have loved New Mexico. No points, and with a partial guide, a guy like me (and my boy) have a shot at a good hunt.

Thank you for your time

Mike Geddes


From: [Mark Collins](#)
To: [DGF-FieldOpsComments](#)
Subject: Nonresident hunters
Date: Saturday, November 04, 2017 4:19:26 PM

Please be considerate of nonresident hunters! I have hunters multiple years in new mexico and plan to continue but it seems the department is trying to discourage nonresident hunters! If i pay same price for license then i should get same amount of hunting days. It seems to me politics is getting the hunting arena!! Bad situation when it gets to be about money!

Thanks Mark Collins
Arkansas

Thank you and GOD bless

From: [mechanicet](#)
To: [DGF-FieldOpsComments](#)
Subject: New Mexico license
Date: Monday, November 06, 2017 9:26:37 AM

Just received info about a change in non residents license that would impact the amount of days I would be able to hunt in New Mexico. What is the purpose of the change and why? Leave the system as is and if you want to change something give us more tags. Thanks

Sent from my Verizon, Samsung Galaxy smartphone

From: [Mark Santurbane](#)
To: [DGF-FieldOpsComments](#)
Subject: Out of state Hunter comment - NO on making hunting permits valid only during the number of days specified in an outfitter contract
Date: Sunday, November 05, 2017 7:20:01 AM

Greetings The State of New Mexico,

As an out of state resident who thoroughly enjoys hunting the great state of New Mexico, I sincerely DO NOT support the potential regulation of making hunting permits valid only during the number of days specified in an outfitter contract.

It is very, very hard as an out of state resident to even draw a New Mexico Hunting tag. When you do finally draw your dream New Mexico tag with an outfitter having the number of hunting days limited to the outfitter contract is simply unfair. No one can financially book an outfitter hunt for the full number of days in a particular tag season.

Please do not make this regulation change.

Sincerely,

Mark Santurbane

From: [Mike Spindler](#)
To: [Jim and Kelly Welles](#)
Cc: [DGF-FieldOpsComments](#)
Subject: Re: IMPORTANT NM HUNTING ISSUE-Comments on Proposed Outfitter and Guide Rule Changes
Date: Monday, November 06, 2017 2:14:35 PM
Attachments: [image001\[9\].png](#)

As a hunter in New Mexico this is detrimental to the DIY hunters. Lets all remember the property we are hunting is paid for by the tax payers regardless of home state. The use of outfitters from 2 days to 15 days is a valid part of getting to know a new area and allowing the opportunity to hunt on your own after the contract time has expired. I feel like this gives an out of state hunter the same playing field as a local who can spend countless weekends/days scouting. This is also a great way to support the local guides and outfitters which in returns dumps out of state money in the New Mexico economy. This process is a win-win for New Mexico and the out of state hunter.

Mike Spindler



From: [REDACTED]
To: [DGF-FieldOpsComments](#)
Subject: Proposed Outfitter and Guide Rule Changes
Date: Saturday, November 04, 2017 8:21:57 PM

Dear Chairman & Commissioners,

As an individual who has hunted big game in New Mexico on numerous occasions, I would like to offer the following comments regarding your proposed changes to the Outfitter and Guide Rules (specifically non residents who draw as part of the guide pool).

Your proposals will, in my thinking, accomplish exactly two things:

First: It will discourage non residents from applying in New Mexico, resulting in a loss of revenue to state agencies and local businesses (a substantial amount of money is spent in local communities prior to, during, and after hunting activities). I will certainly stop applying for Bighorn Sheep and possibly elk, as I am unwilling to pay for a license I can only use for the portion of the season I am guided.

Second: I don't think it is a far reach to say there will be multiple lawsuits and the resulting expenses to the state, as lawyers and the courts are allowed to further interpret the new changes.

The current rules, while not perfect, have been vetted by time and legal proceedings. Let's leave well enough alone.

Thank you for your time.

Steven W Jackson
[REDACTED]

From: [Ned Gruenhagen](#)
To: [DGF-FieldOpsComments](#); [Paul Kienzle](#); [Beth Ryan](#); [Bob Ricklefs](#); [Ramos](#); [R Espinozas](#)
Subject: Proposed changes to New Mexico Department of Game and Fish outfitter and guide segment rules
Date: Saturday, November 04, 2017 7:41:39 PM

Dear New Mexico Game and Fish Chairman Kienzle and Commissioners Ryan, Ricklefs, Ramos, and - Espinoza

Thank you for the opportunity to comment on proposed changes to NMGF outfitter and guide segment rules.

I'm an out of state hunter who is extremely concerned about the changes being considered to the guide rules for outfitter and guide segment rules.

Based on my understanding of the proposal, I do not support the changes being considered. In my experience, the current system has worked well for me.

If I don't successfully harvest an animal during my time with my guide, it would be absurd to restrict my opportunity to hunt in the remainder of the open season, outside the 2 day guided period spelled out in contract with the outfitter. I believe I should not be stopped from staying in New Mexico to continue pursuing game on my own during the open season, which may last several more days. Such a limitation on my opportunity to hunt is unduly restrictive and seems punitive. I would not want to travel all the way to New Mexico and then have to return home if unsuccessful after only two days of hunting.

I sincerely request that you reconsider this extreme limitation that would make New Mexico a relatively undesirable location for me to spend my recreational dollars.

Thank you for your consideration of my concerns.

Ned Gruenhagen


Sent from my iPhone

From: [peter kolaric](#)
To: [DGF-FieldOpsComments](#)
Subject: Proposed rule change
Date: Monday, November 06, 2017 6:37:58 AM

I believe that a hunting license should be valid for the entire hunting season not just for the duration of the outfitter guided dates. Even if you have to increase the cost of the license, it would be better than putting restrictions on the number of days allowed. As a nonresident big game hunter we need that flexibility to be able to deal with unforeseen circumstances and extend the number of days in the field to increase our chances of success. Many times we wait many years to draw a big game tag, please don't make it harder by restricting the number of days allowed. Thank you,
Peter Kolaric (Ohio)

From: [Robert Snow](#)
To: [DGF-FieldOpsComments](#)
Subject: Nonresident hunter outfitter rule change
Date: Saturday, November 04, 2017 3:32:13 PM

I'm against the proposed rule change stating hunters must book a guide for everyday of an outfitted hunt. This past year I went in the guided pool a drew an tag for elk. I planned on hunting the full 14 day season but only had the guide to show me around and help call at the beginning of the hunt. It was within my budget and put me on the fast track to a successful hunt. I would not be able to afford the hunt if I had to have the guide with me everyday. Changing this rule will price more people out of hunting New Mexico.

Thank you.
Robert Snow


From: [David Castro](#)
To: [Respinozasr@gmail.com](#); [bethryanlawver@gmail.com](#); [bob.ricklefs@gmail.com](#); [rramos@lcps.net](#)
Cc: [DGF-FieldOpsComments](#)
Subject: Re: Rule Change 17-2A-1
Date: Monday, November 06, 2017 6:41:04 AM

After reviewing the proposed legislation and rule change for governance of Hunting Guides and Outfitters by the State Game Commission, allow me voice my displeasure at the absurdity of this proposed change. If indeed this change goes through, NM will never see another dime from me. I have all the confidence in the world that other non-resident hunters are in concurrence with my thoughts on this matter. The proposed change is ridiculous.

--

Dave Castro

From: [Scott Cowles](#)
To: [DGF-FieldOpsComments](#)
Cc: [James](#)
Subject: Proposed Rule changes to effect the Non-resident hunter
Date: Monday, November 06, 2017 8:57:17 AM

Dear Sirs,

My name is Scott Cowles and I am a resident of Louisiana. New Mexico is my favorite state to hunt in for Elk and other big game. My trips to Northern New Mexico are often the highlight of my year. I'm 62 years old and have hunted since age 12 and hunted elk since the 1990's. I'm a member of the Rocky Mountain Elk Foundation and the Louisiana traditional Bow Hunters. I'm crazy about elk, elk country, and Elk hunting. It is my misfortune that I live in a state with no elk herd. My hunting buddy is a very fit 74 year old retired Air Force Vet and a former fighter pilot of the Vietnam war. I'm a 39 year veteran of the beleaguered oil industry.

We have utilized the SB-196 option and have been fortunate enough to draw archery elk tags in the 10% pool. On these occasions Jim & Kelly from *JFW Ranch Consulting, LLC* have been my outfitter of choice. As a Non-Resident I understand that I have little influence on the subject of tag allotments. The wildlife on the National Forests belong to the States and I compete with hundreds of other non-residents for one of a small number of tags allotted. Once I defeat the odds and draw one of these expensive tags it has always been equal to the tags drawn by everyone else in the 6% DIY, or in 10% pool. I understand the proposed change is that winners of a SB-196 draw will only be able to hunt for the 2 days of guiding that they typically contract while using this program. For the State of New Mexico that has always treated folks right, this seems completely outside the box. As a matter of fairness I ask that this be reconsidered.

I like the fact that New Mexico has no "preference point system" like other states and everyone has an equal shot at drawing a tag. When I purchase a 5 day, 10 day, or 14 day elk tag my application fee is some ware around \$773.00 for a standard hunt. Every other tag holder is allowed to hunt the entire season. When I do draw the tag in the 10% pool my partner and I pony up \$1500 + 7% tax for the fee to the outfitter. Once on the hunt we typically spend money for restaurants, the usual supplies, do some shopping for the grandkids, and tip our guides. I have forged bonds with these guides and they often check with us later into the hunt for wellness and to see if we need any assistance. Is it a goal to end the program? These proposed changes would only farther limit and financially punish the non-resident hunter. We are working class guys that have the skills to hunt on our own. We don't want to be fully guided and paying \$1400+ to hunt for 2 days after a 1200 mile drive is not an option. Being that the 10% pool is open to all, and provides a needed option to a Do-it-Your-Self hunter, I humbly ask that you leave it be. The fees I have described are pretty steep to begin with. My friend is on a fixed income and not all of us Non-residents has unlimited wealth to spend on these hunts. Those that can afford a fully guided hunt have those options in abundance on private land and with a Unit Wide landowner tag. My fear is that we are going to be pushed out and that my grandkids may never get this opportunity. Thanks for listening!

Regards

Scott

Scott Cowles



From: [Tracy Smith](#)
To: [DGF-FieldOpsComments](#)
Subject: NM Dept of Game and Fish proposing 2017 rule changes for hunting in NM.
Date: Saturday, November 04, 2017 8:44:43 PM

I am a Texas resident that enjoys hunting in NM with my family. When I heard about the newly Proposed Outfitter and Guide Rule: , I was very saddened mostly about **the addition of Definition A.** *“Accompanied” shall mean that the outfitter or their registered guide physically escorts the hunter-client in the hunt area during the hunter-client’s license hunt dates*” is a violation of the hunter-client’s right to hunt the dates printed on our license and our contracted dates. Example: we harvest early on a Sept 1-15 archery hunt but want to stay out in the unit for the duration of our licensed dates, will we now be in violation for being in the unit without the guide? Will the outfitter, even though he’s following the existing statute, rule, and his contract, be in violation if they pull out early after harvest is complete? If it were worded “during of the contracted dates and contract provisions” it would line up with statute which reads- *“ten percent of the licenses to be drawn by nonresidents and residents who will be contracted with a New Mexico outfitter prior to application”.* (B.(1) (a) or H. (9) *“...at least 2 days are accompanied with the client in the area where the license is valid.”*

Non residents are already heavily restricted for hunting in NM. We feel this is adding on restrictions unfairly. We hunt in other states also but would like to continue in NM, but not when plans can't be made because potential changes such as these restrict us further. Please consider the ramifications to non-residents who paid \$780 for a license and is now being told his hunt is over period or he pays even more to continue hunting.

Thank you for your consideration,

Texas resident who loves hunting in the state of New Mexico

From: [Trevor Martenson](#)
To: [DGF-FieldOpsComments](#)
Cc: [REDACTED]
Subject: Proposed changes to regulations and governance of Hunting Guides and Outfitters
Date: Monday, November 06, 2017 3:31:24 PM

Dear Chairman Kienzle and Commissioners Ryan, Ricklefs, Ramos, and Espinoza,

I have heard about the proposed changes of 17-2A-1 to the adoption of regulations and governance of Hunting Guides and Outfitters by the State Game Commission. However, as an out-of-stater who frequently hunts in New Mexico, I am deeply concerned about the proposed changes that will limit one's license to be valid only during the contracted hunt timeframes when the license is procured via the special pool. This is a massive change to the current regulations which only require a hunter to be accompanied for a minimum of two days.

The truth is, hunters have different needs. As an experienced hunter, I only need a guide who can show me the terrain and good hunting areas for my draw unit, which can often be done in 48 hours. However, I do not need, nor can afford, to have a guide at my side for a full 5 day rifle hunt or 14 day bow hunt. After already spending \$780 on my out of state tag, plus the large expenses of traveling to NM from the East Coast, I should be allowed to determine how much outfitter services I need. If the new regulations force me to have a guide for the duration of the hunting season, New Mexico will no longer be an appealing place to hunt and I will have to consider other western states.

Thank you for considering my concerns.

Sincerely,
Trevor Martenson

From: [matthew sanford](#)
To: [DGF-FieldOpsComments](#)
Subject: Changes in Interpretation
Date: Sunday, November 05, 2017 8:18:15 AM

Dear department of game and fish every year I pay excessive fees to hunt in New Mexico through an outfitter sometimes licensing fees equate too or are more than what the access to the ranches are! But you know what I pay them come in from out of state pay for fuel, motels, food, and many other things in your state. I have just recieved word that a change in interpretation would mean if I paid for a hunting lisenche but then went through an outfitter my lisenche would only be valid for those specified dates in the client outfitter contract! This is a gross misinterpretation the contents or dates in the client outfitter contract are no business of the state! If I pay y'all for a lisenche it should be valid for any day of the hunting season! IE: 28 day Barbary hunt but I purchased a day hunt how can the lisenche be valid for the one day? I'm coming from out of state what if I have to reschedule within that 28 day period? If this gross misinterpretation keeps up I will be forced to no longer come in and I've talked to several friends and we all agree we will be going to another state from now on to hunt elk deer aoudad and antelope. So please reconsider what y'all are doing!!!

Matthew Sanford

From: Varra, Wayne
To: DGF-FieldOpsComments
Subject: Proposed rule changes to the outfitter and guide
Date: Monday, November 06, 2017 9:23:18 AM

Dear Chairman Kienzle and Commissioners Ryan, Ricklefs, Ramos, Espinoza
The proposed rule changes to the Outfitter and Guide Segment will have a very detrimental impact on my ability to hunt in New Mexico and use my Outfitter and Guide
Please reconsider passing these changes

Thank You

A Colorado hunter who loves to hunt in New Mexico

Wayne Varra

[REDACTED]
Please make note that my email address has changed to wayne@varrafinancial.com

[REDACTED]
[REDACTED]
[REDACTED]
www.varrafinancial.com

Securities offered through National Planning Corporation (NPC) Member FINRA/SIPC. Varra Financial and NPC are separate and unrelated companies.

From: Jared Faciszewski
To: [REDACTED]
Subject: Guide and Outfitter Rule Changes
Date: Sunday, November 05, 2017 8:19:39 AM

Dear Chairman Kienzle and Commissioners Ryan, Ricklefs, Ramos, and Espinoza,

I am a non-resident hunter that hunts in many states across the west. I have enjoyed hunting NM, in particular because of the outfitter big game pool. I love to hunt elk and typically hunt for 2 weeks and it is my vacation for the year and I love chasing elk in the mountains, success or not. As I understand it, the proposed rule change would mean that I would have to reduce the time of my hunt or pay a guide for the entire time, the first being undesirable and would probably send me to Colorado or Montana and second being financially infeasible for me at the present time. I have no problem paying an outfitter and have done so twice now, but not being able to hunt without a guide holding my hand for every minute of the hunt would be a major step in the wrong direction.

Thank you for listening to my feedback.

Jared

From: donald vargo
To: DGF-FieldOpsComments
Subject: IMPORTANT NM HUNTING ISSUE-Comments on Proposed Outfitter and Guide Rule Changes
Date: Sunday, November 05, 2017 8:22:20 AM

I wanted to add my support to what JFWRC said below.

Donald Vargo For:
DBB Holdings LLC or
DSV Properties 1, LLC or
DSV Properties 2, LLC
[REDACTED]

----- Forwarded Message -----

From: Juanita Vargo
To: Donald Vargo ; Donald Vargo
Sent: Saturday, November 4, 2017, 2:13:11 PM EDT
Subject: Fw: IMPORTANT NM HUNTING ISSUE-Comments on Proposed Outfitter and Guide Rule Changes

----- Forwarded Message -----

From: Jim and Kelly Welles
To: [REDACTED]
Sent: Saturday, November 4, 2017 01:57:29 PM EDT
Subject: IMPORTANT NM HUNTING ISSUE-Comments on Proposed Outfitter and Guide Rule Changes

Dear valued JFWRC client-

The NM Department of Game and Fish is proposing rule changes to the outfitter and guide segment that will likely have a very detrimental impact on your ability to hunt in NM.

First and foremost, the rule change suggests that your license, if using us in the outfitter pool, will only be valid during the number of days specified in the contract. In other words, if you contract with us for our minimal guided two day, that is all the license is valid for. If you contract with us for a five day, that is all the license is valid for. Example: you apply with us in our minimal guided two day program for archery elk, your license will only be valid for 2 days whereas the season is actually 15 days. Same would go for a 28 day barbary hunt, same would go for a 15 day bighorn sheep hunt. You paid good money for a license and they are trying to restrict your access to use it even though nothing is described, mentioned, or inferred in statute to this affect.

This wild new interpretation was just made and we are fighting it as best we can. However, we need your help. There are email address to commissioners below. Be sure to cc- send comments as a hunter to 'dgf-fieldopscomments@state.nm.us'. We hope you will take the time to comment on this large impact to your ability to come hunt with us in New Mexico. Should this new rule pass on the 16th of November. Our entire business model will require a complete overhaul.

The balance of our comments on the rule are pasted below our email to the commissioners.

Thank you for reading thus far. We hope you will have time to comment. The sooner the better!

Jim and Kelly

Jim and Kelly Welles

JFW Ranch Consulting, LLC

[REDACTED]
[REDACTED]
[REDACTED]
From: Jim Welles [REDACTED]
Sent: Thursday, November 2, 2017 11:02 AM

To: [REDACTED]

Cc: 'Jim and Kelly Welles' [REDACTED] 'chad williams' [REDACTED]

Subject: Comments on Proposed Outfitter and Guide Rule Changes

Dear Chairman Kienzle and Commissioners Ryan, Ricklefs, Ramos, and Espinoza-

Thank you for allowing us to comment on the proposed rule change. I have attached the comments in pdf format and will send to the public record immediately after this email. I do not have commissioners Salopek and Montoya's email so I will be mailing hard copies to them.

We have studied the proposed rule changes and as you will see, we have several comments on conflicts within definition, additions, and implied clarifications. We recognize that 17-2A-1 requires adoption of regulations and governance of Hunting Guides and Outfitters by the State Game Commission. However, we believe the some portions of the current proposal exceed the scope of the statute and creates conflict in the following areas:

- 1) The "Drop Camp" definition and need.
- 2) The assertion that one's license will only be valid during the contracted hunt timeframes if the license is procured via the special pool.

There has never been any type of definition or loophole provided by a "drop camp" since the first statute was passed regulating outfitters and guides. There has never been any type of interpretation that a hunter cannot hunt on his or her license "within its legal dates" either before or after a date specified by a contract between a licensed outfitter and client.

Please feel free to contact either Kelly or myself with any questions or concerns you may have. Again, thank you for allowing us to comment.

Respectfully,

Jim and Kelly Welles

JFW Ranch Consulting, LLC

[REDACTED]
Name: James Welles (Licensed NM Outfitter)

Date of First License 1997-Dale Hall Registrar
[REDACTED]

City: [REDACTED]

Representing: Our Company-JFW Ranch Consulting, LLC

www.newmexicobiggamehunting.com

Comments on the newly Proposed Outfitter and Guide Rule:

My wife and I have run JFW Ranch Consulting over 30 years now and have been through many administrations and commissioners. We spent days on end in the last legislative negotiation with Senator Munoz in drafting SB 196. We spent significant time with Dan Brooks and Matt Siedel during that process. For the last 6 years we have operated legally under the current rules and statute without incident.

It was conveyed by department personnel that significant input was provided by the NM Council of Outfitters and Guides. Please note that there are approximately 262 (as of 10-24-2017) registered outfitters in NM and the council's outfitter membership is less than 100 outfitters and less than 25 guides out of the 1,400+/- registered in NM. The NMCOG claims they represent the industry. Based on numbers, there is less than 38% participation in their membership in terms of outfitters and less than 2% of guides. **Inferring the NMCOG represents the outfitting industry as a whole is a reach at best.**

From our review of the proposal, several redefinitions, changes, and additions will only serve to create more confusion, discriminate against legitimate outfitters, and in our opinion, are outside the scope of the statute itself.

For example; the addition of Definition A. "Accompanied" shall mean that the outfitter or their registered guide physically escorts the hunter-client in the hunt area during the hunter-client's license hunt dates" is a violation of the hunter-client's right to hunt the dates printed on their license and his contracted dates. Example: a client harvest early on a Sept 1-15 archery hunt but wants to stay out in the unit for the duration of his licensed dates, will the client now be in violation for being in the unit without the guide? Will the outfitter, even though he's following the existing statute, rule, and his contract, be in violation if they pull out early after harvest is complete? If it were worded "during of the contracted dates and contract provisions" it would line up with statute which reads- "ten percent of the licenses to be drawn by nonresidents and residents who will be contracted with a New Mexico outfitter prior to application". (B.(1) (a) or H. (9) "...at least 2 days are accompanied with the client in the area where the license is valid."

The addition of Definition F. "Drop camp" where the outfitter or the registered guide only transports a contracted hunter-client into and back out of a camp location and provides services such as, but not limited to; food, cooking, game retrieval, livestock and camp accommodations", clearly discriminates against registered outfitters who provide professional guide services for 2 days (in accordance with the statute) and is not in compliance with the statute as it is. H. (9) again, "that operates as a hunting guide service during which at least two days are accompanied with the client in the area where the license is valid." This is not part of the professional guide service outlined under the current definition of "Guide". Professional guides do not transport or escort-they guide. Again, there is no language in statute referring to a "drop camp" and it seems to be someone's wild insertion into rule and honestly creates more confusion than necessary. Only transports and provides services? What additional services? If not guiding then why would one have to be a registered guide? What services are referenced in "but not limited to"? If a drop camp requires a registered guide or outfitter but the only service is transport or cooking, game retrieval, livestock and camp accommodations why do they even need to be registered as an outfitter or guide? This just makes absolutely no sense at all.

The addition of O. 19.30.8.7 "Special drawing" pool shall refer to the ten percent allocation of special draw licenses available to the public who have contracted with a qualified New Mexico outfitter to provide professional guide service". This contradicts the "newly proposed drop camp definition", not in statute, because it states that professional guide service will be provided for using the Special Drawing Pool. Again, the drop camp provision does not provide for professional guide service, yet this is what the industry does.

The changes to P. "Supervision" ...any special restrictions which apply to their hunter-clients license and statutes and rules regarding lawful hunting, guiding and outfitter." What special restrictions are we to interpret here? Drop camps? Again, under the statute, if they contracted with an outfitter for the minimum required 2 days in the field with a guide, there would be no restrictions to hunting the duration of their license, unless of course the "Special drawing" rule was changed, which cannot be changed without the statute being changed.

Further conflict and inequity arises when you look at the proposed rule 19.30.8.12 F. "A New Mexico outfitter shall ensure that each hunter-client who draws a license through the special drawing pool is accompanied by the outfitter or their registered guide for the duration of the hunt except for drop camp hunts which are specified as such in their contract. The hunter-client does not need to be accompanied while on a stand, in a blind or similar situation. Outfitters providing drop camp services shall accompany the hunter-client for at least two days in the hunt area. The two days may be at any time beginning two days before the hunt begins until the day after the hunt ends. There is no specific time requirement per day, but shall be specified in the outfitter contract with the hunter-client." **The following was taken from the current rule 19.30.8.9 (c) which states** "A New Mexico outfitter shall ensure that the hunter-client is accompanied by the outfitter or their registered guide for at least two days in the area where the hunter-clients license is valid. There is no specific time requirement per day, but shall be specified per the outfitter's contract with the hunter-client. Failure for an outfitter to specify this allotted time requirement in their contract with a hunter-client shall be considered misconduct." **There were no distinctions made for drop camps in the statute or in current or past rule. Any outfitter providing a contract with 2 days or more of guiding services was included in the draw and frankly, we do not understand why this has been so distorted and blatantly shows prejudice toward legitimate outfitters and their guides providing the 2 days of guide service.**

The largest and most alarming "new interpretation" provided in discussion with department personnel revolves around a license procured in the special drawing pool. It was conveyed that the license "is only valid during the guided services contract dates agreed to between the outfitter and client". Example: A client draws an archery license Sept 1-15. The contract calls for the hunt to be guided-outfitted for 7 days. The client is unsuccessful during the first 7 days but has more time to hunt and tells the outfitter he is going to stay and hunt longer. The outfitter cannot guide any longer with the client because he has another contract to fulfill. We were told the client's license is no longer valid. Please consider the ramifications to a non-resident who paid \$780 for a license and is now being told his hunt is over period or he pays even more to continue hunting. Use the same scenario on a 28 day barbary sheep hunt or a 15 day bighorn sheep hunt. Nowhere in the past statutes and in past rules over 20 years has such an interpretation been inferred? This interpretation stunned us to say the least. We find significant conflict between rule and statute in this assertion.

In summary, changing-adding definitions and rules so drastically, without changing the statute itself is only going to create more confusion and cause more animosity between legitimate outfitters, guides and Law enforcement personnel. Enforce the laws where they can be enforced. If they cannot be enforced as they are written then change the statute and then rewrite the rules.

The proposed rule, while providing clarification in a few areas is out of the scope of the statute and its intent when written. We ask that the commission request additional time for the department to consider the ramifications to legitimate outfitters, guides, and the clients they serve.

Thank you for allowing us to comment.

From: Sean Hoernke
To: [REDACTED]
Cc: [DGF-FieldOpsComments](#)
Subject: Drop Camp Rule and Contracted Dates
Date: Saturday, November 04, 2017 1:29:13 PM

On November 16th I strongly urge you to NOT consider amending the Drop Camp Rule and Contracted Dates to the outfitter pool. Although there are areas of the statute that need to be amended this severely limits the opportunity for many potential hunt opportunities for many Americans including citizens of New Mexico. With hunting participation decreasing annually in our country this is another fine example of regulations that continue to harm the sport we love and the funds that are so important to wildlife conservation in our country. Applications will continue to decrease and slowly your group will continue giving New Mexico a bad name when it comes to participating in the outdoors.

This is several times your group has made decisions based on a few outfitters in the Gila region that have your ear. This "new" detrimental system was put in place several years back to basically screw the average non-resident hunter and force more "guided" participation @ \$5K+ average per hunt on AMERICAN PUBLIC LANDS and put more money in several Gila outfitters pocket. This system officially made New Mexico the least non-resident friendly state in the country which pushed millions of dollars annually to other states like Wyoming and Colorado. Now you are on your way to successfully making hunting even more of an ELITIST pastime which will eventually lead to less participation as seen in the previous few decades. Your decisions shape the future of wildlife conservation moving forward. The more limiting regulations you impose on the masses for outdoor activities the more you push the future generations away from the outdoors because of limited opportunities to participate which eventually leads to a massive impact on Conservation years from now. As you proceed along making a few outfitters more profitable you continue to miss the BIG PICTURE which is to provide conservation for wildlife and PROMOTE hunting opportunities for American citizens on American public lands.

The question that we would like answered publicly when you vote is how does this amendment PROMOTE hunting, WILDLIFE CONSERVATION, and INCREASE PARTICIPATION to the majority of citizens in our country and the State of New Mexico?

From: Mychal Murray
To: [REDACTED]
Subject: Comments on Proposed Outfitter and Guide Rule Changes
Date: Monday, November 06, 2017 8:15:18 AM

Dear Chairman Kienzle and Commissioners Ryan, Ricklefs, Ramos, and Espinoza,

I would like to submit a comment concerning the proposed outfitter and guide rule changes. As a non resident hunter, I apply for New Mexico big game tags every year, usually for multiple species. It appears that the new interpretation of a valid license drawn in the outfitter pool would only be for the dates contracted with an outfitter, regardless of the length of the open season. I have concerns about this interpretation that might make me reconsider if/how I apply for future New Mexico big game tags. If I draw a tag, I expect it to valid for the entire open season for that animal/unit. For example, If I am unsuccessful harvesting an animal during a contracted hunt with an outfitter but the season is still open, why should I be prevented from either negotiating an extension of the guided hunt or even hunting on my own after fulfilling the obligation of using an outfitter for a specified amount of time. For species with longer seasons, such as bighorn and Barbary sheep, this could result in significant reduction in hunting opportunity. I hope you reconsider this change and not complicate and confuse the licensing process even further. Outfitter pool tags should be valid for the same season dates and tags drawn in the regular pool.

Thank you for your consideration and the opportunity to provide comments.

Regards,

Mychal Murray

From: [Bernie Buiting](#)
To: DGF-FieldOpsComments; [REDACTED]
Subject: Please consider closing the 2 day loop hole
Date: Saturday, November 11, 2017 7:36:33 PM

Dear New Mexico Game and Fish Council Members,

My name is Bernard Buiting and I am a nonresident hunter from Michigan who has been applying in New Mexico since 2002. I have drawn 4 hunts in that time. I have been on guided hunts for each of these and on average I would estimate that I have spent approximately \$6,000 on each guided hunt as well as approx. \$350 in your state tax on top of my guide fees. Moreover, I spend additional money on hotels, gas, supplies, etc. I have had deer and elk mounted and meat processed in New Mexico as well.

Please help protect the true meaning of "guided hunt" in New Mexico and revise the 2 day guided rule and close the non-guided 2 day loop hole. This is negatively affecting my ability to draw future New Mexico tags.

Thank you for helping to protect New Mexico's opportunities reserved for outfitted hunters.

Sincerely,

Bernard K. Buiting

From: [Bradley Frazier](#)
To: [DGF-FieldOpsComments](#)
Subject: Proposed Guide and Outfitter Changes
Date: Monday, November 13, 2017 6:36:56 AM

Dear New Mexico Game and Fish Council Members,

I, Bradley Frazier, am a nonresident hunter that currently resides in Virginia who has been applying in New Mexico every year since 2014. During this time I have drawn zero times. I have a desire to hunt in your great state, but since I was not drawn I was forced to purchase landowner tags so I could enjoy the wilderness in New Mexico. In 2015 and 2017 I purchased landowner tags after not being drawn. Both of these hunts with landowner tags were fully guided hunts. On each of these hunts I have spent an average of \$9,500 per guided hunt. This did not include the license cost and a total of approximately \$1250 in New Mexico state taxes that I paid for both hunts. This was just the money spent for the hunts I have been on in your state. This does not include the taxes and economic impact of staying in a hotel prior to the hunts, gas, food, and other items purchased prior to arriving in camp. I have also used the services of a meat processor in New Mexico as well. Since being unable to draw for New Mexico, I have not been able to participate in guided hunts every year as I would like to do in your state.

It is difficult enough to draw a tag for those of us who want to experience and participate in a fully guided hunt. These tags should be reserved solely for true outfitted hunters who truly want to experience a guided hunt. Please help protect the true meaning of a "guided hunt" in New Mexico and revise the two day guided rule and close the non-guided two day loop hole.

Thank you for helping to protect New Mexico's opportunities reserved for outfitted hunters.

Sincerely,

Brad Frazier


Sent from my iPhone

From: [Brandon Marschner](#)
To: [DGF-FieldOpsComments](#)
Subject: 2 day Loop Hole for outfitter draw
Date: Sunday, November 12, 2017 8:00:24 AM
Attachments: [NMDGF.docx](#)

November 12, 2017

Dear New Mexico Game and Fish Council Members,

I, Brandon Marschner, am a nonresident hunter who has been applying in New Mexico since 2005. I have drawn 2 hunts in that time a mule deer hunt and an elk hunt. I have been on guided hunts for each of these and on average I have spent approximately \$5000 on each guided hunt as well as approx. \$350 in your state tax on top of my guide fees. I have had meat processed in New Mexico and taxidermy services performed.

Please help protect the true meaning of "guided hunt" in New Mexico and revise the 2 day guided rule and close the non-guided 2 day loop hole. I am of the opinion that you must contract with an outfitter for at least 5 days for it to be a true outfitted hunt and be able to apply in the outfitter pool of tags. Opportunities should not be taken away from others due to a loophole.

Thank you for helping to protect New Mexico's opportunities reserved for outfitted hunters.

Sincerely,

Brandon D. Marschner



From: [REDACTED]
To: [DGF-FieldOpsComments](#)
Subject: close the two day non guided loop hole
Date: Sunday, November 12, 2017 4:07:08 AM

Dear New Mexico Game and Fish Council Members,
I James K. Wyman of New Hampshire am a non resident hunter who has applied in New Mexico since 2015 for an elk hunt. I have drawn 0 hunts at this time. I have applied with a registered guide of excellent qualifications for a 5 day elk hunt. The 2 day loop hole diminishes my chances of getting drawn.

Please close the non guided 2 day loop hole.

Thank you for helping to protect New Mexico's opportunities reserved for the outfitted hunters.

Sincerely,

James K. Wyman

From: [jim](#)
To: [DGF-FieldOpsComments](#)
Subject: Self guided hunts
Date: Sunday, November 12, 2017 7:24:54 PM

To whom it may concern,

If you choose to allow only fully guided hunters using outfitters in the state of New Mexico, I will never hunt your state again, and I know many others feel the same. I am a veteran and tax paying citizen of the United States.

Keeping public land hostage for greedy outfitters or selfish hunters is not acceptable. I spend thousands of dollars in new Mexico each year I'm fortunate enough to be drawn for self guided hunting and more when I used a guide.

Respectfully,

Jim robator

Sent from XFINITY Connect Application

From: [Larry Frazier](#)
To: [DGF-FieldOpsComments](#)
Subject: Close the Non-Guided 2-Day Loophole
Date: Sunday, November 12, 2017 2:32:40 PM

My name is Larry Frazier, a non-resident New Mexico hunter. My son and I have been applying in the New Mexico elk draw since 2015. We have not been drawn for any hunts in that time. However, enjoying and appreciating what New Mexico has to offer, we do purchase land owner tags and licenses. As you are well aware, this doubles the cost of our hunts. We also have our meat processed in New Mexico.

Please help protect the true meaning of "guided hunting" in New Mexico by revising the 2-day guided rule and closing the non-guided 2-day loop hole.

Thank you for helping to protect New Mexico's opportunities reserved for outfitted hunters.

Sincerely,
Larry Frazier

From: Ryan Schatz
To: [REDACTED]
Cc: [DGF-FieldOpsComments](#)
Subject: Outfitter rule change and an idea on E-PLUS
Date: Sunday, November 12, 2017 10:32:06 AM

Chairman Kienzle and Commissioners Ryan, Ricklefs, Ramos, and Espinoza,

In reviewing the proposed changes to the Outfitter draw regarding, "hunter -client licenses obtained through the special drawing pool not being valid unless the hunter-client is accompanied by a NM outfitter or their registered guide", I strongly support the new rule change that the license will only be valid during the number of days specified in the hunt contract. As a registered NM guide with the current rule, I can show up in camp at 10pm (or later), spend a couple hours(or minutes) with my client and leave at 12:01am and I have fulfilled the current requirements. Surely this is not the intent of drawing a license through the outfitter pool and applaud you guys for trying to improve this loophole.

Also, I would like to recommend that NM have the maps of the eligible E-PLUS properties available for download on the department's website. Many other states have this capability which would reduce the amount of work in submitting public information requests, including man hours which are always a premium. Furthermore, as a landowner enrolled in the E-PLUS program, I feel all properties should be open for hunting regardless of whether a tag is drawn or not.

I appreciate your time in hearing my opinions and thank you for continuing to improve hunting and fishing in New Mexico.

Sincerely,
Ryan Schatz

From: Tom Klumker
To: [DGF-FieldOpsComments](#)
Subject: 2 day loophole
Date: Saturday, November 11, 2017 9:24:44 AM

Dear Dept. members,

Please close the two day loophole to stop non-resident hunters from abusing the 2 day rule as many take advantage of this to try and have a better chance to draw. We as outfitters feel we contribute more to the Dept. and State's economies by having them fully guided excepting for wilderness drop camps, which as a primary wilderness outfitter we have a demand for drop camp hunts, which to be dropped in the middle of a wilderness area it is usually necessary to have an outfitter.

Thanks,

Tom Klumker
San Francisco River Outfitters

From: [dan donaldson](#)
To: [DGF-FieldOpsComments](#)
Subject: True-up Outfitters Draw process
Date: Monday, November 13, 2017 11:00:37 AM

Dear New Mexico Game and Fish Council Members,

I, Dan Donaldson, am a nonresident hunter who has been applying in New Mexico since back in the 70's. I have drawn 2 or 3 hunts in that time. I have been on guided hunts for each of these and on average I have spent approximately \$5000 on that guided hunt as well as approx. \$350 in your state tax on top of my guide fees.

Please help protect the true meaning of "guided hunt" in New Mexico and revise the 2 day guided rule and close the non-guided 2 day loop hole.

Thank you for helping to protect New Mexico's opportunities reserved for outfitted hunters. Hopefully I will be so lucky and once again get to hunt your state as most of the draw permits are allocated for residents (except for the guided hunts). Yes, I know some go to random draws but not many. You've almost made the draw impossible for non-residents and we are therefore forced to buy landowner tags if we want to hunt in your State. Not fair to the average working "Joe".

Sincerely,

Dan Donaldson



From: [Budd, Don](#)
To: [DGF-FieldOpsComments](#)
Subject: Non Guided 2 day loophole
Date: Monday, November 13, 2017 9:45:16 AM
Attachments: [image001.gif](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Dear New Mexico Game and Fish Council Members:

I am a Non-Resident hunter who was lucky enough to draw an elk tag in New Mexico in 2015 along with my hunting partner. We spent 10 days in New Mexico and \$5000 each with our guide for the hunt. We paid significant taxes, gas, meals and lodging as well as processing and taxidermy fees. Now we learn that there is a loophole allowing non-guided hunters to apply in the guided pool by meeting a very simple loophole that is affecting my odds of drawing as a legitimate guided hunter.

We have not been successful in our draw attempts since 2015 and suspect that our odds have been impacted by this loophole. Please vote to the preserve chances of those who plan to spend significant time and money in the great state of New Mexico.

Regards,



From: [Jeff Zgrebnak](#)
To: [REDACTED] [DGF-](#)
[FieldOpsComments](#)
Subject: Proposed Changes to NM Outfitter Program
Date: Thursday, November 09, 2017 6:17:25 PM

Good Evening to All:

I am writing to you as I have been informed that the State of New Mexico is considering some changes to how the Outfitter Program is run. I have been told that if I apply and draw an Elk, Deer, Etc. tag thru the Outfitter Program that my License will only be valid for the time the Outfitter is with me. In other words if I draw an 5 day hunt I can only hunt for 5 days and not the entire 14 day archery season. Can you explain the thinking behind this? What is the reason NM would implement such a program? First the License is good for 14 days, will the non-resident price then be lowered to reflect this change? Second-it is extremely hard to kill an Elk in 5 days even with a Guide when on public lands. At that point I have to ask myself why would I even put in to draw a tag in NM? This is what has made NM such as awesome state to hunt in! You can use an outfitter to help you fore 5 days and then finish the hunt which makes it a solid value compared to other Western States! I can understand eliminating the 2 day but, I certainly hope not the 5 day.

Thanks

Jeff Zgrebnak
Buyers Products
District Sales Manager




From: [Hunter Hanner](#)
To: [DGF-FieldOpsComments](#)
Subject: outfitter number usage
Date: Monday, November 13, 2017 1:36:35 PM

Good Afternoon,

My dad, brother, and myself have had the privilege to hunt the public lands of Northern New Mexico 4 of the last 7 years (the only reason not more is I had a bone marrow transplant in there). We got connected with Kiowa outfitters and have used their outfitter number in drawing tags. We grew up elk hunting in Montana on my mother's family's place, but with wives and kids that's just a little too far now. We have done the self guided trips where Kiowa provides the lodging and food, but we hunt on our own. This is the perfect scenario as we enjoy hunting on our own having grown up doing it, but yet we get the help and coaching at camp. It came to our attention that New Mexico has considered doing away with this setup of using outfitter numbers on self guided hunts. This would be heart breaking to our family as we enjoy hunting on our own, and we know without the use of the outfitter number, we would likely never draw tags to be able to hunt together again. We live in Texas and don't have the privilege or natural resources to chase elk on public land. We also have a love for New Mexico having gone to a family cabin in Angel Fire for many years.

Please allow the outfitters to continue to offer their outfitter number with a self guided hunt so people who truly enjoy the outdoors and the hunt still have the opportunity to enjoy the possibilities your great state offers.

Thanks,
Hunter Hanner


From: [Ray Kimmell](#)
To: [DGF-FieldOpsComments](#)
Cc: [REDACTED]
Subject: regulations
Date: Monday, November 13, 2017 9:31:07 AM

My wife and I have a passion for hunting elk with a bow and come to New Mexico as often as we can obtain a tag. We have been hunting elk for many years. We are retired now. I was a coal miner and my wife was a care giver. We travel from Pennsylvania and hunt on our own together. We don't desire the services of an outfitter and couldn't afford one if we did. Every year tags are harder and harder to come by. Non- resident quota's go down as do the odds of drawing a tag. The cost of a landowner voucher is getting out of sight, even in less sought after units. I used an outfitters number the last couple of seasons and was fortunate enough to draw a tag on my third choice. Elk hunting is fast becoming a sport for only the rich, and the odds of an average person like myself being able to pursue his passion is fast becoming a dream. I hope when considering any regulation changes that you keep in mind all the people like myself that are not rich but probably enjoy the sport more than those who are. I personally would like to see people like myself have a better chance of living their dreams not less.

Respectfully Yours
Ray and Linda Kimmell

From: [Thomas Caldwell](#)
To: [DGF-FieldOpsComments](#)
Subject: Changes to Guide Services
Date: Saturday, November 11, 2017 6:51:44 AM

I am apposed to any changes to be made to Guide Service Rules in New Mexico. I live in Texas, own property in New Mexico , and like using a Guide. However, Not for the entire hunt . Please Do Not Change Current Rules.
Thanks, Tom C

Sent from my iPhone

From: [Corey](#)
To: [DGF-FieldOpsComments](#)
Subject: Outfitter regulations
Date: Monday, November 13, 2017 5:43:45 PM

As an out of state hunter, I would like to encourage the discontinuation of the preferred draw using outfitter number. It is my opinion that this is causing confusion and encouraging many to manipulate the system to get a better draw. The idea was good in theory but not in practice. Please keep it simple and more hunters like myself from other states will want to hunt in New Mexico.

Sincerely

Corey L Kragt

Get [Outlook for iOS](#)

From: Stuemke, Kevin
To: [REDACTED] Beth; Bob; DGF-FieldOpsComments; Dick; Paul; Ralph; Robert E
Subject: Guide rule changes
Date: Monday, November 13, 2017 8:32:44 PM

This letter is to voice my opposition of the proposed changes to the guided hunt rule to allow clients to contract a 2 day guided hunt. I am in favor to leave the as is. It is hard for me to believe that it would be considered to limit valid license days to only the ones contracted as guided, so if a client wanted a 2 day guided hunt his license would only be good for the two days but allow them to contract a drop camp which has absolutely nothing to do with a guided hunt what so ever. An outfitter could supply a client with a tent only and that person could hunt the entire season which I feel is in no way a guided or outfitted hunt.

I am in no way in support of anything that the NMOGA has proposed for change in this matter. I feel this will greatly hurt the industry as a whole. The 2 day guided hunts account for approx 80% of my business as I do not have enough vacation days to provide a service other wise. I have a full time career but with the economy the way it is I am forced to supplement my income and guiding is not only my Passion but my lively hood.

Thank You and please reject the changes proposed in this matter.

Sent from my iPhone

From: [Nick Duncan](#)
To: [DGF-FieldOpsComments](#)
Subject: Proposed changes to outfitter tag requirements p
Date: Saturday, November 11, 2017 6:08:03 PM

New Mexico fish and game,

Changing the current way we are able to apply in the big game draw would be a mistake! You will remove opportunity for the none resident public even further than you all ready have. The cost you attach to most of your tags especially your sheep, exotics and elk are at the brink of unaffordable for the general public. If you remove the ability to contract with an outfitter in a way that keeps our cost reasonable (drop camps and outfitter numbers) and still pays the outfitter a fair and reasonable fee for there assistance you will wind up loosing a lot of applicants that are stretching there budgets to keep Appling in your state all ready. Do not bend to the desires of the Outfitters who want to force there high priced guided hunts as the only option, it only hurts the hunting community in the long run.

Thanks for hearing my voice,

New Mexico NR applicant for over a decade

Nick Duncan

Sent from my Verizon LG Smartphone

From: Phil Smith
To: [REDACTED]
Cc: [DGF-FieldOpsComments](#)
Subject: outfitter regulations
Date: Tuesday, November 14, 2017 8:19:31 AM

Ladies and Gentlemen,

For a number of years many of I, with many of my friends and family members from Oklahoma and Texas have participated in the big game draw hunts in the state of New Mexico. We typically apply through and outfitter, using them strictly as a drop camp. Our preference is to hunt for ourselves and our sense of accomplishment is achieved through the pursuit of the game, and is not based solely upon the harvest. We participate DIY hunts and/or Drop Camp hunts in a number of western states annually. We thoroughly enjoy and eagerly anticipate our annual forays into the your beautiful state; however, if you remove the drop camp opportunities from your regulations it will severely restrict or eliminate our participation in your program. I sincerely hope that this does not happen. I look forward to many more years of big game hunting in the state of New Mexico.

Regards,
Phillip Smith

From: [rrenner4](#)
To: [DGF-FieldOpsComments;](#) [REDACTED]
Cc: [Steve Schupfer](#)
Subject: NM Proposed Hunt Regulation Changes
Date: Saturday, November 11, 2017 1:23:04 PM

To Whom It May Concern:

I have recently become aware that NM is considering changing the hunt regulation to only allow fully guided hunters the use of an outfitter number in the outfitter pool. I do not agree with the proposed changes. I prefer the challenge to hunt self guided, therefore, would like to keep the regulations as currently written allowing self guided hunters to enter hunt drawings using an outfitter number in the outfitter pool. I am a non resident hunter from AZ and cannot afford a fully guided hunt but more importantly enjoy the challenge of going self guided. Even though I hunt self guided, the outfitter I use provides advice and assistance if needed.

Thanks for your consideration regarding this matter.

Ross Renner
[REDACTED]

Sent from my Galaxy Tab® E

From: [Tommy Youngblood](#)
To: [DGF-FieldOpsComments](#)
Cc: [Tim Barraclough](#)
Subject: Comments on use of outfitters for DIY hunting on public land
Date: Saturday, November 11, 2017 1:10:21 PM

To whom it may concern:

I organized a group of four hunters for a Do It Yourself Hunt in the Carson National Forest elk unit 51 in October 2017. Two of the four had shot opportunities on mature bull elk. One Hunter was successful. I feel this was possible because of New Mexico Game and Fish regulation allowing a local outfitter to host hunters and provide hunting support for those who wish to do so on their own.

Specifically, we hunted with Kiowa Outfitters. We used their outfitter number to apply for our Elk tags, and we would not have made a first-time trip to New Mexico without the advice of the outfitter. Further, we could not have afforded a fully guided hunt. We had a great experience because of the way New Mexico Game and Fish allows individuals who are comfortable with their hunting skills to partner with a local outfitter and hunt on their own with support from a base camp type operation. Thank you for your consideration of the average guy who would like to come hunt public land in New Mexico and who cannot afford the expense of a fully guided hunting trip. I oppose any change to the regulation which would not allow self-guided hunting on public land from an outfitter base camp/tent camp/spike camp type operation with use of outfitter number to increase tag draw opportunities.

A final point of information regarding the value of outfitter supported do it yourself hunting on public land. One of our group got separated during our hunt. The individual was out of contact for over 12 hours and ended up walking out onto a National Forest Road where he was able to get a ride back to the outfitter's base camp. The outfitter took the hunter back to where the truck was parked and saved worry and needless searching in the dark. There was great value in partnering with an outfitter that knew the road system particularly because of limited communication and cell service in the Carson forest where we were located.

Thank you,

Thomas Youngblood


Sent from my iPhone

From: [Tom Huff](#)
To: [DGF-FieldOpsComments](#)
Subject: Proposed change to use of outfitter number for DIY hunts and self guided hunts
Date: Saturday, November 11, 2017 11:40:37 AM

Dear Sir(s),

I recently received information that the state of New Mexico was considering changing the current regulation that allows the use of outfitter number for self guided or drop camp hunts allowed and the use of the outfitter number for DIY hunters. The proposed changes to eliminate this option would adversely affect me and hunting objectives. I have been on numerous guided elk hunts throughout the years and now find the enjoyment of guiding myself, with the experience I learned from those outfitters, more enjoyable and directed more to the objective of why I hunt in the first place.

I'm sure there are many hunters who do need the additional help and experience of the guides but not everyone falls into that category. On top of that it would appear the needless change to the current regulation, to ban self guided hunters, is more oriented for the outfitters benefit in wanting to force more money into their businesses. I understand a business wanting to make more money. I own my own business and work hard to find additional revenue. But a forced implementation of the proposed regulation will not necessarily bring additional profits to them. I believe many hunters will simply choose to hunt elsewhere thereby costing the state of New Mexico badly needed funds for it's wildlife conservation.

Many times I have promoted elk hunting to those who have never hunted elk and each time I highly recommend a licensed outfitter with experience so they can experience the thrill and excitement of a guided hunt. Those who already have the experience should not be forced into a situation they do not desire.

I hope you will reconsider your plans and leave the current regulation in place for those who desire an "option" when hunting in your great state.

Tom Huff


From: [Steve Crowe / Remax](#)

To: [REDACTED]

Subject: outfitter regulation

Date: Tuesday, November 14, 2017 9:35:00 AM

DGF-FieldOpsComments

I understand there is consideration being given to a proposal that will basically do away with drop camp hunts through the outfitter pool. While I do not have access to the actual numbers of hunters that would be affected by this decision I do believe that it is reasonable to assume that most of the hunters that have been doing an outfitted drop camp either will not be able to afford a fully guided hunt or will simply choose not to. Myself and two buddies drew archery tags through the outfitter pool this year and did a drop camp hunt in unit 10. We would not have applied if the only choice was for a fully guided hunt. While this proposal would obviously benefit a few outfitters it will effectively prohibit a lot of hunters from experiencing a New Mexico elk hunt. My party spent an additional \$1447.00 for lodging, food, gas, supplies and tips while in your state. If the guided hunt only proposal reduces the number of hunters it will have a negative effect on your states economy.

But what if it does not reduce the number of hunters? Then you will have simply taken an affordable option off the table for a lot of non residents. Sure we could apply outside the outfitter pool but frankly the odds of drawing aren't worth the effort. I am planning on applying next year with my son and son in law if the drop camp option is still there. If its not the cost of a guided hunt will simply be to great. The only positive I see in the guided only option would be for a few outfitters whose motive is not whats best for hunters.

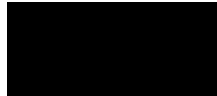
If your open to suggestions that will benefit both the Fish and Game Dept and the local businesses please consider raising the number of licenses allocated to non residents from 6% to 20%. Or raise the non resident allocation to 20% and drop the outfitter pool. Let hunters that draw a tag decide if they want to use the services of an outfitter.

Thank you for your consideration,
Respectfully
Steve Crowe

From: [Griego, Robert, DGF](#)
To: [Duff, Colin, DGF](#); [Sanchez, Rev A., DGF](#)
Subject: FW: Hunting rule changes
Date: Tuesday, November 14, 2017 4:16:09 PM

Another one

Robert L. Griego
Colonel of Field Operations



Conserving New Mexico's Wildlife for Future Generations

CONFIDENTIALITY NOTICE: This e-mail, including all attachments is for the sole use of the intended recipient[s] and may contain confidential and/or privileged information. Any unauthorized review, use, copying, disclosure or distribution is prohibited, unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender at once and destroy all copies of this message.

-----Original Message-----

From: Steve Schupfer [mailto:steveschupfer@dmr.state.nm.us]
Sent: Tuesday, November 14, 2017 4:12 PM
To: DGF-FieldOpsComments
Subject: Hunting rule changes

Dear Commission,

It has come to my attention that a proposal to eliminate use of the outfitter number for DIY hunters was considered but now is back to much the same way it has been in previous years.

I am an out of state hunter from Arizona who uses a NM outfitter number to increase my odds of drawing a tag to hunt. With the previous ruling to reduce the percentage of out of state tags from 10% to 6% and outfitter tags from 22% to 10% please consider keeping the regulations the same.

I prefer DO IT YOURSELF hunts over fully guided because of costs and self satisfaction of doing my hunting on my own.

Steve Schupfer



Sent from my iPad

From: [Griego, Robert, DGF](#)
To: [Duff, Colin, DGF](#); [Sanchez, Rey A., DGF](#)
Subject: FW: Hunting rule changes
Date: Tuesday, November 14, 2017 4:16:09 PM

Another one

Robert L. Griego
Colonel of Field Operations

Conserving New Mexico's Wildlife for Future Generations

CONFIDENTIALITY NOTICE: This e-mail, including all attachments is for the sole use of the intended recipient[s] and may contain confidential and/or privileged information. Any unauthorized review, use, copying, disclosure or distribution is prohibited, unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender at once and destroy all copies of this message.

-----Original Message-----

From: Steve Schupfer [REDACTED]
Sent: Tuesday, November 14, 2017 4:12 PM
To: DGF-FieldOpsComments
Subject: Hunting rule changes

Dear Commission,

It has come to my attention that a proposal to eliminate use of the outfitter number for DIY hunters was considered but now is back to much the same way it has been in previous years.

I am an out of state hunter from Arizona who uses a NM outfitter number to increase my odds of drawing a tag to hunt. With the previous ruling to reduce the percentage of out of state tags from 10% to 6% and outfitter tags from 22% to 10% please consider keeping the regulations the same.

I prefer DO IT YOURSELF hunts over fully guided because of costs and self satisfaction of doing my hunting on my own.

Steve Schupfer
[REDACTED]

Sent from my iPad

From: Griego, Robert, DGF
To: Sanchez, Rey A., DGF; Duff, Colin, DGF
Subject: FW: Proposed changes to the NM Outfitter Regulation
Date: Tuesday, November 14, 2017 4:40:26 PM

.....145

Robert L. Griego
Colonel of Field Operations

Conserving New Mexico's Wildlife for Future Generations

CONFIDENTIALITY NOTICE: This e-mail, including all attachments is for the sole use of the intended recipient[s] and may contain confidential and/or privileged information. Any unauthorized review, use, copying, disclosure or distribution is prohibited, unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender at once and destroy all copies of this message.

-----Original Message-----

From: Keith Salmon [REDACTED]
Sent: Tuesday, November 14, 2017 4:39 PM
To: DGF-FieldOpsComments
Subject: Proposed changes to the NM Outfitter Regulation

Dear NM DGF,

I heard that there is a possibility of changing the outfitter regulation so that the number can only be used by a fully guided hunter. I am opposed to this change. I like to use the services of my outfitter, but I do not need to be guided. The current regulation allows for more options for the hunter; fully guided OR non-guided but yet still investing in other services provided by an outfitter. I do not think it is right to pay for a service that is not needed by some hunters just so they can increase their odds of drawing a tag.

It is getting so that western big game hunting is turning in a "rich man's sport". I believe we need to still provide some relatively less expensive options for the hunter, especially younger hunters and family groups if we want the sport to grow. We need to continually add new hunters to secure the future of big game hunting.

Thank you for your time,
Keith Salmon

Sent from my iPhone from my iPhone

14a

Kerrie Romero

Thank you Mr. Chariman and members of the Commission. First and foremost, I would like to say thank you to Colonel Griego, his department, and especially to the outfitter and guide program manager Letitia Mee for all the hard that went into revising this rule. During this process the Dept. went out of their way to include the Council in their conversations and to address many of the concerns of the outfitting industry. We know that this was not something that the Dept. was required to do, and we are very grateful to have been able to participate in this process at the level that we did. The requirement to provide contracts in the fields remains the one sticky point in the Rule however, we feel that having the ability to submit contracts to the dept. before the hunt begins is a good middle ground. Hopefully in time outfitters will gain trust in the electronic submission process and the contract issue will become obsolete.

In regards to the 2 day rule. As you are all painfully aware we ran into a bit of a snag last week when it came to our attention that our recommendation to close the loophole received a lot of push back from non-resident hunters. We've had to do a bit of damage control to prove to you all that our recommendation (which was included in the first draft of the Rule revision) is in-fact the desire of the outfitting industry. I have provided each of you with a letter that was drafted and emailed on Sunday night to the entire list of registered outfitters both NMCOG members and all non-members. The email stated that if they were in favor of closing the 2 day loophole to please co-sign the letter. The outfitters had just 3 days to respond. Let me just say that normally I can't get 5 outfitters to respond to any email from September to January. The fact that there are 70 names on this list is significant. The industry wants to see the 10% outfitter pool used for its original intent which was for fully guided hunts or legitimate drop-camp operations. Semi-guided hunts should be reserved for hunters who draw in the resident or 6% pool. I am sure there will be a lot of hunters who are upset about this change. After all these hunters have been paying to increase their draw odds without really having to book with an outfitter for years. The fact of the matter is that this is the Guide and Outfitter Rule. This rule regulates the livelihood of outfitters and guides not non-resident hunters. The emphasis should be placed with the industry and we would appreciate your voting to approve the Guide and Outfitter Rule as it was drafted when it was originally posted was the registrar on Oct. 14th. Thank you

Exhibit 4
Agenda 14
Nov 16, 2017

14a



November 15, 2017

Dear Chairman Kienzle and NM State Game Commissioners,

We, the registered outfitters and guides of the state of NM, encourage you to approve the NM Dept. of Game and Fish's recommendation to amend the Guide and Outfitter Rule 19.30.8.12 section F. to read "A New Mexico outfitter shall ensure that each hunter-client who obtains a license through the special drawing pool is accompanied by the outfitter or their registered guide for the duration of the hunt except for drop camp hunts which are specified as such in their contract."

We also encourage the Commission to approve the addition of a definition for the term "drop-camp" under 19.30.8.7 section F. to read "Drop camp" shall mean a hunt where the outfitter or their registered guide only transports a contracted hunter-client into and back out of a camp location and provides services such as, but not limited to; food, cooking, game retrieval, livestock and camp accommodations.

We feel that these changes will help to maintain the integrity of the 10% outfitter pool by clarifying the language within the Guide and Outfitter Rule to be more in-line with the original intention of the law, NMSA 17-3-16 updated in 2011.

Sincerely,

New Mexico Council of Outfitters and Guides Board of Directors

- Lee Weiss - Fish Tail Ranch Outfitters (PRESIDENT)
- Jordan Hall - JH Outfitters (VICE PRESIDENT)
- GT Nunn - Frontier Outfitters (SECRETARY/TREASURER)
- John Diamond - (GUIDE DIRECTOR)
- Chris Guikema - Compass West Outfitters (NORTHWEST AREA DIRECTOR)
- John Olivas - JACO Outfitters (NORTHEAST AREA DIRECTOR)
- Tom Klumker - San Francisco River Outfitter (SOUTHWEST AREA DIRECTOR)
- Steve Jones - Backcountry Hunts (SOUTHEAST AREA DIRECTOR)
- Ray Milligan - Milligan Brand Outfitters (DIRECTOR AT-LARGE)
- Jack Diamond - Beaverhead Outfitters (PAST PRESIDENT)
- Bob Atwood - Blue Mountain Outfitters (PAST PRESIDENT)

Registered NM Outfitters

- Ryan Nogosek - A3 Trophy Hunts
- Jason Browning Quality Hunts
- Joseph Graham's Guide Service
- Rob Degner - Mountain States Guide Service
- Jess Rankin - West Tex-New Mex Hunts
- Bill Lewellen - One on One Adventures

*Exhibit 5
Agenda #14
Nov 16, 2017*



Justin Romero - Desert Meadow Outfitters
Brian Newell - Top Notch Outfitters
Lonny Bacon - Willow Springs Trophy Hunts
Leroy Greer - 6x6 Guide Services
Mark Haynes - Ironsight Hunting and Fishing
Dirk Neal's Outfitting Service
Sterling Carter - Black Range Outfitters
Tuffy Barnett - Mangas Outfitters
Mark McKnight - Largo Canyon Outfitters
Jason Beagle - WASA Outfitters
Jim Mater - UTrail's Elite Gila Hunts
Ron Schalla - RB Outfitters and Guide Service
Bob King - Santa Fe Guiding Company
Mark Harper - Rancho Rojo Outfitters
Anthony Hampton Trophy Outfitters
Phil Treadwell - Lake Valley Outfitters
Bob Daugherty - Redwing Outfitters
Andre Galenda - Royal Trophy Outfitters
Zandra Blacksten - Baldymountain Outfitters
Jonathan Bush - Grouse Mesa Outfitters
Dan Reyes - Ridgeline Outfitters
Stephen Connor - STC Outfitting
Eddie Ortega - Hunters New Mexico
Bill Glisson - The Timbers at Chama
Foster Butt - Gavilan Creek Outfitters
Scott Chandler - High Country Outfitters
Brett Gastineau Outfitters
True Grit Trophy Outfitters
Frank Simms - Rio Brazos Outfitters
Mark Crump - Rebel Ranch Outfitters
James Rumsey - Deadwood Mountain Outfitters
Vince Vigil - New Mexico Hunting Adventures
Carlton Armstrong Outdoor Adventures
George Taulman - United States Outfitters
Jerry Blake - LOH Outfitters

Registered NM Guides

Coyde Fickel
Wade Wood
John Richardson
Gary Roybal
Dave Fuss

Rocky Martinez
Byron Tafoya
Omar Hanson
Warren Wolf
Tim Cimino
Lance Wyatt
James Creager
Charlie Cogdill
Travis Luna
Dustin Armstrong
Jeremy Armstrong
Calvin Rooks
Ethan Hall





MEETING SIGN-IN SHEET

HEARING 2

14A - Guide and Outfitting

New Mexico State Game Commission

(Sign-in to be in the official record as having attended this meeting. Mark the box if you wish to be added to the meeting notifications mailing list.)

PLEASE PRINT

NAME	ADDRESS CITY, STATE, ZIP	E-MAIL ADDRESS	PHONE	ADD TO MAILING LIST
✓ Jim Welles				<input type="checkbox"/>
✓ Kerrie Romero				<input type="checkbox"/>
✓ Chris Jenkins				<input checked="" type="checkbox"/>
✓ Mike BARRACKLANT				<input type="checkbox"/>
✓ ^{Phin} Phin ^{veh sha w} didn't want to commit ^{on this agenda}				<input type="checkbox"/>
✓ Bob King				<input type="checkbox"/>
✓ KELLY WELLES				<input type="checkbox"/>
✓ Jess RANFAN				<input checked="" type="checkbox"/>
✓ JACK DIAMOND				<input type="checkbox"/>
✓ CHAD WILLIAMS				<input type="checkbox"/>
		@	() -	<input type="checkbox"/>
		@	() -	<input type="checkbox"/>
		@	() -	<input type="checkbox"/>

Exhibit 6 Agenda 14
Nov 16 2017



MEETING SIGN-IN SHEET

HEARING 2

14A - Guide and Outfitting

New Mexico State Game Commission

(Sign-in to be in the official record as having attended this meeting. Mark the box if you wish to be added to the meeting notifications mailing list.)

PLEASE PRINT

NAME	ADDRESS CITY, STATE, ZIP	E-MAIL ADDRESS	PHONE	ADD TO MAILING LIST
<input checked="" type="checkbox"/>		@	() -	<input type="checkbox"/>
<i>Roger Gabaldon</i>		@	() -	<input type="checkbox"/>
		@	() -	<input type="checkbox"/>
		@	() -	<input type="checkbox"/>
		@	() -	<input type="checkbox"/>
		@	() -	<input type="checkbox"/>
		@	() -	<input type="checkbox"/>
		@	() -	<input type="checkbox"/>
		@	() -	<input type="checkbox"/>
		@	() -	<input type="checkbox"/>
		@	() -	<input type="checkbox"/>
		@	() -	<input type="checkbox"/>
		@	() -	<input type="checkbox"/>
		@	() -	<input type="checkbox"/>

*Exhibit 7 Agenda 14
Nov 16, 2017*

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 30 WILDLIFE ADMINISTRATION
PART 8 GUIDE AND OUTFITTER REGISTRATION

19.30.8.1 ISSUING AGENCY: New Mexico Department of Game and Fish.
[19.30.8.1 NMAC - Rp, 19.30.8.1 NMAC, [11/30/2014] 01/01/2018]

19.30.8.2 SCOPE: Hunting outfitters, guides, and hunters for New Mexico.
[19.30.8.2 NMAC - Rp, 19.30.8.2 NMAC, [11/30/2014] 01/01/2018]

19.30.8.3 STATUTORY AUTHORITY: 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. Additional authority may be found in Sections 17-2A-1, 17-2A-3 and 17-3-16, NMSA 1978.
[19.30.8.3 NMAC - Rp, 19.30.8.3 NMAC, [11/30/2014] 01/01/2018]

19.30.8.4 DURATION: Permanent.
[19.30.8.4 NMAC - Rp, 19.30.8.4 NMAC, [11/30/2014] 01/01/2018]

19.30.8.5 EFFECTIVE DATE: [November 30, 2011] January 01, 2018, unless a later date is cited at the end of a section.
[19.30.8.5 NMAC - Rp, 19.30.8.5 NMAC, [11/30/2014] 01/01/2018]

19.30.8.6 OBJECTIVE: To register, regulate and set professional standards for guides, outfitters and their operations within New Mexico.
[19.30.8.6 NMAC - Rp, 19.30.8.6 NMAC, [11/30/2014] 01/01/2018]

19.30.8.7 DEFINITIONS:

A. "Accompanied" shall mean that the outfitter or their registered guide physically escorts the hunter-client in the [hunt area] field during the hunter-client's license hunt dates.

[A-] B. "Agent" shall mean anyone employed or contracted in writing by [] shall mean a person who is legally authorized by employment or written contract to act on behalf of a private landowner to oversee the landowner's hunting operations on their deceded property [or to outfit or guide for a landowner on the landowner's deceded property or, pursuant to a landowner's permit, on a shared public or private unit, private and public unit if the agent or landowner are in compliance with the registration requirements of that government land management agency. A person shall not be considered an agent of the landowner if they are purchasing landowner permits or private land licenses, paying for access to the landowner's deceded property or are advertising hunting services in any way.]

C. "Conviction" shall mean any adjudication of guilt; plea of guilty or nolo contendere accepted by the court; or payment of a fine, court cost, court order, penalty assessment or forfeiture of collateral; regardless of whether sentencing or imposition of sentencing has been deferred or suspended.

[B-] D. "Department" shall mean the New Mexico department of game and fish.

[C-] E. "Director" shall mean the director of the department of game and fish.

F. "Drop camp" shall mean a hunt where the outfitter or their registered guide only transports a contracted hunter client into and back out of a camp location and provides services such as, but not limited to, food, cooking, game retrieval, livestock and camp accommodations.

[D-] E. "Guide" [shall mean any person employed or contracted by a registered outfitter to furnish personal services for the purpose of hunting or taking game animals except a 'guide' does not include a person who only cooks, cuts wood, wrangles horses or escorts clients between camp and vehicle, retrieves downed game, or otherwise solely provides services not directly related to hunting or taking of game animals.] shall mean any person contracted, employed or accepting compensation for providing, within the unit where a hunt occurs, equipment or services for hunting activities; provided, however, that "guide" does not include a person who only cooks, cuts wood or performs other comparable or incidental duties not directly related to hunting activities.

Exhibit 2 (part 2/2)
Agenda # 14
11/21/16, 17

[E.] **G. "History of violation"** shall mean any one court conviction or multiple convictions [or one or multiple citations issued] from any [natural resource] law enforcement agency for violation(s) of hunting, fishing, trapping, outfitting or guiding rules [that have been satisfied by the paying of fines of any related federal laws] or land-use regulations [related to outfitting, guiding or hunting,] including any conviction as an accessory, during the three-year period immediately preceding the application for registration, provided that the violation committed, if committed in New Mexico, would equal or exceed the 20-point equivalent. [It shall also include any conviction for any felony, no matter when the felony was committed or any conviction(s) as an accessory for the described crimes.]

[F.] **H. "Hunter-client"** shall mean an individual [that contracts or wishes to utilize] who contracts or utilizes the hunting services of a registered outfitter or is taken into the field by a person acting as an outfitter or guide [regardless of their registration status].

[G.] **I. "Landowner permit"** shall be a license issued pursuant to a landowner authorization.

[H.] **J. "License year"** shall mean that period beginning April 1 and ending March 31 each year for the purposes of hunting or outfitter and guide registration.

[I.] **K. "New Mexico outfitter"** shall mean an outfitter that is qualified by the department in accordance with 19.30.8.9 NMAC to participate in the special drawing pool by utilizing their outfitter number as established by Section 17-3-16 NMSA 1978 [comp.] and *McReynolds v. Lane*.

[J.] **L. "Outfitter"** shall mean any person who advertises or holds [himself] themselves out [for hire] to the public for hire or is employed or accepts compensation for providing, within [a game management] the unit where a hunt occurs, facilities, equipment or services for hunting activities; provided, however, that "outfitter" does not include a person who only cooks, cuts wood or performs other comparable or incidental duties not directly related to hunting activities. [Any person who purchases landowner permits or private land licenses for a hunter-client or pays for access to a landowner's deeded property for a hunter-client in any way, shall be considered an outfitter.]

[K.] **M. "Registered outfitter"** shall be an outfitter who has met all the requirements described herein and has been issued a current registration [number] by the department.

N. "Special drawing pool" shall refer to the ten percent allocation of special draw licenses available to the public who have contracted with a qualified New Mexico outfitter to provide professional guide services.

[L.] **O. "Supervision"** shall mean that outfitters are required to ensure all guides employed or contracted by them are informed of all pertinent geographic hunt boundaries, any special restrictions which apply to their hunter-clients license and statutes and [regulations] rules regarding lawful hunting, guiding and outfitting. Supervision also means that outfitters have provided all the guidance and oversight that a reasonable business person would provide to their employees.

[M.] **"Special drawing pool"** shall refer to the 10 percent allocation of special draw licenses available to the public who have contracted with a qualified New Mexico outfitter to provide professional guide services. [19.30.8.7 NMAC - Rp, 19.30.8.7 NMAC, [11/30/2011] 01/01/2018]

19.30.8.8 GENERAL REGISTRATION PROCEDURES AND REQUIREMENTS: In addition to the requirements set in Section 17-2A and 17-3-16 NMSA 1978 the following requirements apply:

A. Application form: Applications to guide and outfit as defined in Section 17-2A-3 NMSA 1978 and 19.30.8 NMAC, shall be made on forms provided by the department as prescribed by the director.

B. Application deadlines: An outfitter or guide may register at any time by completing and submitting the proper application form and fee. No one shall be a registered outfitter or guide until they successfully complete all requirements and are issued a valid registration [number] by the department. **Exception:**

(1) Deadline date to qualify as a New Mexico outfitter for special drawing pool: All New Mexico outfitter applicants must apply by February 15 to be eligible to participate in the special drawing pool of resident/nonresident hunter applicants for the next hunting season.

(2) New Mexico outfitter late fee: All New Mexico outfitter applications received after February 15 but before the close of business on March 15 will be subject to an administrative fee of one hundred dollars (\$100) in addition to the normal application fees.

(3) New Mexico outfitter ineligibility: An applicant for a New Mexico outfitter that fails to successfully complete the department's process by close of business on March 15 will be ineligible to have a hunter-client use their registration number for the special drawing pool established in Section 17-3-16 NMSA 1978.

[C.] **Unlawful guiding or outfitting:** It shall be unlawful for any person to guide or outfit in New Mexico without completing all requirements and receive a valid registration number from the department.]

C. All outfitter and guide applicants shall have successfully completed a certified hunter education course from the state of New Mexico or other similar qualifying hunter education course acceptable to the department prior to making application.

D. Outfitter and guide applicants cannot have a history of violation.

E. No person shall be allowed to register or work as a registered hunting guide or outfitter in New Mexico:

(1) if the person has had a guide or outfitter license, registration, permit or certificate revoked in another state;

(2) if the person has had a guide or outfitter license, registration, permit or certificate suspended in another state and it has not been reinstated;

(3) if the person has been convicted of a felony, no matter when the felony was committed;

(4) An outfitter or guide's registration shall be immediately invalid when any of subsections 19.30.8.8.E.1 thru 3 NMAC apply. The outfitter or guide registration may be reinstated if the conviction, revocation or suspension is reversed during the year in which they were originally registered.

F. Outfitter and guide applicants, including renewing applicants, shall not have had ~~his/her~~ their guide or outfitter's license, permit, authorization or registration revoked or denied for cause by any controlling government land management agency. The applicant shall not be registered by the state during the term of the revocation or pendency of the denial.

~~[D.]~~ G. Examinations for guiding and outfitting:

(1) Exams will be conducted during posted testing periods at department offices or by appointment, at any location approved by the ~~[outfitter-]~~ guide and outfitter registrar.

(2) An applicant shall only be allowed to take the examination once per day.

(3) Applicant must successfully pass a department approved examination with a minimum passing grade of ~~[70]~~ seventy percent.

(4) If an applicant fails to renew their registration for two or more years, all registration requirements must be completed, including successfully passing a department approved exam prior to being registered.

H. Applicants for a guide's registration shall be at least 18 years of age and meet all the qualifications for guides set forth in 19.30.8 NMAC and Section 17-2A NMSA 1978.

I. Additional outfitter registration requirements:

(1) Applicants for an outfitter registration shall be at least 21 years of age and meet all the qualifications for outfitters set forth in 19.30.8 NMAC, Sections 17-2A and 17-3-16 NMSA 1978.

(2) Applicants for an outfitter registration must have operated as a New Mexico registered guide for three years. Applicant must submit evidence, as approved by and to the satisfaction of the department, of three years of actual guiding experience and substantial knowledge of guiding in New Mexico for a register outfitter. The evidence must be submitted with the application and may consist of federal land use permits, business or employment records from the registered outfitter and a letter from said registered outfitter attesting to the applicants guiding experience.

(3) Applicant shall register with the taxation and revenue department and provide proof of registration and compliance to the department.

J. Each guide or outfitter shall carry proof of registration in the field and provide such proof upon request.

~~[~~ E. Registration fees:

(1) The annual registration fee for an outfitter or guide is required prior to registration as established in 17-2A-3 (NMSA, 1978).

(2) All registration fees, except a fifty dollars (\$50.00) administrative fee, may be refunded if an applicant is rejected or fails to complete the registration process. No other refunds shall be permitted.

(3) Emergency fee and criteria: In an emergency situation, a temporary guide registration may be issued by the department. The temporary registration is only valid for seven days and may be renewed only once per emergency situation. The fee shall be ten dollars (\$10.00). A guide registered pursuant to the emergency situation may only be used once in a license year by the registered outfitter requesting the replacement of a registered guide who has become ill, injured or has a bona fide emergency, and may not be used to accommodate additional hunters.]

~~[F.]~~ K. Registration exemption: A landowner or ~~his~~ ~~their~~ agent who is guiding ~~[and]~~ ~~or~~ outfitting on the landowner's deeded property or pursuant to a landowner permit ~~[and in compliance with the registration requirements of all public land agencies]~~ is exempt from the department's registration process. Nothing in this

exemption shall prevent a landowner or ~~his~~ their agent from registering, if they choose. ~~Agents may not act independently from the landowner. A landowner or their agent must be in compliance with the registration requirements of any pertinent government land management agency when involved with commercial activities on lands controlled or administered by a government land management agency.~~ [It shall be unlawful for a landowner or his agent to submit another person's application in the special drawing pool unless the landowner or his agent is a registered New Mexico outfitter.]

L. All outfitter and guide applications, including renewing applicants, shall submit to the department any additional documentation requested by the department.
[19.30.8.8 NMAC - Rp, 19.30.8.8 NMAC, [11/30/2011] 01/01/2018]

19.30.8.9 GENERAL OUTFITTER REGISTRATION REQUIREMENTS:

- A. Outfitter registration:
- (1) Applicant must be at least 21 years of age.
 - (2) Applicant cannot be a convicted felon or have a history of violation of any related federal land use or state game and fish laws or regulations or guide and outfitter licensing or registration laws.
 - (3) An applicant must have operated as a New Mexico registered guide for three years, or have been granted an interim outfitter's registration, or must submit evidence, as approved by and to the satisfaction of the department, of three years of outfitting experience or other substantial knowledge of guiding or outfitting. The evidence must be submitted with the application and may consist of federal land use permits, business records, etc.
 - (4) Applicant must provide acceptable proof of commercial liability insurance of at least five hundred thousand dollars (\$500,000) for the registration period April 1 through March 31 of the following year. Failure to provide proof of coverage during the registration period shall result in suspension of the registration for the period in which such insurance is required to be maintained.
 - (5) Applicant shall register with the taxation and revenue department and provide proof of registration to the department.
 - (6) Applicant shall not have had a guide or outfitter license, registration, permit or certificate suspended (if not reinstated) or revoked in any state.
 - (7) Applicant shall not have had his/her outfitter's license, permit or registration revoked or denied for cause by any controlling government land management agency. The applicant shall not be registered by the state during the term of the revocation or pendency of the denial.
 - (8) Applicant for an outfitter registration shall not submit any materially false statements or fail to disclose any material facts requested in connection with an application for registration.
 - (9) Effective September 1, 1997, applicant must pass a department approved examination with a minimum passing grade of 70 percent.
 - (10) Applicant shall have successfully completed a certified hunter education course from the state of New Mexico or other similar qualifying hunter education course acceptable to the department prior to making application.
 - (11) Insurance: An outfitter applicant shall submit with their application a copy of a certificate from an insurance company stating they will insure the applicant for a minimum of five hundred thousand dollars (\$500,000) when the applicant is registered for the current license year beginning April 1.
 - (a) A copy of the insurance certificate that indicates who is insured, effective dates, policy number and amounts of coverage, must be provided to the department upon issuance by the insurer and prior to engaging in any outfitting activity.
 - (b) If an outfitter applicant or a registered outfitter fails to submit a copy of a valid insurance certificate before the insurance certificate on file with the department expires, the non-compliance notice will be sent to the outfitter by the department. The outfitter shall be required to submit a copy of a valid insurance certificate and a fifty dollars (\$50.00) administrative fee. No outfitter will be registered until the administrative fee has been paid in full.
 - (c) If the outfitter fails to comply with the non-compliance notice; the department shall issue the outfitter a notice of contemplated commission action. The outfitter shall then be required to submit a copy of a valid insurance certificate and a two hundred and fifty dollars (\$250.00) administrative fee. No outfitter will be registered until the administrative fee has been paid in full.
 - (d) If the insurance is not in effect, at any time while conducting any outfitting activity as defined herein, the outfitter's registration will be declared void and the outfitter's registration shall be suspended until a valid insurance certificate and administrative fees are satisfied.
 - (12) Inactive status:

- (a) Registered outfitters shall request in writing to place their registration on "inactive" status and must do so prior to the expiration of their current registration by March 31.
- (b) An outfitter shall only be returned to active status by submitting the appropriate fees and by completing the following:
 - (i) Submit renewing application on the forms provided by the department.
 - (ii) A copy of the insurance certificate that indicates who is insured, effective dates, policy number and amounts of coverage.
 - (iii) Any outfitter placed on inactive status by the department for four or more years shall also be required to successfully pass the guide and outfitting exam as specified above.]

19.30.8.9 ADDITIONAL REQUIREMENTS TO BECOME A NEW MEXICO OUTFITTER:

- A. To qualify as a New Mexico outfitter as a corporation, LLC or similar status: a New Mexico outfitter is a person who has a business:
 - (1) with a valid New Mexico state, county or municipal business registration and a valid outfitter license issued by the department of game and fish;
 - (2) that is authorized to do and is doing outfitting business under the laws of this state;
 - (3) that has paid property taxes or rent on real property in New Mexico, paid gross receipts taxes and paid at least one other tax administered by the taxation and revenue department in each of the three years immediately preceding the submission of an affidavit to the department of game and fish;
 - (4) the majority of which is owned by the person who has resided in New Mexico during the three-year period immediately preceding the submission of an affidavit to the department of game and fish;
 - (5) that employs at least eighty percent of the total personnel of the business who are New Mexico residents;
 - (6) that has either leased property for ten years or purchased property greater than fifty thousand dollars (\$50,000) in value in New Mexico;
 - (7) that, if it has changed its name from that of a previously certified business, the business is identical in every way to the previously certified business that meets all criteria;
 - (8) that possesses all required federal or state land use permits for the hunt; and
 - (9) that operates as a hunting guide service during which at least two days are accompanied with the client in the area where the license is valid.

[B. New Mexico outfitter qualifications for special draw hunts:

- (1) Deadline date to qualify as a New Mexico outfitter: All new and renewing applicants must apply by February 15 to be eligible to participate in the special drawing pool of resident/nonresident hunter applicants for the next hunting season. New and renewal applications received after February 15 but before the close of business on March 15 will be eligible to have a hunter-client in special draw hunts.
- (2) New Mexico outfitter late fee: An applicant for a New Mexico outfitter who renews after February 15 will be subject to an administrative fee of one hundred dollars (\$100.00), in addition to the normal application fees.
- (3) New Mexico outfitter ineligibility: An applicant for a New Mexico outfitter that fails to successfully complete the department's process by March 15 will be ineligible to have a hunter-client use their registration number for the special drawing pool established in 17-3-16 NMSA, 1978.
- (4) Hunter client contract: A New Mexico outfitter shall execute a signed contract with each special draw applicant prior to the applicant applying for any special drawing pool licenses.
 - (a) Each contract shall be retained by the New Mexico outfitter for a period of not less than three years.
 - (b) A New Mexico outfitter shall provide any contract for hunting to the department upon request.
 - (c) A New Mexico outfitter shall ensure that the hunter-client is accompanied by the outfitter or their registered guide for at least two days in the area where the hunter-client's license is valid. There is no specific time requirement per day, but shall be specified per the outfitter's contract with the hunter-client. Failure for an outfitter to specify this allotted time requirement in their contract with a hunter-client shall be considered misconduct.
 - (5) An applicant shall successfully complete and submit all required forms by the department's deadline prior to becoming or renewing as a New Mexico outfitter.]

B. To qualify as a New Mexico outfitter as a sole proprietor business: a New Mexico outfitter is a person who has a business:

- (1) with a valid New Mexico state, county or municipal business registration and a valid outfitter license issued by the department of game and fish;
- (2) that is authorized to do and is doing outfitting business under the laws of this state;
- (3) that, if it has changed its name from that of a previously certified business, the business is identical in every way to the previously certified business that meets all criteria;
- (4) that possesses all required federal or state land use permits for the hunt; and
- (5) that operates as a hunting guide service during which at least two days are accompanied with the client in the area where the license is valid.

C. Audit requirements:

(1) A New Mexico outfitter, including a renewing outfitter applicant, shall submit to the department any additional documentation requested by the department.

(2) Failure to submit requested documents by the department's deadline shall make an outfitter applicant ineligible to participate as a New Mexico outfitter.

D. Code of conduct: All regulating procedures and code of conduct established in 19.30.8 NMAC shall apply to a New Mexico outfitter.]

[19.30.8.9 NMAC - Rp, 19.30.8.9 NMAC, [11/30/2014] 01/01/2018]

19.30.8.10 ADDITIONAL QUALIFICATIONS FOR GUIDE REGISTRATION: Applicants for a guide's registration shall be at least 18 years of age and meet all the qualifications set forth 19.30.8.8 NMAC and in Section 17-2A-3 NMSA 1978.]

19.30.8.10 OUTFITTER INSURANCE REQUIREMENTS:

A. An outfitter applicant shall submit with their application a certificate of commercial liability insurance of at least five hundred thousand dollars (\$500,000) from an insurance company stating they will insure the applicant for the current license year.

B. A copy of the insurance certificate that indicates who is insured, effective dates, policy number and amounts of coverage, must be provided to the department upon issuance by the insurer and prior to engaging in any outfitting activity.

C. Failure to provide proof of coverage during the registration period shall result in suspension of the registration for the period in which such insurance is required to be maintained.

(1) If an outfitter applicant or a registered outfitter fails to submit a copy of a valid insurance certificate before the insurance certificate on file with the department expires, the non-compliance notice will be sent to the outfitter by the department. The outfitter shall be required to submit a copy of a valid insurance certificate and a fifty dollar (\$50) administrative fee. No outfitter will be registered until the administrative fee has been paid in full.

(2) If the outfitter fails to comply with the non-compliance notice; the department shall issue the outfitter a notice of contemplated commission action. The outfitter shall then be required to submit a copy of a valid insurance certificate and a two hundred and fifty dollar (\$250) administrative fee. No outfitter will be registered until the administrative fee has been paid in full.

(3) If the insurance is not in effect, at any time while conducting any outfitting activity as defined herein, the outfitter's registration will be declared void and the outfitter's registration shall be suspended until a valid insurance certificate and administrative fees are satisfied.

[19.30.8.10 NMAC - Rp, 19.30.8.[40-] 9 NMAC, [11/30/2014] 01/01/2018]

19.30.8.11 REGISTRATION FEES:

A. The payment of the annual registration fee for an outfitter or guide is required prior to registration, including any reinstatement or administrative fees.

(1) The annual registration fee for a registered guide in New Mexico is fifty dollars (\$50) for a resident and one hundred dollars (\$100) for a nonresident.

(2) The annual registration fee to be a registered outfitter in New Mexico is five hundred dollars (\$500) for either a resident or a nonresident.

B. All registration fees, except a fifty dollar (\$50) administrative fee, may be refunded if an applicant is rejected or fails to complete the registration process. No other refunds shall be permitted.

C. Emergency fee and criteria: In an emergency situation, a temporary guide registration may be issued by the department.

(1) The fee shall be ten dollars (\$10).

(2) A guide registered pursuant to the emergency situation may only be used once in a license year by the registered outfitter requesting the replacement of a registered guide who has become ill, injured or has a bona fide emergency.

(3) The temporary registration is only valid for seven days and may be renewed only once per emergency situation.

(4) The temporary guide registration may not be used to accommodate additional hunter-clients.

[19.30.8.11 NMAC - N, 01/01/2018]

19.30.8.11 REGULATING CONDUCT FOR ALL REGISTERED OUTFITTERS:

A. Contracts:]

19.30.8.12 CONTRACTS:

A. A New Mexico outfitter shall execute a written contract with each special drawing pool applicant. The contract must be signed and dated by all parties prior to application for any special drawing pool license. New Mexico outfitters who execute a multi-year application contract shall be required to sign an updated contract with the hunter-client every three years from the initial signature date.

~~(1)~~ B. [An outfitter] All outfitters shall execute a [signed] written contract with [all] each hunter-client [hunter clients before the hunt begins (except as further specified in Subsection B of 19.30.8.9 NMAC)]. The contract must be [dated,] signed and dated by all parties [to the contract] before the hunt begins and shall designate the terms, guide to hunter-client ratio, hunt dates, [the] compensation charged and the services to be provided. [An outfitter that executes a multi-year contract shall be required to sign an updated contract with the hunter-client every three years from the initial signature date.]

C. All outfitters shall have a copy of the contract available for inspection by the department in the field during the hunt or they must submit an electronic copy of the [hunter-client] contract to the department's guide and outfitter registrar at least 48 hours prior to the scheduled hunt. A hunter-client who obtains a license through the special drawing pool, and chooses to hunt beyond their contracted hunt dates must carry a copy of the contract while hunting if it had not been submitted electronically to the registrar at least 48 hours prior to the scheduled hunt.

D. All contracts shall be retained by the outfitter for three years from the latest date signed by each party.

E. All outfitters shall provide any contract to the department upon request.

F. A New Mexico outfitter shall ensure that each hunter-client who [draws] obtains a license through the special drawing pool is accompanied by the outfitter or their registered guide for [at least two days during the contracted dates of the hunt in the area where the hunter-client's license is valid. [the duration of the hunt except for drop camp hunts which are specified as such in their contract. The hunter-client does not need to be accompanied while on a stand, in a blind or similar situation. Outfitters providing drop camp services shall accompany the hunter-client for at least two days in the hunt area. These two days may be at any time beginning two days before the hunt begins until the day after the hunt ends. There is no specific time requirement per day, but shall be specified in the outfitter's contract with the hunter-client.] An outfitter or guide cannot contract with themselves to apply in the special drawing pool. An outfitter or guide who [draws] obtains a license through the special drawing pool is not allowed to guide themselves during their hunt.

~~(2)~~ G. [An outfitter] A New Mexico outfitter may release a contracted hunter-client to another [qualified registered] New Mexico outfitter provided that the original contract was valid, in place prior to the application deadline and only if it is mutually agreed upon by all parties. The release shall be in writing and shall be signed by all parties. [A record shall be retained by the outfitter for a period of not less than three years.] A hunter-client [may] must enter into a new contract with a [qualified registered] New Mexico outfitter [provided it is in place and signed by all parties] prior to hunting. Hunter-client licenses obtained through the special drawing pool are not valid unless the hunter-client is accompanied by a New Mexico outfitter or their registered guide.

~~B.~~ H. [Guides provided: Outfitters] All outfitters shall provide at least one registered guide or outfitter in the field for every four or fewer hunters who are contracted for guided hunting services with the outfitter.

~~(1)~~ C. Guide supervision: Outfitters shall responsibly supervise each registered guide working under the outfitter's direction.]

[19.30.8.[11] 12 NMAC - Rp, 19.30.8.11 NMAC, [11/30/2011] 01/01/2018]

19.30.8.[12] 13 OUTFITTER OR GUIDE MISCONDUCT:

A. Misrepresentation: An outfitter or guide shall not engage in fraud, deceit, misrepresentation or concealment of any material fact in advertising, soliciting or providing professional services to the hunter-client or the public, as determined by a court of competent jurisdiction.

~~[B. Unregistered services: An outfitter shall not allow or use an unregistered person to perform outfitting or guiding services for the outfitter.]~~

~~[C.]B. Failure to report illegal activity:~~ An outfitter or guide shall report illegal hunting activities or any violation of local, state or federal law that [he has]they have witnessed [, or is] or have been made aware of to any commissioned conservation officer or to the appropriate law enforcement agency as soon as it is feasible to do so.

~~[D.]C. Failure to comply:~~ An outfitter or guide shall comply with all local, state and federal laws and regulations pertaining to [outfitting, hunting, fishing and wildlife]hunting, fishing, trapping, outfitting, guiding or land management. Conviction of any local, state and federal laws and regulations pertaining to hunting, fishing, trapping, outfitting, guiding or land management for which points have not already been assessed shall be misconduct.

~~[E. Aiding or concealing:~~ An outfitter shall not condone or willfully allow a violation of applicable conservation and game and fish laws by their hunter-client.]

~~[F.]D. Breach of contract:~~ An outfitter or guide shall not breach a contract, as determined by a court of competent jurisdiction, with any person using outfitting or guiding services of the outfitter.

~~[G. Violation of terms:~~ An outfitter shall not violate the terms and conditions under which the license, permit or registration is issued.]

~~E. Failure to comply with registration audit or conditions:~~ An outfitter or guide, including a renewing application, shall submit to the department any documentation requested by the department within the specified timeframe or deadline set by the department.

~~[H. Failure to specify:~~ A New Mexico outfitter shall not fail to specify the time a hunter-client is accompanied in the field on each contract.]

~~[I.] F. Failure to disclose:~~ An outfitter or [outfitter]guide applicant shall not submit false or fraudulent documentation or knowingly omit [material facts to the department relating to their registration]required information in connection with an application for registration or renewal.

~~G. Failure to supervise guides:~~ Outfitters shall responsibly supervise each registered guide working under the outfitter's direction.

[19.30.8.[42] 13 NMAC - Rp, 19.30.8.12 NMAC, [11/30/2011] 01/01/2018]

[19.30.8.13 GUIDE MISCONDUCT:

~~A. Misrepresentation:~~ A guide shall not engage in fraud, deceit, misrepresentation or concealment of any material fact in advertising, soliciting or providing professional services to the hunter-client or the public.

~~B. Failure to report illegal activity:~~ A guide shall report illegal hunting activities or any violation of local, state or federal law that he has witnessed, to any commissioned conservation officer or to the appropriate agency.

~~C. Failure to comply:~~ A guide shall comply with all local, state and federal laws and regulations pertaining to outfitting, guiding, hunting, fishing and wildlife.

~~D. Aiding or concealing:~~ A guide shall not condone or willfully allow a violation of applicable conservation and game and fish laws by their hunter-client.

~~E. Violation of terms:~~ A guide shall not violate the terms and conditions under which the license, permit or registration is issued.

~~F. Failure to disclose:~~ A guide or guide applicant that submits false or fraudulent documentation or knowingly omits material facts to the department relating to their registration.

~~G. Mandatory supervision:~~ A guide shall not work with any hunter-client except under the supervision of a New Mexico registered outfitter and shall follow the direction of the outfitter while working with the hunter-client.

[19.30.8.13 NMAC - N, 11/30/2011]]

19.30.8.14 [ADDITIONAL PROHIBITIONS:] CRIMINAL VIOLATIONS:

- A. It is unlawful to apply for or receive an outfitter or guide registration while on revocation.
- B. It is unlawful for a guide to book or service a hunter-client unless employed or contracted to do so by a registered outfitter.
- C. It is unlawful to use an outfitter or guide registration issued to another.

D. It is unlawful for an outfitter to allow or use an unregistered person to perform outfitting or guiding services for the outfitter.

E. It is unlawful for any person to guide or outfit in New Mexico without completing all requirements and possessing a current registration from the department. Each guide or outfitter shall carry proof of registration in the field and provide such proof upon request.

F. It is unlawful to apply in the special drawing pool using a New Mexico outfitter number prior to having a valid, signed contract with the same New Mexico outfitter.

G. It is unlawful for a New Mexico outfitter to knowingly allow a hunter-client to apply in the special drawing pool prior to having a valid, signed contract.

H. It is unlawful to hunt with a license obtained through the special drawing pool without being accompanied by, and contracted with, a New Mexico outfitter or their guide for at least two days during the hunt.

I. It is unlawful for any outfitter to not have a valid, signed contract with each hunter-client as prescribed in 19.30.8.12 NMAC.

J. It is unlawful for any outfitter to refuse or fail to produce a contract when requested by the department.

K. It is unlawful for any person to submit an application for any hunt or for any person to counsel, aid or abet any person in submitting an application for any hunt in the special drawing pool with an unregistered or unqualified outfitter number.

L. It is unlawful for an outfitter or guide to have more than four hunter-clients in the field for each registered guide or outfitter.

M. It is unlawful for an outfitter or guide to contract with themselves or to guide themselves using a special drawing pool license.

[19.30.8.14 NMAC - Rp, 19.30.8.[43] 17 NMAC, [11/30/2011] 01/01/2018]

[19.30.8.15 APPLYING IN THE SPECIAL DRAWING POOL:

A. It is unlawful to apply in the special drawing pool using a New Mexico outfitter number prior to having a valid, signed contract with the same New Mexico outfitter.

B. It is unlawful to hunt with a license obtained through the special drawing pool designated for New Mexico outfitters without having a valid, signed contract with the same New Mexico outfitter prior to making the application. A hunter-client shall be allowed to transfer to another qualified outfitter as permitted by 19.30.8.11 NMAC.

[19.30.8.15 NMAC - N, 11/30/2011]]

19.30.8.[46]15 REVOCATION POINT SYSTEM: Any person in violation of this section is subject to revocation and point assessments pursuant to 19.31.2 NMAC.

[19.30.8.[46]15 NMAC - Rp, 19.30.8.[44]16 NMAC, [11/30/2011] 01/01/2018]

19.30.8.[47]16 CRIMINAL PENALTY PROVIDED: A violation of any criminal provision of this rule or Section 17-2A-3 (NMSA 1978) that is a criminal violation, is a misdemeanor and shall be punished in accordance with the provisions of Section 17-2-10 (NMSA 1978).

[19.30.8.[47] 16NMAC - Rp, 19.30.8.[45]17 NMAC, [11/30/2011] 01/01/2018]

19.30.8.[48]17 HEARING REQUESTED: A registration revocation hearing may be requested and will be provided in accordance with 19.31.2 NMAC.

[19.30.8.[48]17 NMAC - Rp, 19.30.8.[46]18 NMAC, [11/30/2011] 01/01/2018]

HISTORY OF 19.30.8 NMAC:

History of Repealed Material:

19.30.8 NMAC, Guide and Outfitter Registration, filed 4/16/2003 - Repealed effective 11/30/2011, and replaced by 19.30.8 NMAC, Guide and Outfitter Registration, effective filed 11/30/2011, repealed effective 01/01/2018.

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 30 WILDLIFE ADMINISTRATION
PART 8 GUIDE AND OUTFITTER REGISTRATION

19.30.8.1 ISSUING AGENCY: New Mexico Department of Game and Fish.
[19.30.8.1 NMAC - Rp, 19.30.8.1 NMAC, 01/01/2018]

19.30.8.2 SCOPE: Hunting outfitters, guides, and hunters for New Mexico.
[19.30.8.2 NMAC - Rp, 19.30.8.2 NMAC, 01/01/2018]

19.30.8.3 STATUTORY AUTHORITY: 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. Additional authority may be found in Sections 17-2A and 17-3-16 NMSA 1978.
[19.30.8.3 NMAC - Rp, 19.30.8.3 NMAC, 01/01/2018]

19.30.8.4 DURATION: Permanent.
[19.30.8.4 NMAC - Rp, 19.30.8.4 NMAC, 01/01/2018]

19.30.8.5 EFFECTIVE DATE: January 01, 2018, unless a later date is cited at the end of a section.
[19.30.8.5 NMAC - Rp, 19.30.8.5 NMAC, 01/01/2018]

19.30.8.6 OBJECTIVE: To register, regulate and set professional standards for guides, outfitters and their operations within New Mexico.
[19.30.8.6 NMAC - Rp, 19.30.8.6 NMAC, 01/01/2018]

19.30.8.7 DEFINITIONS:

A. "Accompanied" shall mean that the outfitter or their registered guide physically escorts the hunter-client in the field during the hunter-client's license hunt dates.

B. "Agent" shall mean a person who is legally authorized by employment or written contract to act on behalf of a private landowner to oversee the landowner's hunting operation on their deeded property.

C. "Conviction" shall mean any adjudication of guilt; plea of guilty or nolo contendere accepted by the court; or payment of a fine, court cost, court order, penalty assessment or forfeiture of collateral; regardless of whether sentencing or imposition of sentencing has been deferred or suspended.

D. "Department" shall mean the New Mexico department of game and fish.

E. "Director" shall mean the director of the department of game and fish.

F. "Guide" shall mean any person contracted, employed or accepting compensation for providing, within the unit where a hunt occurs, equipment or services for hunting activities; provided, however, that "guide" does not include a person who only cooks, cuts wood or performs other comparable or incidental duties not directly related to hunting activities.

G. "History of violation" shall mean any one conviction or multiple convictions from any law enforcement agency for violation(s) of hunting, fishing, trapping, outfitting or guiding rules or land-use regulations, including any conviction as an accessory, during the three-year period immediately preceding the application for registration, provided that the violation committed, if committed in New Mexico, would equal or exceed the 20-point equivalent.

H. "Hunter-client" shall mean an individual who contracts or utilizes the hunting services of a registered outfitter or is taken into the field by a person acting as an outfitter or guide regardless of their registration status.

I. "Landowner permit" shall be a license issued pursuant to a landowner authorization.

J. "License year" shall mean that period beginning April 1 and ending March 31 each year for the purposes of hunting or outfitter and guide registration.

K. "New Mexico outfitter" shall mean an outfitter that is qualified by the department in accordance with 19.30.8.9 NMAC to participate in the special drawing pool by utilizing their outfitter number as established by Section 17-3-16 NMSA 1978 and McReynolds v. Lane.

L. "Outfitter" shall mean any person who advertises or holds themselves out to the public for hire or is employed or accepts compensation for providing, within the unit where a hunt occurs, facilities, equipment or

services for hunting activities; provided, however, that "outfitter" does not include a person who only cooks, cuts wood or performs other comparable or incidental duties not directly related to hunting activities. Any person who purchases landowner permits or private land licenses for a hunter-client or pays for access to a landowner's deeded property for a hunter-client in any way, shall be considered an outfitter.

M. "Registered outfitter" shall be an outfitter who has met all the requirements described herein and has been issued a current registration by the department.

N. "Special drawing pool" shall refer to the ten percent allocation of special draw licenses available to the public who have contracted with a qualified New Mexico outfitter to provide professional guide services.

O. "Supervision" shall mean that outfitters are required to ensure all guides employed or contracted by them are informed of all pertinent geographic hunt boundaries, any special restrictions which apply to their hunter-clients license and statutes and rules regarding lawful hunting, guiding and outfitting. Supervision also means that outfitters have provided all the guidance and oversight that a reasonable business person would provide to their employees.

[19.30.8.7 NMAC - Rp, 19.30.8.7 NMAC, 01/01/2018]

19.30.8.8 GENERAL REGISTRATION PROCEDURES AND REQUIREMENTS: In addition to the requirements set in Sections 17-2A and 17-3-16 NMSA 1978 the following requirements apply;

A. Application form: Applications to guide and outfit as defined in Section 17-2A-3 NMSA 1978 and 19.30.8 NMAC shall be made on forms provided by the department as prescribed by the director.

B. Application deadlines: An outfitter or guide may register at any time by completing and submitting the proper application form and fee. No one shall be a registered outfitter or guide until they successfully complete all requirements and are issued a valid registration by the department. Exception:

(1) **Deadline date to qualify as a New Mexico outfitter for special drawing pool:** All New Mexico outfitter applicants must apply by February 15 to be eligible to participate in the special drawing pool of resident/nonresident hunter applicants for the next hunting season.

(2) **New Mexico outfitter late fee:** All New Mexico outfitter applications received after February 15 but before the close of business on March 15 will be subject to an administrative fee of one hundred dollars (\$100) in addition to the normal application fees.

(3) **New Mexico outfitter ineligibility:** An applicant for a New Mexico outfitter that fails to successfully complete the department's process by close of business on March 15 will be ineligible to have a hunter-client use their registration number for the special drawing pool established in Section 17-3-16 NMSA 1978.

C. All outfitter and guide applicants shall have successfully completed a certified hunter education course from the state of New Mexico or other similar qualifying hunter education course acceptable to the department prior to making application.

D. Outfitter and guide applicants cannot have a history of violation.

E. No person shall be allowed to register or work as a registered hunting guide or outfitter in New Mexico:

(1) if the person has had a guide or outfitter license, registration, permit or certificate revoked in another state;

(2) if the person has had a guide or outfitter license, registration, permit or certificate suspended in another state and it has not been reinstated;

(3) if the person has been convicted of a felony, no matter when the felony was committed;

(4) An outfitter or guide's registration shall be immediately invalid when any of subsections 19.30.8.8.E.1 thru 3 NMAC apply. The outfitter or guide registration may be reinstated if the conviction, revocation or suspension is reversed during the year in which they were originally registered.

F. Outfitter and guide applicants, including renewing applicants, shall not have had their guide or outfitter's license, permit authorization or registration revoked or denied for cause by any controlling government land management agency. The applicant shall not be registered by the state during the term of the revocation or pendency of the denial.

G. Examinations for guiding and outfitting:

(1) Exams will be conducted during posted testing periods at department offices or by appointment, at any location approved by the guide and outfitter registrar.

(2) An applicant shall only be allowed to take the examination once per day.

(3) Applicant must successfully pass a department approved examination with a minimum passing grade of seventy percent.

(4) If an applicant fails to renew their registration for two or more years, all registration requirements must be completed, including successfully passing a department approved exam prior to being registered.

H. Applicants for a guide's registration shall be at least 18 years of age and meet all the qualifications for guides set forth in 19.30.8 NMAC and in Section 17-2A NMSA 1978.

I. Additional outfitter registration requirements:

(1) Applicants for an outfitter registration shall be at least 21 years of age and meet all the qualifications for outfitters set forth in 19.30.8 NMAC, Sections 17-2A and 17-3-16 NMSA 1978.

(2) Applicants for an outfitter registration must have operated as a New Mexico registered guide for three years. Applicant must submit evidence, as approved by and to the satisfaction of the department, of three years of actual guiding experience and substantial knowledge of guiding in New Mexico for a registered outfitter. The evidence must be submitted with the application and may consist of federal land use permits, business or employment records from the registered outfitter and a letter from said registered outfitter attesting to the applicant's guiding experience.

(3) Applicant shall register with the taxation and revenue department and provide proof of registration and compliance to the department.

J. Each guide or outfitter shall carry proof of registration in the field and provide such proof upon request.

K. Registration exemption: A landowner or their agent who is guiding or outfitting on the landowner's deeded property or pursuant to a landowner permit is exempt from the department's registration process. Nothing in this exemption shall prevent a landowner or their agent from registering, if they choose. Agents may not act independently from the landowner. A landowner or their agent must be in compliance with the registration requirements of any pertinent government land management agency when involved with commercial activities on lands controlled or administered by a government land management agency.

L. All outfitter and guide applicants, including renewing applicants, shall submit to the department any additional documentation requested by the department.
[19.30.8.8 NMAC - Rp, 19.30.8.8 NMAC, 01/01/2018]

19.30.8.9 ADDITIONAL REQUIREMENTS TO BECOME A NEW MEXICO OUTFITTER:

A. To qualify as a New Mexico outfitter as a corporation, LLC or similar status: a New Mexico outfitter is a person who has a business:

(1) with a valid New Mexico state, county or municipal business registration and a valid outfitter license issued by the department of game and fish;

(2) that is authorized to do and is doing outfitting business under the laws of this state;

(3) that has paid property taxes or rent on real property in New Mexico, paid gross receipts taxes and paid at least one other tax administered by the taxation and revenue department in each of the three years immediately preceding the submission of an affidavit to the department of game and fish;

(4) the majority of which is owned by the person who has resided in New Mexico during the three-year period immediately preceding the submission of an affidavit to the department of game and fish;

(5) that employs at least eighty percent of the total personnel of the business who are New Mexico residents;

(6) that has either leased property for ten years or purchased property greater than fifty thousand dollars (\$50,000) in value in New Mexico;

(7) that, if it has changed its name from that of a previously certified business, the business is identical in every way to the previously certified business that meets all criteria;

(8) that possesses all required federal or state land use permits for the hunt; and

(9) that operates as a hunting guide service during which at least two days are accompanied with the client in the area where the license is valid.

B. To qualify as a New Mexico outfitter as a sole proprietor business: a New Mexico outfitter is a person who has a business:

(1) with a valid New Mexico state, county or municipal business registration and a valid outfitter license issued by the department of game and fish;

(2) that is authorized to do and is doing outfitting business under the laws of this state;

(3) that, if it has changed its name from that of a previously certified business, the business is identical in every way to the previously certified business that meets all criteria;

(4) that possesses all required federal or state land use permits for the hunt; and

(5) that operates as a hunting guide service during which at least two days are accompanied with the client in the area where the license is valid.

[19.30.8.9 NMAC - Rp, 19.30.8.9 NMAC, 01/01/2018]

19.30.8.10 OUTFITTER INSURANCE REQUIREMENTS:

A. An outfitter applicant shall submit with their application a certificate of commercial liability insurance of at least five hundred thousand dollars (\$500,000) from an insurance company stating they will insure the applicant for the current license year.

B. A copy of the insurance certificate that indicates who is insured, effective dates, policy number and amounts of coverage, must be provided to the department upon issuance by the insurer and prior to engaging in any outfitting activity.

C. Failure to provide proof of coverage during the registration period shall result in suspension of the registration for the period in which such insurance is required to be maintained.

(1) If an outfitter applicant or a registered outfitter fails to submit a copy of a valid insurance certificate before the insurance certificate on file with the department expires, the non-compliance notice will be sent to the outfitter by the department. The outfitter shall be required to submit a copy of a valid insurance certificate and a fifty dollar (\$50) administrative fee. No outfitter will be registered until the administrative fee has been paid in full.

(2) If the outfitter fails to comply with the non-compliance notice; the department shall issue the outfitter a notice of contemplated commission action. The outfitter shall then be required to submit a copy of a valid insurance certificate and a two hundred and fifty dollar (\$250) administrative fee. No outfitter will be registered until the administrative fee has been paid in full.

(3) If the insurance is not in effect, at any time while conducting any outfitting activity as defined herein, the outfitter's registration will be declared void and the outfitter's registration shall be suspended until a valid insurance certificate and administrative fees are satisfied.

[19.30.8.10 NMAC - Rp, 19.30.8.9 NMAC, 01/01/2018]

19.30.8.11 REGISTRATION FEES:

A. The payment of the annual registration fee for an outfitter or guide is required prior to registration, including any reinstatement or administrative fees.

(1) The annual registration fee for a registered guide in New Mexico is fifty dollars (\$50) for a resident and one hundred dollars (\$100) for a nonresident.

(2) The annual registration fee to be a registered outfitter in New Mexico is five hundred dollars (\$500) for either a resident or a nonresident.

B. All registration fees, except a fifty dollar (\$50) administrative fee, may be refunded if an applicant is rejected or fails to complete the registration process. No other refunds shall be permitted.

C. Emergency fee and criteria: In an emergency situation, a temporary guide registration may be issued by the department.

(1) The fee shall be ten dollars (\$10).

(2) A guide registered pursuant to the emergency situation may only be used once in a license year by the registered outfitter requesting the replacement of a registered guide who has become ill, injured or has a bona fide emergency.

(3) The temporary registration is only valid for seven days and may be renewed only once per emergency situation.

(4) The temporary guide registration may not be used to accommodate additional hunter-clients.

[19.30.8.11 NMAC - N, 01/01/2018]

19.30.8.12 CONTRACTS:

A. A New Mexico outfitter shall execute a written contract with each special drawing pool applicant. The contract must be signed and dated by all parties prior to application for any special drawing pool license. New Mexico outfitters who execute a multi-year application contract shall be required to sign an updated contract with the hunter-client every three years from the initial signature date.

B. All outfitters shall execute a written contract with each hunter-client. The contract must be signed and dated by all parties before the hunt begins and shall designate the terms, guide to hunter-client ratio, hunt dates, compensation charged and services to be provided.

C. All outfitters shall have a copy of the contract available for inspection by the department in the field during the hunt or they must submit an electronic copy of the contract to the department's guide and outfitter registrar at least 48 hours prior to the scheduled hunt. A hunter-client who obtains a license through the special drawing pool, and chooses to hunt beyond their contracted hunt dates must carry a copy of the contract while hunting if it had not been submitted electronically to the registrar at least 48 hours prior to the scheduled hunt.

D. All contracts shall be retained by the outfitter for three years from the latest date signed by each party.

E. All outfitters shall provide any contract to the department upon request.

F. A New Mexico outfitter shall ensure that each hunter-client who obtains a license through the special drawing pool is accompanied by the outfitter or their registered guide for at least two days during the contracted dates of the hunt in the area where the hunter-client's license is valid. An outfitter or guide cannot contract with themselves to apply in the special drawing pool. An outfitter or guide who obtains a license through the special drawing pool is not allowed to guide themselves during their hunt.

G. A New Mexico outfitter may release a contracted hunter-client to another New Mexico outfitter provided that the original contract was valid, in place prior to the application deadline and only if it is mutually agreed upon by all parties. The release shall be in writing and shall be signed by all parties. A hunter-client must enter into a new contract with a New Mexico outfitter prior to hunting. Hunter-client licenses obtained through the special drawing pool are not valid unless the hunter-client is accompanied by a New Mexico outfitter or their registered guide.

H. All outfitters shall provide at least one registered guide or outfitter in the field for every four or fewer hunter-clients who are contracted for guided hunting services with the outfitter.

[19.30.8.12 NMAC - Rp, 19.30.8.11 NMAC, 01/01/2018]

19.30.8.13 OUTFITTER OR GUIDE MISCONDUCT:

A. **Misrepresentation:** An outfitter or guide shall not engage in fraud, deceit, misrepresentation or concealment of any material fact in advertising, soliciting or providing professional services to the hunter-client or the public, as determined by a court of competent jurisdiction.

B. **Failure to report illegal activity:** An outfitter or guide shall report illegal hunting activities or any violation of local, state or federal law relating to hunting, fishing, trapping, outfitting, guiding or land management that they have witnessed or have been made aware of to any commissioned conservation officer or to the appropriate law enforcement agency as soon as it is feasible to do so.

C. **Failure to comply:** An outfitter or guide shall comply with all local, state and federal laws and regulations pertaining to hunting, fishing, trapping, outfitting, guiding or land management. Conviction of any local, state and federal laws and regulations pertaining to hunting, fishing, trapping, outfitting, guiding or land management for which points have not already been assessed shall be misconduct.

D. **Breach of contract:** An outfitter or guide shall not breach a contract, as determined by a court of competent jurisdiction, with any person using outfitting or guiding services of the outfitter.

E. **Failure to comply with registration audit or conditions:** An outfitter or guide, including a renewing applicant, shall submit to the department any documentation requested by the department within the specified timeframe or deadline set by the department.

F. **Failure to disclose:** An outfitter or guide applicant shall not submit false or fraudulent documentation or statements or knowingly omit required information in connection with an application for registration or renewal.

G. **Failure to supervise guides:** Outfitters shall responsibly supervise each registered guide working under the outfitter's direction.

[19.30.8.13 NMAC - Rp, 19.30.8.12 NMAC, 01/01/2018]

19.30.8.14 CRIMINAL VIOLATIONS:

A. It is unlawful to apply for or receive an outfitter or guide registration while on revocation.

B. It is unlawful for a guide to book or service a hunter-client unless employed or contracted to do so by a registered outfitter.

C. It is unlawful to use an outfitter or guide registration issued to another.

D. It is unlawful for an outfitter to allow or use an unregistered person to perform outfitting or guiding services for the outfitter.

E. It is unlawful for any person to guide or outfit in New Mexico without completing all requirements and possessing a current registration from the department. Each guide or outfitter shall carry proof of registration in the field and provide such proof upon request.

F. It is unlawful to apply in the special drawing pool using a New Mexico outfitter number prior to having a valid, signed contract with the same New Mexico outfitter.

G. It is unlawful for a New Mexico outfitter to knowingly allow a hunter-client to apply in the special drawing pool prior to having a valid, signed contract.

H. It is unlawful to hunt with a license obtained through the special drawing pool without being accompanied by, and contracted with, a New Mexico outfitter or their guide for at least two days during the hunt.

I. It is unlawful for any outfitter to not have a valid, signed contract with each hunter-client as prescribed in 19.30.8.12 NMAC.

J. It is unlawful for any outfitter to refuse or fail to produce a contract when requested by the department.

K. It is unlawful for any person to submit an application for any hunt or for any person to counsel, aid or abet any person in submitting an application for any hunt in the special drawing pool with an unregistered or unqualified outfitter number.

L. It is unlawful for an outfitter or guide to have more than four hunter-clients in the field for each registered guide or outfitter.

M. It is unlawful for an outfitter or guide to contract with themselves or to guide themselves using a special drawing pool license.

[19.30.8.14 NMAC - Rp, 19.30.8.17 NMAC, 01/01/2018]

19.30.8.15 REVOCATION POINT SYSTEM: Any person in violation of this section is subject to revocation and point assessments pursuant to 19.31.2 NMAC.

[19.30.8.15 NMAC - Rp, 19.30.8.16 NMAC, 01/01/2018]

19.30.8.16 CRIMINAL PENALTY PROVIDED: A violation of any criminal provision of this rule or Section 17-2A-3 NMSA 1978 that is a criminal violation, is a misdemeanor and shall be punished in accordance with the provisions of Section 17-2-10 NMSA 1978.

[19.30.8.16 NMAC - Rp, 19.30.8.17 NMAC, 01/01/2018]

19.30.8.17 HEARING REQUESTED: A registration revocation hearing may be requested and will be provided in accordance with 19.31.2 NMAC.

[19.30.8.17 NMAC - Rp, 19.30.8.18 NMAC, 01/01/2018]

HISTORY OF 19.30.8 NMAC:

History of Repealed Material:

19.30.8 NMAC, Guide and Outfitter Registration, filed 4/16/2003, repealed effective 11/30/2011.

19.30.8 NMAC, Guide and Outfitter Registration, filed 11/30/2011, repealed effective 01/01/2018.

NMAC Transmittal Form

NEW MEXICO STATE RECORDS CENTER
Commission of Public Records
FILED WITH
2017 NOV 30 PM 12:11

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 Repeal/Replace Renummer Emergency (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

Concise Explanatory Statement for rulemaking adoption:

Notice date(s): Hearing date(s): Rule Adoption date: Rule Effective date:

Specific statutory or other authority authorizing rulemaking:

Findings required for rulemaking adoption. Please attach and sign additional page(s) if necessary.

The purpose is to repeal and replace the new Guide and Outfitter rule to update and clarify rule language and definitions. It includes some general formatting to clarify rule, adding and removing changes to definitions and general registration procedures and requirements. Adding language to requirements to become a New Mexico Outfitter, outfitter insurance requirements, registration requirements, registration fees, contract section, misconduct section, and prohibitions section for criminal violations.

Issuing authority (If delegated, authority letter must be on file with ALD):
Name: Check if authority has been delegated

Title:

Signature: (BLACK ink only) Date signed:

NMAC

Transmittal Form

NEW MEXICO STATE RECORDS CENTER
Commission of Public Records
FILED WITH
2017 NOV 30 PM 12:11

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 Repeal/Replace Renumber Emergency (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

Concise Explanatory Statement for rulemaking adoption:

Notice date(s): Hearing date(s): Rule Adoption date: Rule Effective date:

Specific statutory or other authority authorizing rulemaking:

Findings required for rulemaking adoption. Please attach and sign additional page(s) if necessary.

Issuing authority (If delegated, authority letter must be on file with ALD):
Name: Check if authority has been delegated

Title:

Signature: (BLACK ink only) Date signed:

The State Game Commission, approved at its 11/16/2017 hearing, to repeal its rule 19.30.8 NMAC - Guide and Outfitter Registration (filed 11/30/2011) and replace it with 19.30.8 NMAC - Guide and Outfitter Registration, adopted on 11/16/2017 and effective 01/01/2018.